

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^d 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

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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 377th 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 377th MP Soldiers are no longer on active duty.

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