

DRAFT

16 July 2004

INFORMATION PAPER

CISA-ZF

SUBJECT: Potential Crimes Against Detainees

1. **Purpose.** To provide information on potential crimes committed against detainees by Army personnel using methods such as nudity and military working dogs in their interaction with detainees.

2. **Background.**

a. The on-going CID Abu Ghraib and other investigations have substantiated abuse of detainees by some Army personnel. Some acts are clearly criminal in nature and subject to traditional criminal law analysis. These include, but are not limited to, assaults and requiring detainees to simulate sexual acts. These cases represent fairly simple factual patterns and subject the perpetrator to criminal liability and subject those in the supervisory chain of command who knew of the misconduct and approved or condoned it to criminal liability also.

b. The more complex cases fall into two categories: What constitutes maltreatment under Article 93 in regards to detainees and what is the culpability of anyone approving, reviewing, or implementing an interrogation technique designed to comply with the law of war and Geneva Conventions and with the purpose of obtaining useful intelligence.

b. Investigation has shown that Army personnel used military working dogs, nudity, women's underwear, and stress positions in their interactions with detainees. Some examples of such use are:

(1) Army personnel required detainees to remove all clothing and then deprived them of clothing for extended periods of time;

(2) Army personnel placed women's underwear on the heads and faces of detainees while detainees were cuffed or otherwise unable to remove the panties;

(3) Army personnel had military working dogs present while interrogating detainees and, on at least one occasion, assertively used the dog to evoke fear in the detainee;

(4) Army personnel required detainees to remain in uncomfortable stress positions for extended periods of time.

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3. Discussion

a. For the reasons discussed below, [REDACTED]

[REDACTED] (b)(5)
The determination of whether a crime was committed will have to be made on a case-by-case basis; however

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[REDACTED] (b)(5)
b. The Applicable Rules.

(1) The possible UCMJ violations include violation of a lawful order under article 92, maltreatment under article 93, and / or assault under article 128. Citing a soldier or commander for a violation of Article 93 requires a probable cause determination that the accused was cruel toward, oppressed, or maltreated a person subject to the accused's orders.

(2) The relevant Army regulations provide general guidance in this area and do not specifically prohibit any of the acts described in paragraph 2a above. *AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees*, prohibits inhumane, cruel, and degrading treatment. Detainees are to be treated with respect for their person, honor, manners and customs and protected against all acts of violence, threats, and insults. *AR 190-12, Military Working Dogs*, authorizes the use of military working dogs to increase MP combat potential. Enemy prisoner of war control and point security are listed as examples of ways to use dogs to increase combat potential. It is left to commanders of units with military working dogs to establish policies and procedures governing release of dogs consistent with the regulation.

c. Evidence Needed to Support a Charge. Given that neither the UCMJ nor Army regulations specifically prohibit the activity in question, one must determine whether the above described acts (1) constituted inhumane, cruel, or degrading treatment, and (2) the actor's intent.

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(1) To support a charge under article 92, UCMJ, evidence would have to show that a soldier violated a general regulation or lawful order in his/her treatment of the detainees or that the soldier was derelict in his/her duties¹. Dereliction of duties is a legitimate charge, when the person willfully or negligently fails to perform that duty of care

[REDACTED]

(b) (5)

Admittedly, not all the provisions of AR 190-8 can be enforced under UCMJ Article 92; however,

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paragraph 1-5 is punitive because it clearly states, "Inhumane treatment is a serious and punishable offense under the UCMJ (AR 190-8, para 1-5a(4)). Paragraphs 1-5b through 1-5d go on to make specific actions in respect to detainees or their treatment prohibited by military service members.

[REDACTED]

(b) (5)

(2)

[REDACTED]

(b) (5)

(3)

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(b) (5)

3. Conclusion.

[REDACTED]

(b) (5)

¹ A duty may be imposed by regulation (UCMJ Article 92, para c(3)(a))

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PREPARED BY: MAJ [REDACTED]
APPROVED BY: LTC [REDACTED] SJA, CIDC

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8 January 2004

INFORMATION PAPER

SUBJECT: CID Investigations Regarding Allegations of Detainee Abuse in Iraq and Afghanistan along with known Dispositions of Cases following Command Action

1. Purpose. To provide information on CID investigations into allegations of abuse committed against detainees in Iraq and Afghanistan who are/were in US custody and the known disposition of cases following command action.

