

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

3(x)-5 / (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, ILT [redacted] to push the detainees into the river (ILT [redacted] and the platoon sergeant, SFC [redacted] had made statements earlier in the evening that "someone was going to get wet tonight" and "someone is going for a swim"). SPC [redacted] refused to take part and instead stood guard. 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)-5 / (b)(7)(C)-5

c. Mr. [redacted] could not swim and drowned. Mr. [redacted] made it safely to the riverbank, 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 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 Mr. [redacted] into the river. During a subsequent polygraph examination, one of the Soldiers indicated that the chain of command (LTC [redacted], Battalion Commander and MAJ [redacted] Battalion XO, and CPT [redacted], Company Cdr.) had instructed the Soldiers to deny that they pushed the Iraqis into the river and to not cooperate with CID investigators. (b)(6)-4 / (b)(7)(C)-4

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 reprimands (restricted fiche filing). LTC [redacted] was not relieved of command. CPT [redacted] received a general officer memorandum of reprimand for obstruction of justice (local filing). All these actions were taken in theater. (b)(6)-5 / (b)(7)(C)-5

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b. Death/Assault involving Iraqis.

(1) 1LT [REDACTED] and SFC [REDACTED] are pending court-martial charges for involuntary 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 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 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

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