

STAFF JUDGE ADVOCATE
Documents provided by the 4th Infantry Division SJA

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CS3#21

12 MAY 2004

MEMORANDUM FOR IG, 4th Infantry Division, Fort Hood Texas 76544

SUBJECT: Detainee Abuse by Taskforce Ironhorse Soldiers as Reported to CJTF-7

1. This report contains information on alleged detainee abuse by soldiers assigned to the Taskforce Ironhorse.

a. On or about 8 September 2003, an Iraqi man, [REDACTED] was (b)(6)4 detained by the [REDACTED]. He alleges that immediately (b)(6)2 after his arrest he was blindfolded and taken to a jail cell somewhere in the North Tikrit area. He alleges that American soldiers in civilian dress and an Iraqi interpreter named [REDACTED] hit him repeatedly for two hours. He claims that they (b)(6)4 struck him all over his body but primarily his stomach using their fists and that at one point a rope was put around his neck and he was choked almost to the point of blacking out. He reported that he had blood in his urine and stool. He refused medical treatment but also reported he was feeling better. CID investigated the alleged abuse and obtained a written statement. However, while his statement emphasizes the event occurred, he refused to provide any details saying he was pending release and did not want to cooperate any further in the investigation. A brigade-level inquiry concluded that the description of the assailants did not match any 1st Brigade Combat Team personnel or Iraqi interpreter named (b)(6)4 [REDACTED]. No information on soldiers because no soldiers were identified. CID conducted an investigation (Report # 0174-03-CID469-60225) and was not able to identify any soldier suspects.

b. On 11 September 2003, SPC [REDACTED] was performing guard (b)(6)2 duty at the FOB Packhorse detention facility. A detainee, [REDACTED] (b)(6)4 was being held in an isolation cell in flexi cuffs. SPC [REDACTED] was standing (b)(6)2 in the hallway of the isolation cell when he saw the detainee move toward the wire. He was informed that detainees were not to go near the concertina wire. SPC [REDACTED] fired his weapon stating that he saw the detainee with his (b)(6)2 hands near the wire. First aid was administered and he was taken to the aid station. He died of a gunshot wound to his abdomen. On 7 October, SPC [REDACTED] was charged with one violation of Article 119, UCMJ, (b)(6)2 Manslaughter. He submitted a Chapter 10 request, which was granted on 12 November 2003. SPC [REDACTED] had no specialized training in handling (b)(6)2 detainees. He was acting in a law enforcement capacity as a guard in the isolation cell.

c. On 13 July 2003, PFC [REDACTED] and PFC [REDACTED] (b)(6)2 through simple negligence, discharged a 9mm pistol in the B Co, 3-67 AR BN

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detainee holding facility. The round struck an Iraqi civilian detainee wounding him in the lower back. No UCMJ action was taken against the soldiers. 4ID is gathering additional information on the soldiers' background in the States.

d. On 13 August 2003, a 56 year-old male detainee died in the 4th MP detention facility. The detainee was provided with food, water and medical treatment. The detainee was complaining of his stomach and nose hurting, and of the heat. The detainee died after receiving CPR, IV, defibrillation of 200-300-360 joules, epinephrine, lidocaine and repeat defibrillation of 360 joules. No autopsy was performed and no cause of death determined. No abuse by American forces.

e. Two detainees, [REDACTED] and [REDACTED] (b)(6)4 were apprehended on 22 November 2003. After apprehension, the detainees sustained trauma to the head. Not all injuries were a direct result of the apprehension. [REDACTED] sustained one of his injuries when he (b)(6)4 grabbed CPT [REDACTED] weapon. His other injury happened when PFC [REDACTED] (b)(6)2 [REDACTED] kicked him in the back of the head while the unit was transporting him to (b)(6)2 the detention facility. [REDACTED] was injured when PFC [REDACTED] (b)(6)2 (b)(6)4 struck him in the back of the head when the unit was transporting him to (b)(6)2 the detention facility. One injury to [REDACTED] that could not be (b)(6)4 accounted for was a cut on his lip. PFC [REDACTED] and PFC [REDACTED] (b)(6)2 [REDACTED] received field grade Article 15 punishment. (b)(6)2

