



DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
1001 761ST TANK BATTALION AVENUE
FORT HOOD, TEXAS 76544-5000

REPLY TO
ATTENTION OF

AFZF-JA-MJ

20 August 2003

MEMORANDUM THRU G3, III Corps & Fort Hood, Fort Hood, Texas 76544-5001

FOR Commanding General, III Corps & Fort Hood, Fort Hood, Texas 76544-5001

SUBJECT: Report of Alleged Law of War Violation

1. Purpose. To report an alleged Law of War violation IAW Department of Defense Directive (DoDD) 5100.77.
2. Synopsis of Allegation. A 4th Infantry Division (4ID) soldier alleges during Operation Iraqi Freedom he witnessed the unlawful use of force against non-combatants, theft of private property from Iraqi civilians, and the wrongful dispossession of private and/or enemy property.
3. Complainant Data.
 - a. Complainant. Private First Class [REDACTED]
 - b. Current Unit of Assignment. Brigade Reconnaissance Troop (Rear) (Provisional), 2d Brigade (Rear) (Provisional), 4th Infantry Division (Mechanized) (Rear) (Provisional).
 - c. Current Status. PFC [REDACTED] states, and a unit representative confirms, that PFC [REDACTED] was sent back from Iraq based on a diagnosis of "personality disorder." PFC [REDACTED] and the unit representative advise, however, that when DACH personnel evaluated him, they determined that he did not suffer from a personality disorder. Coordination between this office and the attending psychologist confirmed that assertion. PFC [REDACTED] is not pending any UCMJ action or administrative separation, although command plans to initiate separation under the provisions of AR 635-200, paragraph 5-13 (personality disorder).
 - d. Source of Complaint. In July 2003, PFC [REDACTED] reported to mental health personnel at Fort Hood that he had witnessed rules of engagement violations while he was in Iraq. In turn, the mental health personnel telephonically notified the Chief, Criminal Law Division, III Corps.

4. General Nature of the Allegations. On 31 July 2003, Major [REDACTED], Chief, Criminal Law Division, III Corps, personally met with PFC [REDACTED] to discuss the allegations.

The following represents a brief synopsis of that interview. A more detailed report of allegation one, taken from PFC [REDACTED] handwritten statement (enclosure 1) and his interview with the Chief, Criminal Law Division, is set forth at enclosure 2. Although use of the term "alleged" is omitted from the following sub-paragraphs, all of the information reported below is based on statements made by PFC [REDACTED] and has not been otherwise substantiated or corroborated.

a. *Allegation 1 - Unlawful use of force.* PFC [REDACTED] states that while on patrol he witnessed his platoon sergeant, Sergeant First Class [REDACTED], order soldiers to fire an MK-19 on unarmed civilians (men, women, and children). In turn, soldiers directed grenades (from an MK-19) and M-16 fire at the civilians. All of the civilians were unarmed and had not engaged in a hostile act or demonstrated a hostile intent, although a single shot was heard from an area approximately 90° from the soldiers and 45° from the house. PFC [REDACTED] comments indicate that several of the civilians were injured, to include one civilian who appeared to have had his arm severed.

b. *Allegation 2- Maltreatment of enemy prisoners of war.* PFC [REDACTED] states that on at least one occasion, unit members placed EPWs on the top of a HMMWV and between the brush guard and hood. The vehicles would be driven with the EPWs in these positions. PFC [REDACTED] states he was also told of soldiers in A Section who severely beat an EPW.

c. *Allegation 3- Theft of private property.* PFC [REDACTED] relates that on numerous occasions, members of his unit stole property from the home of Iraqi citizens and the property of EPWs. PFC [REDACTED] relates that soldiers stole items such as "bricks" of money, Iraqi service medals, pictures of Saddam Hussein, cigarette lighters, and t-shirts. Some soldiers would employ subterfuge to search the homes of Iraqi civilians, by following a car to a "nice" house and then claim that a search was necessary because the vehicle had fled from them.

4. Applicable Law Pertaining to Reporting Alleged Law of War Violations.

a. DoDD 5100.77¹ [enclosure 3], paragraph 4.3., provides that it "is DoD policy to ensure that . . . [a]ll reportable incidents committed by or against U.S. or enemy persons are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action."

¹ Electronic version.

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b. DoDD 5100.77, paragraph 6.1., provides that "[a]ll military and civilian personnel assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Such reports may also be made through other channels such as the military police, a judge advocate, or an Inspector General. Reports that are made to officials other those specified in this subsection shall, nonetheless, be accepted and immediately forwarded through the recipient's chain of command."

c. III Corps & Fort Hood Regulation 27-2 [enclosure 4], paragraph 6a, provides that "[a]ll suspected incidents will be investigated."

5. Recommendation.

a. Promptly forward this information through command and operational channels so that a prompt investigation can be conducted and recorded, and appropriate remedial action taken, as necessary, in accordance with the DoD directive.

b. I will forward the allegations to SJAs at CENTCOM, V Corps, and 4ID for information purposes.

6. POC is LTC ^{b6-2} [redacted] at (254) 287- [redacted] (b)(6) z

Encls

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1. Copy - PFC [redacted] statement
 2. Overview of allegation 1
 3. DoDD 5100.77
 4. III Corps & FH Regulation 27-2

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COL, JA
Staff Judge Advocate

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