2. Background. This information paper updates and supplements an information paper prepared on 19 Dec 03 by the Under Secretary of Defense for Intelligence. The USD(I) information paper only discussed seven detainee death investigations by CID (three in Afghanistan and four in Iraq), whereas this paper discusses all CID investigations into suspected abuse against detainees in US custody. As of this date, there have been 13 investigations into questionable detainee deaths and 8 investigations into alleged detainee abuse. This paper does not include CID investigations into allegations of abuse against civilians at US checkpoints or other locations off of US compounds. It includes command dispositions, when known. We are unaware of unit level investigations into detainee abuse, though such inquiries are possible. Finally, the Army IG has no systematic inspections or investigations on-going into detainee operations.

3. Discussion.

a.

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b.

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c.

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d. On 12 May 03, at Camp Bucca, Iraq, ten USAR enlisted MP Soldiers physically assaulted seven Iraqi detainees during in-processing at the facility. Case closed and referred to the command for appropriate action (0031-03-CID519). The command initiated court-martial charges against the four most culpable Soldiers – all in the 320th MP Group (USAR). All four Soldiers formally asked the GCMCA, through their defense counsel, for an administrative disposition of their case in lieu of trial by courts-martial. **All four Soldiers were administratively separated from the Army under AR 635-200 and the three most culpable received nonjudicial punishment.**

e. On 12 May 03, at Camp Bucca, Iraq, an enlisted Soldier fired a shot at the feet of an Iraqi detainee instead of in a safe direction as required by the ROE, and the detainee suffered a facial wound as a result. Case closed and referred to the command for appropriate action (0033-03-CID519). **The command disposition is currently unknown.**

f.

[REDACTED] b7E

g.

[REDACTED] b7E

h. On 3 Aug 03, at the Camp Cropper detention facility, an Iraqi detainee died while in US custody, no autopsy was conducted, and the body released for burial. The manner of death is currently classified as “undetermined” but since no forensic examination of the body was conducted, **no greater clarity as to the cause of death is expected** (0025-03-CID919).

i. On 10, 13, & 20 Aug 03, and again on 3 Nov 03, all at the Camp Cropper detention facility, an Iraqi detainee died while in US custody, no autopsy was conducted, and the body released for burial. The manner of death in each instance is currently classified as “undetermined” but since no forensic examination of the bodies was conducted, **no greater clarity as to the cause of death is expected** (0139-03-CID259, 0140-03-CID259, 0147-03-CID259, and 0235-03-CID259).

j. On 20 Aug 03, at Forward Operating Base Gunner, Iraq, an Iraqi being detained in US custody was physically assaulted and threatened by LTC [REDACTED] three enlisted Soldiers and an interpreter after the detainee refused to provide information. Case closed and referred to the command for appropriate action (0152-03-CID469). **The enlisted Soldiers received Article 15 punishment; LTC [REDACTED] was relieved of his command. After an preferral of charges and an extensive Article 32 proceeding, LTC [REDACTED] offer to accept nonjudicial punishment for his CG, followed by retirement was accepted.** 66-5, 67C-5 0281

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k. On 31 Aug 03, at the Bn HQs, 1/36th Inf, 1st Armored Div, Baghdad, Iraq, an enlisted Soldier committed the offense of assault when he threatened to kill Iraqi detainees in US custody in an attempt to obtain information from them. Case closed and referred to the command for appropriate action (0129-03-CID899). **The command disposition is currently unknown.**

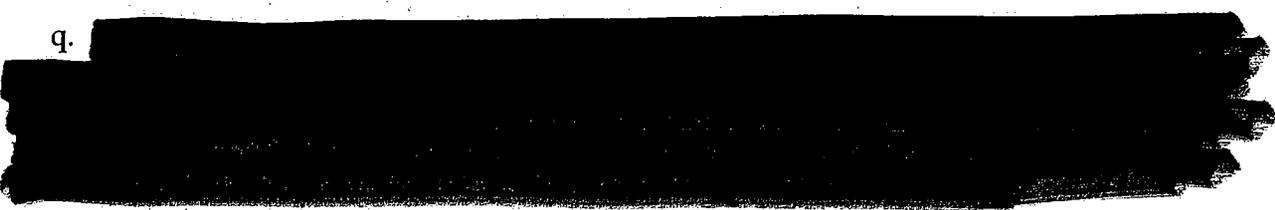
l. On 1 Sep 03, at the Ammunition Collection Point, Baghdad, Iraq, five enlisted Soldiers assaulted four Iraqi detainees who were in US custody. The four Iraqis, who were cuffed with their hands behind their backs, were kicked numerous times, then dragged from the detention area to another area where they were thrown against a wall and assaulted. Case closed and referred to the command for appropriate action (0117-03-CID899). **The command disposition is currently unknown.**

m. On 8 Sep 03, at the Tikrit detention facility, an Iraqi detainee alleged he had been physically assaulted and struck repeatedly after being arrested by unknown 4th Inf Div Soldiers. **Investigation continues** (0174-03-CID469).