f. On 20 August 2003, approximately five soldiers accompanied LTC [REDACTED] (b)(6)2 Commander TF 2/20, to the Gunner Holding Area to interrogate a detainee, (b)(6)4 [REDACTED]. During the interrogation, the soldiers hit the detainee when he was not forthcoming with information. Specifically, they admitted they punched him with a closed fist in the stomach and torso, and one soldier punched him on the side of the head. Each of the soldiers (SFC [REDACTED] SSG [REDACTED] SPC [REDACTED] SPC [REDACTED] and PFC [REDACTED] [REDACTED], received field grade Article 15 punishment. LTC [REDACTED] was present during the interrogation when the soldiers were punching the detainee and threatened the detainee that he would kill him. When the interrogation did not reveal the information the group was seeking, LTC [REDACTED] took the detainee outside to the nearest clearing barrel and after shooting a warning shot, placed his 9mm weapon near the detainee's head and fired off a round. LTC [REDACTED] was relieved from command and later charged with three violations of Article 128, UCMJ and one violation of Article 134, UCMJ for communicating a threat. The charges were investigated at an Article 32(b) hearing. The Investigating Officer recommended Article 15 punishment. On 12 December 2003, LTC [REDACTED] received a general officer Article 15. The incident was investigated by CID, Report # 0152-03-CID469-602125C1A/5C2/5T1. } all (b)(6)2

g. On or about 15 October 2003, three soldiers from A/3-29 guarding the Gunner Holding Area found a detainee trying to escape from his cell by

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squeezing between the bars. A fourth soldier reported to his chain of command that at least two of the three soldiers mistreated the detainee (SSG [REDACTED] and SPC [REDACTED] by throwing a water bottle at him, hitting near him with a hat rack in an effort to scare him, and hitting him once in the stomach. The third soldier, SPC [REDACTED], saw the incident, but did not report it. Some level of force was required to restrain the detainee from escaping, but the chain of command decided during a commander's inquiry that the above acts exceeded the authorized level of force. SSG [REDACTED] was given a field grade Art 15 for his active participation, SPC [REDACTED] was given a field grade Art 15 for his active participation, and SPC [REDACTED] was given summarized Art 15 for not reporting the actions that he witnessed. This unit is now back with their parent unit, 3 BCT/4ID, and the complete adjudicated file is with the A/3-29 commander.

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h. On 24 September 2003, at FOB Ironhorse, SPC [REDACTED] a trained interrogator with 104th Military Intelligence Battalion (MI BN), DISCOM, hit the bottom of a detainee's feet, back and buttocks with an MP baton. The detainee was not seriously injured, but did complain of discomfort to his back and buttocks for two days. SPC [REDACTED] was also present during the incident and was the interpreter for the interrogation. The incident was investigated under the provisions of AR 15-6. SPC [REDACTED] received field grade article 15 punishment, and SPC [REDACTED] received a summarized article 15 for being present and failing to report it. Both soldiers were relieved of interrogation duties. 4ID is gathering additional information on the soldiers' background.

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i. On 2 August 2003, SSG [REDACTED], D Battery, 319th AFAR, was at the Taza police station when two Iraqis were brought in to be questioned about RPG attacks. While SSG [REDACTED] was interrogating one of the detainees, [REDACTED] pointed a pistol at him. During the interrogation SSG [REDACTED] punched the detainee several times in the stomach, head area, face and nose. The detainee had a cut over his right eye that required stitches and a broken nose. This incident occurred the same day that the unit lost a soldier in an RPG attack. On 9 October 2003, SSG [REDACTED] was charged with four violations of Article 128, UCMJ. The soldier submitted a Chapter 10 request, which was granted on 23 October 2003. SGT [REDACTED] who was present and also hit the detainee, received field grade Article 15 punishment.

