

DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE OLYMPIA
MOBIL, IRAQ 03000

12 March 2004

TFO-CG

MEMORANDUM FOR MA [REDACTED] 6th CA BN

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are appointed to conduct an investigation into an allegation of abuse at the Mosul Air Field Detention Facility made by an Iraqi detainee, [REDACTED]. You should use the attached preliminary inquiry as a starting point for your investigation. At a minimum, you will make specific findings of fact regarding the following matters:

- a. The identity, location, and activity of all involved parties.
- b. What Coalition Forces units and unit members were involved in the incident?
- c. What Other Governmental Agencies and members of these agencies were involved in the incident?
- d. Was Detainee [REDACTED] taken from the Facility? If so, why and by whom was he taken from the Facility?
- e. Are Detainee [REDACTED] allegations of having water poured into his mouth and being flex-cuffed and dragged true? If so, why and by whom was this done?
- f. Were the Facility policies and procedures followed in this case?
- g. Were there any flaws or omissions in the policies and procedures that contributed to the accident?

2. You will prepare a detailed chronology of your investigation. You will also prepare a chronology that describes the occurrence of each major event related to the allegations..

3. You will make recommendations, based on your findings, for any changes in the current policies and procedures. You will obtain and preserve all available evidence for future reference as necessary.

4. You will conduct your investigation using the informal procedures of Chapter 4, AR 15-6. You may consult with subject matter experts, as you deem appropriate. All witness statements, if feasible, will be sworn. During the course of your investigation, if you determine that it is

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SUBJECT: Appointment as AR 15-6 Investigating Officer

relevant and necessary to inquire into the conduct of an individual senior in rank to you, you will report this matter to me through the Command Judge Advocate and obtain direction from me before proceeding with your investigation.

5. If, in the course of your investigation, you suspect an individual of an offense, you will advise that person of his or her rights under Article 31, UCMJ, using a DA Form 3881 and proceed with questioning only if the individual waives their rights.

6. Before beginning your investigation, you will receive a briefing by CP [REDACTED] located with the Office of the Command Judge Advocate. He will also be available to you for legal advice during the conduct of this investigation.

7. You will submit your report using a DA Form 1574 to the Command Judge Advocate for legal review NLT 19 March 2004. Requests for extension of this suspense will be submitted to me through the Command Judge Advocate.

Encl
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[REDACTED]
Lieutenant General, USA
Commanding

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DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE OLYMPIA (MNB-N)
MOSUL, IRAQ, APO AE 09385

AFZH-GT-F-CG

25 MAR 2004

MEMORANDUM FOR MA [REDACTED] 416th CA BN

SUBJECT: Amendment of Scope of AR 15-6 Investigation

1. You are appointed to conduct an investigation into an allegation of abuse at the Mosul Air Field Detention Facility made by an Iraqi detainee [REDACTED]. This investigation should be conducted in conjunction with your original appointment to investigate allegations of abuse by Iraqi detainee [REDACTED]. You should use the attached preliminary inquiry as a starting point for your investigation. At a minimum, you will make specific findings of fact regarding the following matters concerning detainee [REDACTED] allegations:

- a. The identity, location, and activity of all involved parties.
- b. What Coalition Forces units and unit members were involved in the incident?
- c. What Other Governmental Agencies and members of these agencies were involved in the incident?
- d. Was Detainee [REDACTED] taken from the Facility? If so, why and by whom was he taken from the Facility? How did he receive abrasions to his knees?
- e. Is there merit to Detainee [REDACTED] allegations of having his feet and neck twisted, being placed into a headlock, and having a foot placed into his back during interrogation? If so, why and by whom was this done?
- f. Were the Facility policies and procedures followed in this case?
- g. Were there any flaws or omissions in the policies and procedures that contributed to Detainee [REDACTED] injuries?

2. You will prepare a detailed chronology of your investigation. You will also prepare a chronology that describes the occurrence of each major event related to the allegations.

3. You will make specific findings as to whether there was any misconduct on the part of any detention facility or other coalition personnel. You will also make recommendations, based on your findings, for any changes in the current policies and procedures. You will obtain and preserve all available evidence for future reference as necessary.

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SUBJECT: Amendment of Scope of AR 15-6 Investigation

4. You will conduct your investigation using the informal procedures of Chapter 4, AR 15-6. You may consult with subject matter experts, as you deem appropriate. All witness statements, if feasible, will be sworn. During the course of your investigation, if you determine that it is relevant and necessary to inquire into the conduct of an individual senior in rank to you, you will report this matter to me through the Command Judge Advocate and obtain direction from me before proceeding with your investigation.

5. If you suspect an individual of an offense during the course of your investigation, you will advise that person of his or her rights under Article 31, UCMJ, using a DA Form 3881 and proceed with questioning only if the individual waives his or her rights.

6. CP [redacted] will continue to provide any necessary legal advice during the conduct of this investigation. b6

7. You will submit your report using a DA Form 1574 to the Command Judge Advocate for legal review NLT 27 March 2004. Requests for extension of this suspense will be submitted to me through the Command Judge Advocate.

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Brigadier General, USA
Commanding b6

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[redacted]

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use by the program agency or OTJAG.

IF THIS FORM ATTACH ADDITIONAL SHEETS

(Appointing authority)

Letter of appointment or summary of oral appointment data. (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) board commenced at Mosul, Iraq on 17 March 2004 (Place) at 0900 (Time). (If a formal board met for more than one session, check here [] . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (numbers, responses, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (numbers, responses, counsel) were absent: (Include brief explanation of each absence.) (See paras 3-3 and 3-6a, AR 15-6.)