n. On 11 Sep 03, at the Forward Operating Base 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. Case closed and referred to the command for appropriate action. **The Soldier was reduced to E-1 and given a Chapter 10 discharge** (0149-03-CID469).

o. On 7 Oct 03, at the Abu Ghurayb detention facility, three active duty male enlisted Soldiers assigned to Co A, 519th MI Bn, Ft Bragg, NC allegedly sexually assaulted and threatened a female Iraqi detainee. **Investigation continues** (0216-03-CID259).

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r. On 9 Dec 03, at the 2d Brigade detention facility in Mosul, an Iraqi detainee died while in US custody. No autopsy was conducted, the body did not exhibit signs of abuse or foul play, and the death is currently classified by CID as "undetermined" with no greater clarity as to the cause of death expected. **Investigation continues** (0140-03-CID389).

CID Input Provided by: CW3 [REDACTED] CIOP-COP [REDACTED]
APPROVED BY: COL [REDACTED]

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TJAG Input Provided by: COL [REDACTED] DAJA-CL [REDACTED]
APPROVED BY: BG Wright

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INFORMATION PAPER

DAJA-ZA

2 April 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. New information added since the previous report is underlined.

2. Background.

a. A total of sixty-two (62) cases of detainee abuse and/or death have been or are being investigated; forty-six (46) are being investigated by CID and sixteen (16) others are being investigated at the unit level.

b. As noted in paragraph 3, of the forty-six (46) cases investigated by CID, twenty-six (26) cases involve detainee deaths and twenty (20) cases involve other allegations of detainee abuse (e.g., assault). Command dispositions in these cases are included, where known. Of the twenty-six (26) cases involving detainee deaths, twelve (12) investigations have been closed in cases where the death was determined to be due to natural causes or the cause of death was undetermined (i.e., no apparent evidence of abuse).

c. As noted in paragraph 4, there have been sixteen (16) cases involving allegations of detainee abuse investigated at the unit level (e.g., AR 15-6 investigation).

d. Command disposition, where known, is highlighted in the text.

3. Discussion of CID Investigations.

a. Death Investigations*:

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* There is one case summary of a death of a detainee that is missing. Efforts are underway to retrieve that summary.

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[REDACTED] b7E

(3) [REDACTED] b7E

(4) [REDACTED]

(5) On 3 Aug 03, at the Camp Cropper detention facility, an Iraqi detainee died while in US custody, no autopsy was conducted, and the body released for burial. The manner of death is currently classified as "undetermined" but since no forensic examination of the body was conducted, no greater clarity as to the cause of death is expected. The case was closed on 4 Feb 04 (0025-03-CID919).

(6) On 8 Aug 03, an Iraqi detainee died at the Abu Ghraib Prison. An autopsy revealed that the detainee had died of a heart attack. The investigation was closed on 24 Jan 04 (0136-03-CID259).

(7) On 10 Aug 03, an Iraqi detainee died at Abu Ghraib Prison. Initially, this investigation was classified as an undetermined death. An autopsy revealed that the detainee died of a heart attack. On 1 Sep 03, the investigation was closed (0139-03-CID259).

(8) On 13 Aug 03, an Iraqi detainee died at Abu Ghraib Prison. Initially, this investigation was classified as an undetermined death. An autopsy revealed that the detainee died of a heart attack. Investigation was closed on 24 Jan 04 (0140-03-CID259).

(9) On 20 Aug 03, at the Camp Cropper detention facility, an Iraqi detainee died while in US custody. No autopsy was conducted and the body released for burial. The manner of death

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is currently classified as "undetermined" but since no forensic examination of the body was conducted, no greater clarity as to the cause of death is expected (0147-03-CID259).

