



DEPARTMENT OF THE ARMY
 HEADQUARTERS
 1ST BATTALION, 5TH SPECIAL FORCES GROUP (AIRBORNE)
 BAGHDAD, IRAQ, APO AE 0935

REPLY TO
 ATTENTION OF:

AOSO-SFA-F-CO

14 January 2004

MEMORANDUM FOR CPT [REDACTED], HSC, 1st
 Battalion, 5th Special Forces Group (Airborne), [REDACTED], APO AE
 09335

b(6)
 b(7)

SUBJECT: Appointment of Investigating Officer

1. Effective 14 January 2004, you are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, for a Commander's Informal Inquiry involving [REDACTED] with Al Asad Detention Facility and Detainee [REDACTED] between on or about 4 January 2004 and 10 January 2004.
2. In your investigation, use informal procedures under AR 15-6.
3. In the course of your investigation you must advise all witnesses of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. You may obtain assistance with these legal matters from the office of the Staff Judge Advocate.
4. Submit your findings in memorandum format within 10 days.
5. During the course of your investigation, you will, when possible, obtain sworn statements from witnesses. Do not, however, unduly delay your investigation simply to obtain sworn statements. If, in the course of your investigation, you suspect any person may have committed a criminal offense, you will advise that person of their rights under Article 31, UCMJ, prior to questioning. You will make findings and recommendations based on the evidence you discover during the course of your investigation.
6. Your findings and recommendations will be submitted on DA Form 1574 to this Headquarters NLT 24 January 2004. Requests for extensions of time should be submitted in writing and approved by the undersigned.
7. Period: Until officially released or relieved from appointment or assignment.

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AOSO-SFA-F-CO

SUBJECT: Appointment of Investigating Officer

8. This appointment supersedes all previous duty appointments.


LTC, SF
Commanding

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- 3 - Appointed Officer

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09335

DEPARTMENT OF THE ARMY
HEADQUARTERS SUPPORT COMPANY
1ST BATTALION, 5TH SPECIAL FORCES GROUP (AIRBORNE)
BAGHDAD, IRAQ

AOSO-SFA-F-SA

23 January 2004

MEMORANDUM FOR Commander, 1st Battalion, 5th Special Forces Group (Airborne)

Subject: Commanders Informal Inquiry

1. The purpose of this inquiry is to determine the relevant facts of [REDACTED] and the death of detainee [REDACTED], Forward Operating Base Rifles Base, Al Asad Air Base, Iraq.
2. It is my conclusion that the death of [REDACTED], resulted from injuries sustained during an escape attempt at 090230CJAN04 and the placement of a gag in his mouth by guards at the temporary tactical holding facility at Al Asad Air Base, Iraq at approximately 090645CJAN04. Furthermore, [REDACTED] did not contribute to the circumstances of [REDACTED].
3. Investigating Officer examined the following evidence to support the facts in this report.
 - 19 interviews with witnesses, protagonists, and experts.
 - Preliminary autopsy report and interpretation of medical doctor.
 - 2 interrogations summaries from the deceased.
 - Photographs of relevant locations.
4. The relevant facts of this inquiry are as follows:

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On the 4th of January, 2004, [REDACTED] was detained by elements of the 1st Squadron 3rd ACR while traveling north west in a taxi on highway 12. [REDACTED] was captured with three Motorola radios rigged as initiators for an Improvised Explosive Device (IED). Special Forces (SF) [REDACTED], located on Forward Operating Base (FOB) Rifles Base, Al Asad air base, Iraq, were notified from 66th Military Intelligence Company (MI) interrogators at the Temporary Tactical Holding Facility (TTHF) that a detainee had been captured with what appeared to be IED initiators in his possession. [REDACTED] had been assigned to the Al Asad TTHF as [REDACTED].