The (investigating officer) (board) finished gathering/analyzing evidence at 2400 (Time) on 26 March 2004 (Date) and completed findings and recommendations at 1600 (Time) on 27 March 2004 (Date).

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

Inclosures (para 3-15, AR 15-6)

Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)

- a. The letter of appointment or a summary of oral appointment data?
b. Copy of notice to respondent, if any? (See item 9, below)
c. Other correspondence with respondent or counsel, if any?
d. All other written communications to or from the appointing authority?
e. Privacy Act Statements (Certificates, if statement provided orally)?
Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
Information as to sessions of a formal board not included on page 1 of this report?
f. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

Table with columns YES, NO, N/A and rows corresponding to checklist items a-f.

FOOTNOTES: 1 Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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EDITION OF NOV 77 IS OBSOLETE.

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UBAPA VI.

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SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

attached memo.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

See attached memo.

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

HIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

[Redacted signature area]

(Recorder)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substantive findings and/or recommendations may be included in the inclosure.

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if any) as a numbered inclosure.)

Precautions will be taken immediately to prevent detainees from receiving abrasions on their knees and elbows during interrogation. The Task Force Olympia Provost Marshal will bring to my attention any inability to comply with the recommendations from this report.

[Redacted signature area]

Brigadier General, USA
Commanding

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AR 15-8 Investigation into Allegations of Detainee Abuse

SUMMARY OF INVESTIGATION:

During my investigation, I interviewed individuals from the TFO Detention Facility and the NSWTU and other persons whom I deemed had information relevant to my investigation. Based on all the evidence that I collected through review of records and personal interviews, I do not find any evidence to substantiate allegations of abuse made by [REDACTED]

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Allegation by [REDACTED]

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Findings of Fact:

1. The SBCT was involved in the apprehension of [REDACTED] during a target series executed on 03 March 04. Later, at approximately 1900, [REDACTED] was picked up from the detention facility and questioned by members of NSWTU and later returned at approximately 0530 on 04 March.

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2. The FBI was interrogated [REDACTED] prior to the NSWTU.

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3. [REDACTED] was removed from the detention facility at approximately 1900 on 03 Mar by [REDACTED] for further interrogations because they suspected that [REDACTED] had valuable information that could be of benefit. [REDACTED] was later returned to the detention facility at approximately 0530 on 04 Mar.

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4. I found no evidence to support allegations that [REDACTED] had water poured into his mouth and was drug on his knees while flex curled. [REDACTED]

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b2 / b1(1.4a)

b2 / b1(1.4a)

[REDACTED] Detainees are often flex-curved when being moved but I cannot find any evidence to suggest that any member of the NSWTU dragged [REDACTED]. Nor did [REDACTED] complain to any member at the detention facility of any such incident occurring and never asked to see the PA who is on duty everyday at the detention facility. I find the most likely explanation of the marks on [REDACTED] lower extremities is that the bruising was caused by long periods of kneeling. This is consistent with bruises the detention facility PA has seen on other detainees. [REDACTED]

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[REDACTED]

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[REDACTED]

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Allegation by [REDACTED]

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Findings of Fact:

1. [REDACTED]-apprehended [REDACTED] on or about 1100, 08 Mar 04, and later he was taken to the Detention Facility and inprocessed.

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2. [REDACTED] was removed from the Detention Facility on two separate occasions; 18 Mar for a period of 4 hours and 19 Mar for a period of 24 hours by the NSWTFU for further questioning. It is not uncommon for a person to be interrogated more than once if a person is deemed to have time sensitive information.

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3. I found no evidence to support allegations that detainee [REDACTED] was beaten up, assaulted or being intentionally placed by a fire to be burned. The [REDACTED] operators admitted to being very rough with him on the initial take down on 8 Mar because he would not get down on the ground when instructed to do so in both English and Arabic and as a result he was tacked to the ground very hard and received several bruises. These bruises are also noted in medical reports taken by both the [REDACTED] corpsman as well as by the Detention Facility PA. I find that [REDACTED] routinely resisted during each time that he was taken by the NSWTFU and interrogated. He also passively resisted by suddenly falling to the ground on the rocks; thus injuring himself. He would also lean up against the concrete wall within the interrogation area and scrape his back. The corpsman applied first aid and continued to question [REDACTED] about his medical condition. Each time [REDACTED] would state that he had no medical condition. However it was later discovered that [REDACTED] does suffer from a pre existing condition that affects his skin and causes inflammation of the feet. Once this information was obtained, the [REDACTED] corpsman took additional measures to ensure his health...i.e. elevating and continually sanitizing [REDACTED] swelling feet. I find that the [REDACTED] members did not assault [REDACTED] or cause him injury but rather that his injuries are a result of his current pre existing

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condition, the injuries he incurred while resisting arrest on 8 Mar and a result of repeated falls and frequent collapses during his periods of interrogation. With regards to the blisters below his knees, I do not find that [redacted] was intentionally placed by a heat source to be burned. The presence of hair around and at the blister sites leads me to conclude that the blisters were not the result of exposure to a heat source. I believe the blisters could have been a result of his skin condition and the medications that were applied to his abrasions.

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4. [redacted]
[redacted] At that time the PA was also able to determine that [redacted] did, in fact, have a pre existing condition. The second corrective action that they took was to notify the PMO's office because of the nature of the detainee's injuries.

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[redacted]
[redacted] However my investigation revealed that this error did not contribute to this incident and as a result I do not find any negligence on the part of the Detention Facility.

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Recommendations:

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

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