(10) On 11 Sep 03, at the Forward Operating Base 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. Case closed and referred to the command for appropriate action. **The Soldier was reduced to E-1 and administratively discharged in lieu of trial by court-martial (0149-03-CID469).**

(11)

[REDACTED]

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(12)

[REDACTED]

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(13) On 6 Nov 03, an Afghani detainee was found dead in his cell at FOB Gereshk, AF. He had bruising about his hips, groin, and buttocks. An autopsy could not establish a cause of death. The manner of death is currently classified as undetermined. **Investigation continues (0174-03-CID369).**

(14) On 24 Nov 03, four Iraqi detainees were shot and killed while trying to escape Abu Ghraib Prison. **Investigation determined the shootings were justified (0264-03-CID259-61231).**

(15)

[REDACTED]

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SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

(16) On 9 Dec 03, at the 2d Brigade detention facility in Mosul, an Iraqi detainee died while in US custody. No autopsy was conducted, the body did not exhibit signs of abuse or foul play, and the death is currently classified by CID as "undetermined" with no greater clarity as to the cause of death expected. **Investigation was closed on 1 Jan 04 (0140-03-CID389).**

(17) On 3 Jan 04, an Iraqi national was drowned after he was allegedly pushed off a bridge by Soldiers in Samarra. Further, the Soldiers are alleged to have conspired to cover up the incident. **Investigation continues.**

(18) On 8 Jan 04, an Iraqi detainee died of a heart attack at Abu Ghraib Prison. **Investigation was closed on 30 Jan 04 (0007-04-CID259).**

(19) On 9 Jan 04, CID was notified of the suspicious death of an Iraqi detainee. The detainee, a former Iraqi Army LTC, was taken into custody on 4 Jan 04 and was subsequently placed in an isolation cell and questioned at least two times in ensuing days. An examination of the detainee's remains disclosed there was extensive bruising on his upper body. On 11 Jan 04, an autopsy was conducted by an Armed Forces Medical Examiner. His preliminary report indicates the cause of death as blunt force injuries and asphyxia, with the manner of death listed as homicide. **Investigation continues (0009-04-CID679).**

(20) On 16 Jan 04, at the Abu Ghraib Prison, an Iraqi detainee collapsed and died in his cell during morning prayers. To date, the results of the autopsy are unknown. The manner of death is currently classified as "undetermined." **Investigation continues (0012-04-CID259).**

(21) On 28 Jan 04, at Camp Cropper, an Iraqi Detainee, who was being treated for chest pains at the 28th Combat Support Hospital, fell out of bed, struck his head on the floor, and lapsed into a coma. A CAT scan and surgery revealed inter-cranial bleeding and signs of prior head injuries. The detainee subsequently died on 31 Jan 04. The cause of death was undetermined (body released prior to autopsy). **Investigation closed (0020-04-CID259).**

(22) On 7 Feb 04, a 61 year-old detainee died while in custody at a central collection facility in Iraq. The death was determined to be due to natural causes. **Investigation continues (0025-04-CID469).**

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SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

(23) On 19 Feb 04, an Iraqi detainee collapsed at the Abu Ghraib Prison, and died after CPR failed. An autopsy is pending. The manner of death is currently classified as undetermined. The death was determined to be due to natural causes (peritonitis). **Investigation continues** (0036-04-CID259).

(24) On 28 Feb 2004, a SGT attempted to detain an Iraqi; the Iraqi resisted when the SGT attempted to place flexi-cuffs on him. A PFC raised his weapon to protect the SGT. The SGT was able to complete the cuffing process and was leading the detainee away when the PFC believed that the Iraqi was lunging at the SGT. The PFC fired one round from his weapon which struck the detainee in the head and killed him. **CID is still investigating** (CID 004-04-CID469-79638-5HIA).

(25) On 7 Mar 04, a detainee died a Camp Cropper Detention Facility after complaining of chest pains. An autopsy indicated the death was due to natural causes (heart attack). **Investigation continues** (0050-04-CID259).

b. Other Abuse Allegations.**

(1)



(2) On 12 May 03, at Camp Bucca, Iraq, ten USAR enlisted MP Soldiers physically assaulted seven Iraqi detainees during in-processing at the facility. Case closed and referred to the command for appropriate action (0031-03-CID519). The command initiated court-martial charges against the four Soldiers – all in the 320th MP Group (USAR). All four Soldiers requested an administrative disposition of their case in lieu of trial by courts-martial. **All four Soldiers were administratively separated from the Army; three of these Soldiers also received nonjudicial punishment.**

** CID is currently tracking 20 cases of detainee abuse involving assault. Of those cases, four have not been summarized for this report. Efforts will be made to ascertain the specific facts of each case and report those facts in next week's report.