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At approximately 1030 on the 6th of January, Sergeant First Class (SFC) [REDACTED] and Titan Interpreter (TI) [REDACTED] picked up [REDACTED] from the TTHF located in an Iraqi aircraft hanger. [REDACTED] had been placed in a concertina wire isolation cage adjacent to the remainder of the detainees as punishment for repeatedly talking (see photographs 1, 2, 3, 4) since his arrival. [REDACTED] and three other detainees were ready for transport flexi-cuffs secured in place when [REDACTED] arrived. Two of the detainees, numbered [REDACTED] were the taxi driver

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and his friend who [redacted] had been captured with. The fourth detainee was [redacted], who was a SF informant and had been placed in the TTHF to gather information on other detainees. The four were driven to the SF holding facility located near [redacted] team house and living quarters (see photographs 5, 6). Detainees [redacted] were interrogated briefly first by SFC [redacted], SSG [redacted], and TI [redacted] in the SF interrogation room (see photographs 7, 8)

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At approximately 1130 on the 6th, [redacted] interrogation began (see 6th January Interrogation Summary). [redacted] was flexi-cuffed and the [redacted] members who would conduct the interrogation wore civilian clothes and black masks with 9mm pistols in shoulder holsters. TI [redacted] sat behind a large table serving as the interpreter. [redacted] began the interrogation by providing his personal information. [redacted] had been an Air Defense Lieutenant Colonel in the Iraqi Army in Iraq under Saddam Hussein. [redacted] continued the interrogation by providing the interrogators false statements about where and why he had gotten the radios, and his final destination when captured. At approximately 1200, the interrogators received the three detainees' initial capture report, which corroborated detainees' [redacted] story. The initiators were apparently [redacted] and the interrogators confronted him with the information. [redacted] began explaining how he had made a number of bombs in the past, but had recently set an IED near highway 12 in an attempt to kill Americans to free his country. [redacted] went into detail the how the initiators worked and the methods he used to place the IED.

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Due to [redacted] cooperation, the flexi-cuffs were removed from his wrists as a measure of good faith. At this point, SFC [redacted] entered the interrogation room, and stood between [redacted] and the exit. [redacted] unexpectedly lunged at [redacted], grabbing the front of his shirt and bringing him to the ground. TI [redacted] remained behind the table and did not interfere. [redacted] grabbed [redacted] feet and legs and hung on to keep him from kicking the interrogators. [redacted] and [redacted] worked to try to flexi-cuff [redacted] for his and the team's safety, as [redacted] had a 9mm pistol in a shoulder holster near [redacted] hands. Because the team could not hand-cuff [redacted], they gave him blows to his sides in an attempt to get him to bring his arms down into a position that hand cuffs could be placed on his wrists. [redacted] fought hard for approximately one or two minutes. Once [redacted] was hand cuffed and settled, the interrogation continued.

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[redacted] was given water from a plastic bottle by [redacted]. After gulping from the bottle, [redacted] spit one of his top front teeth onto the floor of the interrogation room. [redacted], who has medical training, examined [redacted] mouth to see why his tooth had come out, while [redacted] looked at the tooth. [redacted] tooth had come out whole, with little or no blood present on the tooth or in his mouth. It was determined that [redacted] tooth had been rotten, and he had extensively poor dental hygiene. [redacted] continues with the interrogation and explained that he could show the team the location of the IED that he had placed. The interrogators show [redacted] a map of the area, and ask that he show them the exact spot of the IED. [redacted] could not pinpoint the location on the map. The team had brought in terrain images of the general area that [redacted] had described, and again [redacted] was unable to pinpoint the IED location for the team. The team decided that [redacted] would have to accompany the team to find the exact location of the IED.

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Detainees [redacted] had been returned to the TTHF, while the team had prepared equipment and vehicles for the mission. The team radioed in that they would be taking detainee

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to locate the IED, and additional team members were prepared to assist with the mission. Asad had sat outside the holding area while the team's white Defender pick-up and tan Hi-Lux pick-up arrived. SFC had explained to that they all would be going to identify the location of the IED that he had placed, and asked him if had any questions; he had replied that he did not. TI had then gone to his room to get his body armor, while SFC conducted radio checks in the vehicles. Staff Sergeant (SSG) had climbed into the back seat of the Defender, which was used to transport. attempted to help into the truck, where he began to actively and passively resist getting into the back seat. Several minutes passed where continued with his defiance, and the team had begun to feel pressured that somewhere on highway 12 was an IED that could be used against Coalition Forces (CF). was pulling from inside the truck while was pushing from the rear. was halfway into the truck, and used his foot to shove the rest of the way into the back seat. was hooded, and sat in the back seat with while drove and TI translated from the front passenger seat. and SSG had driven the Hi-Lux as the security force.

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was given water and had his hood removed during the first leg of mission to Baghdadi, a small town several miles from the front gate of Al Asad Air Base toward highway 12. The team continued to the IED site, and upon arrival and identified the components associated with the system, while and TI stayed in the Defender (see 06 JAN Interrogation Summary for IED details). Generally, the system was five meters from the road and had consisted of three 155mm artillery shells dual primed and dual initiated, buried with a five meter spread and ground tamped to focus the blast toward passing vehicles. flexi-cuffs were removed and he was given more water. led him to the IED system to have his picture taken where had sat down and relaxed for approximately 30 minutes while the team cleared the IED components. flexi-cuffs were replaced, and the team loaded into the trucks and moved to a safe detonation location. The team had pulled the initiators and drove fast over rough terrain to escape the blast radius of the IED.

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had then volunteered the location of the munitions cache where he had gotten the 155mm shells. The team radioed back to Al Asad the neutralized IED and their intent to identify a potential cache. As the team had approached the cache access road, had repeatedly insisted that the team drive on the dirt road. For this reason, the team had driven across rough terrain to reach the site. The team had passed a disused Mujahadin training camp enroute to the cache. Upon arrival at the cache site the team cleared several abandoned buildings, detained, and later released four local Iraqis whom were questioned. The cache had been secured, the location radioed to the 3rd ACR, and the team had waited for the arrival of conventional forces. flexi-cuffs had been removed and he and the team climbed a small hill in the area to eat dinner. had rejected the food offered, but drank more water. had joked with that he needed to eat for energy so they could all go swimming in the river nearby. had joked back about not being able to swim well, and suggested they could do that another time. As the team relaxed, had told the team that his wrists and lower back were sore. Elements from the 3rd ACR had arrived after approximately two hours, and the team loaded back into the trucks. On the return trip, had made an effort to escape by opening the truck door. As a result the team had placed a hood on head. The two trucks went in separate directions upon arrival

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to the Al Asad Air Base; Hi-Lux returned to the team house, while the Defender returned [redacted] to his isolation cage at the TTHF. b(6)

The team had decided that as a result of the successful identification of the IED, and complexity with which it was designed and placed, [redacted] had known more than he had admitted to. The team's engineers examined the initiators on the 7th of January, and had wanted more information from [redacted] about how he had made them or from whom he had gotten them. The conclusion was drawn that [redacted] probably did not set the IED by himself, due to the size and number of shells used. b(6)

The team had used Sergeant (SGT) [redacted] and Warrant Officer [redacted], 66th MI Company interrogators as their primary points of contact at the TTHF interrogation facility. The team would request access to the building and detainees through these points of contact, and often shared intelligence, which had been gathered through interrogation. The team had not signed out detainees for interrogations in the past, and had only completed paperwork for detainees that were not returning to the TTHF, or going on a mission. b(6)

On the 8th of January, TI [redacted] as interpreter and SFC [redacted] as interrogator had donned their civilian clothes and black masks and returned to the TTHF to further interrogate [redacted]. [redacted] did not have flexi-cuffs on upon arrival for interrogation, but instead, had bandages on his wrists and leg shackles on. [redacted] "shuffled" [redacted] approximately 50 meters from the TTHF to the interrogation room, and Asad was out of breath when he had arrived. [redacted] had questioned [redacted] about the details of the initiators, including circuitry and capacitors. [redacted] had been scared enough that his leg had trembled throughout the interrogation, and he had appealed to TI [redacted] as an "Iraqi" to let him go home [redacted] heritage is Kurdish - Iraqi, although he is a US citizen]. The interrogation had lasted less than an hour, and [redacted] returned [redacted] to his isolation cage while [redacted] talked with SGT [redacted] about the interrogation. [redacted] and [redacted] both had agreed that [redacted] had probably had more Anti-Conflict Force contacts and resources that might have been exploited with future interrogations. b(6)