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SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

(3) On 12 May 03, at Camp Bucca, Iraq, an enlisted Soldier fired a shot at the feet of an Iraqi detainee instead of in a safe direction as required by the ROE, and the detainee suffered a facial wound as a result. Case closed and referred to the command for appropriate action. **The command disposition of this case (a PFC) is currently unknown (0033-03-CID519).**

(4) Between 1 – 22 Jun 03, two Soldiers (PFCs) detained two Iraqis for curfew violation and possible possession of small arms. It is alleged that one of the detainees became unruly, although their hands were “zip-tied.” The two PFCs struck the detainee in the face several times breaking his nose. **Both PFCs were tried by a Summary Court-Martial. One received reduction to E-1; the other received a reduction to E-1, forfeiture of two-thirds pay for one month, and 45 days hard labor without confinement (0049-03-CID899).**

(5) On 13 Jun 03, a SGT punched, kicked and slapped a detainee. **SGT plead guilty at a BCD Special Court-Martial and sentenced to reduction to E-1 and 60 days confinement (0046-03-CID899).**

(6) On 13 Jun 03, the squad leader of the SGT mentioned in paragraph above, allowed his Soldiers to beat detainees. **SGT tried at a BCD Special Court-Martial and sentenced to a reprimand and forfeiture of \$1000 per month for two months (0046-03-CID899).**

(7) On 20 Jun 03, a 1LT detained several individuals suspected of looting and placed them in the back of a truck. He later took one detainee, a young boy, from the truck, pointed his pistol at the boy's head, and fired a round away from the boy in an effort to scare him. **Case referred to a General Court-Martial; 1LT's request to resign in lieu of court-martial was approved by HQDA with OTH discharge (0039-03-CID899)**

(8) On 21 Jun 03, a SPC slapped a detainee who was seated on the ground with his hands behind his head. **SPC received a Field Grade Article 15 and was reduced to E-1 (0041-03-CID899).**

(9) On 21 Jun 03, a SSG allegedly charged and placed a weapon next to a detainee's head. **SSG was found not guilty at a General Court-Martial (0041-03-CID899).**

(10) On 20 Aug 03, at Forward Operating Base Gunner, Iraq, an Iraqi being detained in US custody was physically assaulted and threatened by a battalion commander (LTC [REDACTED], b6-5, b7c-5) three enlisted Soldiers and an interpreter after the detainee refused to provide information. Case

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SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

closed and referred to the command for appropriate action (0152-03-CID469). The enlisted Soldiers received Article 15 punishment; LTC [REDACTED] was relieved of his command and, after an Article 32 hearing, received nonjudicial punishment. He also submitted a request to retire from active duty. b6-5, b7c-5

(11) On 31 Aug 03, at the Bn HQs, 1/36th Inf, 1st Armored Div, Baghdad, Iraq, an enlisted Soldier committed the offense of assault when he threatened to kill Iraqi detainees in US custody in an attempt to obtain information from them. Case closed and referred to the command for appropriate action (0129-03-CID899). Soldier received Field Grade Article 15.

(12) On 1 Sep 03, at the Ammunition Collection Point, Baghdad, Iraq, enlisted Soldiers assaulted four Iraqi detainees who were in US custody. The four Iraqis, who were cuffed with their hands behind their backs, were kicked numerous times, then dragged from the detention area to another area where they were thrown against a wall and assaulted. Case closed and referred to the command for appropriate action (0117-03-CID899). One Soldier (SSG) was tried by at a Summary Court-Martial and reduced to the grade of E-5. A second soldier (SPC) was convicted by a summary court-martial and sentenced to forfeitures and hard labor without confinement for 45 days. A third soldier (SFC) was convicted at a Summary Court-Martial and reduced to E-6. A fourth Soldier (SSG) was convicted at a Special Court-Martial and reduced to E-4 and given 30 days confinement.

(13) On 8 Sep 03, at the Tikrit detention facility, an Iraqi detainee alleged he had been physically assaulted and struck repeatedly after being arrested by unknown 4th Inf Div Soldiers. Investigation continues (0174-03-CID469).