Later on the 8th of January, between the hours of 1600C and 2000C, [redacted] had repeatedly stood up and tried talking with the guards. No interpreters were on site, none of the guards spoke Arabic, and nobody had understood what [redacted] was saying, other than the word "home" he had repeated in English. At approximately 2100C, the night before his death, [redacted] had been punished by the guards for not standing or sitting fast enough with the other detainees. [redacted] had been hog-tied with his arms over his shoulders, his hands tied to at least one foot, and his face toward the floor. [redacted] had remained hog-tied for approximately a half an hour, after which his leg shackles and flexi-cuffs were removed. [redacted] may have been stepped on or sat on by at least one guard (see item 4, "inconsistencies" in this report). Approximately 090230C, [redacted] had attempted to escape by stepping over the concertina wire, which had surrounded his cage. Once on the far side of the wire, [redacted] had "trouted," moving fast down a narrow corridor toward the TTHF exit. A guard named [redacted] and possibly SGT [redacted] (see item 4, "inconsistencies" in this report) tackled [redacted] and returned him to his cage. SGT [redacted] had shackled [redacted] legs together to keep him from escaping again. Sometime after his escape attempt and before 090400C [redacted] had defecated in his clothing. b(6)

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At approximately 090630C, [redacted] and other guards had woken all the detainees by telling them to stand up. By 0640C, all the detainees were standing and told to stop talking. [redacted] had remained in a sitting position in his isolation cage before wake up and after. [redacted] had gone to [redacted] cage and told him stand, which [redacted] had done. Each time [redacted] had turned his back on [redacted], [redacted] would sit down. After three attempts, [redacted] had taken another set of flexi-cuffs and tied [redacted] hands to the top of the metal door frame leading into his cage. [redacted] shirt had risen above his ribs to where the other detainees had seen large, dark bruises on [redacted] abdomen and sides. This had been the first and only confirmed time bruises were seen on [redacted] prior to his death. [redacted] had begun to speak incessantly, and had not stopped after repeated demands from the guards. None of the guards understood what [redacted] had been saying. As a result of [redacted] talking, [redacted] had taken a three or four foot section of cloth from a mattress, in which a knot had been tied multiple times near the center, and had attempted to gag [redacted]. [redacted] had refused to open his mouth for the gag to be set, and [redacted] had called for the assistance of another guard, Specialist (SPC) [redacted]. [redacted] had put pressure on [redacted] lower jaw and neck to force [redacted] mouth open for the gag to be placed. Once [redacted] had opened his mouth, [redacted] had inserted the knot and tied the gag into place around the back of [redacted] head. [redacted] had gone to wash his hands after setting the gag because [redacted] had defecated in his clothing. After approximately five to fifteen minutes, [redacted] had seen [redacted] slumped down, hanging by his hands. [redacted] had gone to check on [redacted] and had realized he was not breathing. [redacted] sent SPC [redacted] to the MI interrogation building to call the ambulance, which had arrived between 15 and 30 minutes later. The ambulance medics had assessed that CPR was unnecessary due to the condition of the body. Doctor [redacted] was called from the Al Asad Medical Facility, and had arrived at approximately 090900C to pronounce Asad dead.

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5. Inconsistencies noted during this inquiry are as follows:

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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6. Additional relevant facts:

- a. [redacted] had not asked for medical attention at any time that he could have been understood by interpreters or interrogators.
- b. None of the persons interviewed had seen [redacted] with any physical disabilities or injuries, other than being tired and needing bandages on his wrists, until minutes

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before [redacted] had died. He had been seen "trotting" and "moving fast" during his escape attempt.

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c. [redacted] had not been medically evaluated or treated, other than by a Special Forces medic inspecting his mouth, until the time of his death.

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d. [redacted] only been interrogated by members of [redacted].

[redacted]

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CPT, SF
Investigation Officer

- Enc.
- TAB A IO Report
- TAB B Photographs
- TAB C Interview Summaries
- TAB D [redacted] Interrogation
Summaries and Supplemental
Action Report
- TAB E Preliminary Autopsy Report
- TAB F Height Reference (photographs)
- TAB G DA Forms 3881
Rights Waivers
- TAB H Inquiry Appointment Orders

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[redacted]

DEPARTMENT OF THE ARMY
Charlie Company, 2ND Battalion, 14th Infantry Regiment
2nd Brigade, 10th Mountain Division (LI)
Fort Drum, New York 13602

AFZS-LF-AC

03 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Informal Commander's Inquiry of SPC [REDACTED]

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1. Purpose. Determine validity of allegations that SPC [REDACTED] did, on 30 Oct 03, physically assault an Iraqi detainee in Ar Ramadi, Iraq and to recommend necessary actions to the chain of command.

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2. Background. Since Jun 03, C/2-14 IN has supported 3rd BN and now 1st BN, 5th SFG by conducting security for [REDACTED] at 12 locations throughout Iraq. During this time the company has operated in team and squad size elements in order to provide necessary force at each team location. SPC [REDACTED] has supported teams in Baghdad [REDACTED] and Ar Ramadi [REDACTED]. Although SPC [REDACTED] primary MOS is 13F, he has operated as an infantryman during the past six months. SPC [REDACTED] has been part of the security element in Ar Ramadi since early August 03. During his time in Ar Ramadi, the team house has been attacked several times by rocket propelled grenades, mortars, and small arms.

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3. Events Preceding Incident. On 29 Oct 03, [REDACTED] conducted a joint [REDACTED]. During this operation, the team detained two personnel transporting 12 RPG rounds. One of these personnel was a man named [REDACTED] worked at the [REDACTED] team house and had been employed there for several months. He was a trusted employee of the team and worked closely with the C/2-14 IN personnel guarding the team house. [REDACTED] held [REDACTED] at the team house to conduct initial interrogation. On the evening of 30 Oct 03, the team house came under small arms fire (small fire turned out to be friendly fire from 82nd FOB). SPC [REDACTED] was outside at the time and rounds were fairly close to his position. This occurred at approximately 1930 hrs. Additionally, sometime in the third week of October, SPC [REDACTED] wife told him that she and his little boy would not return to Fort Drum when SPC [REDACTED] redeploys. All attempts to contact her since that time had failed.

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4. Incident. The incident occurred at approximately 1930 on 30 Oct 03. SPC [REDACTED] entered the detainee-holding cell and assaulted the prisoner. PFC [REDACTED] promptly entered the detainee cell, witnessed the assault, and verbally instructed SPC [REDACTED] to stop. SPC [REDACTED] obeyed these instructions, exited the cell, and returned to the house. PFC [REDACTED] immediately reported the incident to his squad leader, SSG [REDACTED]

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5. Actions Following Incident. SSG [redacted] was preparing to depart for a mission with the ODA when he was informed of the incident. SSG [redacted] instructed SGT [redacted] (a team leader at the site) to ensure SPC [redacted] had no further contact with the detainee and proceeded with the operation. During the mission, SSG [redacted] discussed the incident with SFC [redacted] (member of ODA 522). The [redacted] commander, [redacted] learned of SPC [redacted] actions at approximately 2200hrs. Notification up the chain of command continued on 31 Oct 03, following completion of the mission. SPC [redacted] was counseled by SSG [redacted], removed from the site, and returned to C/2-14 IN Headquarters. During this time, [redacted] ensured the detainee received a medical examination. An 18D from within the [redacted] conducted the initial examine and determined that the detainee had possible fractures of the ribs, nose, and jaw. After further medical review by a doctor, the detainee suffered no broken bones during the incident.

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6. Findings. There is no doubt that SPC [redacted] assaulted the detainee on 30 Oct 03. SPC [redacted] and SPC [redacted] statements both attest that SPC [redacted] struck the detainee three or four times. There is no evidence that the detainee attempted to escape or provoked the assault when SPC [redacted] entered the detainee holding area.

7. [redacted]

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8. POC for this memorandum is the undersigned at DSN [redacted]

Enclosures

10/27/03 signed /
[redacted]
CPT, IN
Commanding

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[redacted]

Enclosures

1. DA Form 4856 (Counseling), DA Form 3881 (Rights Warning)
2. DA Forms 2823 (Sworn Statements)
SPC [REDACTED]
PFC [REDACTED]
SSG [REDACTED]
SGT [REDACTED]
3. Official Message Traffic from ODA 522
4. Medical Documentation of Detainee's Injuries
Medical Summary from CPT [REDACTED]
Record of Medical Care dated 31 Oct 03
Record of Medical Care dated 1 Nov 03
Detainee's X-Rays
5. Letter's of Recommendation for SPC [REDACTED]
SFC [REDACTED] Recommendation
1LT [REDACTED] (C/2-14 IN Fire Support Officer) Recommendation
SSG [REDACTED] (C/2-14 IN Fire Support NCO) Recommendation
SSG [REDACTED] Incident Report dated 29 June 03
6. SPC [REDACTED] ERB and 2-1 and Copy of Deployment Orders.

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