(14) On 7 Oct 03, at the Abu Ghraib detention facility, three active duty male enlisted Soldiers assigned to Co A, 519th MI Bn, Ft Bragg, NC allegedly sexually assaulted and threatened a female Iraqi detainee. Investigation continues (0216-03-CID259).

(15) On 31 Dec 03 during a "knock and search" operation, four Iraqi civilians were detained and guarded by an MP assigned to the 300th MP Co. The MP allegedly "butt stroked" one of the individuals when he refused to stay quiet and placed the muzzle of his M-4 rifle in the mouth of another detainee and "dry fired." He then removed the muzzle, charged the weapon, and fired the weapon into the ground near that detainee. Investigation continues (0006-04-CID259).

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4. Discussion of Cases Investigated at Unit Level:

(1) In April 2003, a CPT abused detainees on two separate occasions. On one occasion, he pointed a loaded M9 pistol at an Iraqi child and wondered aloud whether he should kill the child to send a message to other Iraqis. In another incident, when a detainee approached one of the CPT's men for medical help with his arm, the CPT asked the Iraqi if he wanted to have the other arm cut off. **Officer reassigned to Fort Meade with charges preferred against him.**

(2) In Jul 03, several soldiers, including a SFC and a SSG, captured intruders into their outer perimeter. The detainees were stripped, beaten, and shocked with a blasting device. **SFC found guilty at a Summary Court-Martial and sentenced to forfeiture of 2/3 pay for one month and restriction for 30 days from MWR facilities; SSG is pending a General Officer Article 15.**

(3) On 13 Jul 03, two PFCs negligently discharged a pistol wounding a detainee. **Case awaiting unit disposition.**

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DAJA-ZA

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

(4) On 25 July 2003, a CPT pointed a 9 mm weapon at two Iraqi citizens who were handcuffed and then struck a detainee on the back of the head with the weapon. The next day, he handcuffed two Iraqi children and threw rocks at them. On 28 July, he ordered his Soldiers to detain Iraqi citizens who took water that had fallen from U.S. trucks. The CPT then threatened all of the detainees, who were blindfolded, by pointing his weapon at one of them. Finally, he approached two blindfolded detainees and pulled on the knots of their scarves causing them to choke. **Court-martial charges were preferred. The CPT has submitted a resignation for the good of the service; that action is pending approval by DA.**

(5) On 2 Aug 03, a SSG pointed a pistol at and punched a detainee during an interrogation. **SSG received an administrative discharge in lieu of court-martial. A SGT was present and also struck the detainee received a Field Grade Article 15.**

(6) On 24 Sep 03, a SPC struck a detainee on the feet, back and buttocks with an MP baton. **SPC received a Field Grade Article 15.**

(7) On 1 Oct 03, a CPT interrogated several detainees at gunpoint. He then fired the weapon six times to deflate the tires of the detainee's vehicle. **Officer received a General Officer Article 15 resulting in forfeiture of 1/2 of one month's pay for 2 months and relieved for cause.**

(8) On 15 Oct 03, two Soldiers (SSG and SPC) assaulted a detainee who had attempted to escape from his cell. Another Soldier saw, but failed to report the incident. **The SSG and SPC who assaulted the detainee received Field Grade Article 15s. The third Soldier (SPC) received a Summarized Article 15.**

(9) On 25 Oct 03, a SPC at the Abu Ghraib Prison slapped a detainee on the back of the head. **SPC received a Field Grade Article 15 and reprimanded.**

(10) In Nov 03, two SPCs and a PFC entered a unit holding facility at night and assaulted three detainees, punching them repeatedly. **Each soldier received a Field Grade Article 15. One SPC was reduced to E-3, forfeitures (suspended), and 45 days extra duty. The other SPC was reduced to E-3, forfeitures (suspended), and 45 days extra duty. The PFC was reduced to E-2, forfeitures (suspended), and 45 days extra duty.**

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DAJA-ZA

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

(11) On 22 Nov 03, five Soldiers (MAJ, CPT, 2LT, 1SG, SSG) were involved in detainees receiving head trauma. **All received written reprimands. Two other Soldiers (PFCs) who kicked or hit the detainees in the back of the head received Field Grade Article 15s.**

(12) On 10 Dec 03, an unknown Soldier fractured a detainee's jaw. **The warrant officer operating the holding area received a General Officer letter of reprimand.**

(13) In Nov 03 and Dec 03, two detainees in Afghanistan made complaints to the ICRC of abuse at the outpost at Orgun-E. One detainee complained of being chained to a wall in a standing position for 10 days, kicked and beaten. A second detainee complained that he had been thrown from the back of a truck. **AR 15-6 investigation continues.**

(14) On 2 Mar 2004, Soldiers detained three individuals suspected of firing RPGs during a coordinated IED attack on a 1-37 convoy. The detainees were tested for explosive residue and tested positive. The detainees were held for approximately five hours at the platoon level then transported to the Brigade Holding Facility. Upon being interviewed, the detainees complained of being beaten by the platoon members; visible bruises and cuts corroborated the story. **An AR 15-6 investigation could not positively identify any culprits as all members of the platoon denied abusing the detainees. Several Soldiers, however, reported that the injuries may have occurred when the vehicle in which the detainees were traveling stopped abruptly; physicians examining the detainees determined that the injuries were consistent with sudden vehicle stops and starts. No further investigation was conducted.**

(15) On 18 Jan 2004, US SF personnel detained a man believed to be the head of a terrorist cell responsible for attacks against coalition forces. The commander of the SF unit indicated that the detainee began to resist which necessitated force to detain him. The detainee was brought to a short term holding cell and then taken outside by SF personnel for interrogation. Other US personnel alleged that the detainee was physically abused during the interrogation; the detainee, however, did not report any medical conditions during the medical screening process. **An AR 15-6 investigation was ordered by the Brigade Commander. The Brigade Commander ultimately determined that the allegations were false.**

(16) On 5 Feb 2003, an interrogator and counter-intelligence agent interrogated three detainees at Camp Bucca. During the interrogation, the Soldier struck one of the detainees in the face and back. **The battalion commander initiated an AR 15-6 investigation. Based upon the results of the investigation, the Soldier was given an Article 15.**

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DAJA-ZA

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

CID Input Provided by: CW3 [REDACTED] / CIOP-COP/806-0296

APPROVED BY: COL [REDACTED]

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TJAG Input Provided by: COL [REDACTED] DAJA-CL [REDACTED]

APPROVED BY: MG Romig

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19 May 04

EXECUTIVE SUMMARY

[U] ALLEGED NEW PHOTOS OF DETAINEE ABUSE (IRAQ) [USACIDC]: This responds to an RFI from HQDA regarding "new" photographs allegedly depicting additional detainee abuse, to include sexual assaults. On 14 May 04, during a meeting in OSD, a member of the CIA's Office of General Counsel (OGC) provided a disk to the DoD OGC that contained 26 digital photographs and suggested that it might be of some use during the investigation of detainee abuse at Abu Ghraib prison. DoD OGC then had the disk couriered to COL [REDACTED] SJA, CJTF-7. On 19 May 04, the photographs were provided to Army CID in Iraq. A review of the photographs disclosed that one was an innocuous photograph of Secretary Rumsfeld with BG Karpinski during a briefing, 14 were captured images of the Abu Ghraib detainee photographs shown by *60 Minutes* (and the CBS logo can be seen on the photographs), two photographs depicting three nude apparent Iraqi males being guarded by four apparent US Soldiers in combat gear, not in a detention facility setting, and nine photographs depicting sexual acts between a female and several males dressed in green BDU-like uniforms. b6-3, b7C-3

There is no indication that any of these last nine photographs involve US Soldiers or occurred in either Iraq or Afghanistan. Some of the same photographs appeared in several Egyptian newspapers on 4 May 04. On 5 May 04, the U.S. Embassy in Cairo, Egypt demanded a retraction for the photographs, and issued a statement saying "We have done a thorough investigation of the origin of these photos and have conclusive evidence that they originated on a pornographic website. They are clearly staged photos, done by actors, as the site itself states." Army CID has identified the pornographic website as sexinwar.com, the photographs are on that site, and the site does say the events are staged by actors. b6-3, b7C-3

On 17 May 04, Mr. [REDACTED] of Weare, NH (SSG [REDACTED] defense attorney), advised that he had received information from his client's family which might be evidence in the case, to include original journal entries and an "mpg stick" with relevant pictorial information, photographs, and writings. Mr. [REDACTED] has agreed to release the items to a CID Agent at 0930, 21 May 04 (Friday) after he has made copies of the items. It is unknown if the photographs will be new photographs or just more duplicates of photographs already in custody. b6-4, b7C-4

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APPROVED BY: COL [REDACTED]

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