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j. On 7-8 February 2004, a 61 year-old detainee [REDACTED] died while in detention at the Detention Central Collection Facility FOB Ironhorse, Iraq. Preliminary investigation by CID disclosed that Mr. [REDACTED] was found about 0640 hours on 8 February 2004, unresponsive in his bed during the morning head count procedures. SSG [REDACTED] of the 4th Military Police Company found him in a state of rigor mortis and without vital signs. He was last seen alive about 2000 hours, the night before (7 February 2004). His remains were transported first to the Mortuary Affairs center at Camp Speicher and later on to

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the Mortuary Affairs section at BIAP. CID Report # – 0025-04-CID469-79635/5H9B. (?) (Criminal Investigation conducted by CID)

k. On 28 February 2004, members of the 1-27th Infantry Battalion conducted a cordon and search in Taal Al Jal, Iraq. At a TCP, set up during the search, a platoon was instructed to detain local nationals in their vicinity. SGT [REDACTED] (NFI) a platoon member, attempted to detain an Iraqi in a nearby field. While SGT [REDACTED] attempted to place flexi-cuffs on the Iraqi, he began to resist. PFC [REDACTED] a member of the platoon, raised his weapon in the high cover position to protect the sergeant. SGT [REDACTED] was able to complete the cuffing process and was moving the detainee away when PFC [REDACTED] believed the Iraqi was lunging at SGT [REDACTED]. PFC [REDACTED] responded to the perceived threat by firing one round from his weapon which struck the detainee in the head and killed him. PFC [REDACTED] in his statement to CID, said that he believed that the Iraqi was still resisting being cuffed and that he fired his weapon intending to kill the Iraqi. PFC [REDACTED] received ROE training, the extent of which is unknown. CID is still investigating. CID Report # 004-04-CID469-79638-5HIA. Note: Soldier is now assigned to Taskforce Danger and 1st ID.

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l. On 3 January 2004, at approximately 2245 hours, two male Iraqis, [REDACTED] and [REDACTED] were stopped at an ICDC checkpoint in the city of Samarra. They were warned that curfew was about to begin (2300 hours) but were released when they informed the ICDC detail that they were close to home and would make it in time. They drove off. A short distance from the ICDC checkpoint, members of 1st platoon, A company, 1/8th infantry regiment stopped the two Iraqis, requested identification and questioned them. One of the Iraqis allegedly provided a false identification. They were released but then stopped again. Mr. [REDACTED] and Mr. [REDACTED] were then taken into custody, their hands were zip tied behind their back and they were placed in a Bradley fighting vehicle. The Bradley was driven to a nearby bridge over the Tigris River. Members of the platoon, SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED], were then instructed by the platoon leader, 1LT [REDACTED] and the platoon sergeant, SFC [REDACTED] to push the detainees into the river. SPC [REDACTED] refused to take part in it and instead stood guard. SGT [REDACTED] ordered the zip ties removed and he and SPC [REDACTED] pushed Mr. [REDACTED] and [REDACTED] into the river. They then returned to their vehicle and continued their patrolling duties. Mr. [REDACTED] allegedly could not swim and subsequently drowned. Mr. [REDACTED] made it safely to the riverbank, climbed out and reported the incident to the ICDC soldiers who had stopped him earlier. When the family of the drowning victim reported the incident to American authorities members of the platoon denied they had pushed Mr. [REDACTED] and Mr. [REDACTED] into the river. They were instructed by their chain of command to deny the incident and to not cooperate with CID investigators. The chain of command implicated in the obstruction of justice charge are the battalion commander, LTC [REDACTED], the battalion executive officer, MAJ [REDACTED], and the

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company commander, CPT [REDACTED], 1LT [REDACTED], on several occasions, also instructed members of the platoon to deny any wrongdoing. MAJ [REDACTED], in a sworn statement, denied that he instructed anyone to lie. After the CID investigation, LTC [REDACTED] and MAJ [REDACTED] received a reprimand under Article 15, UCMJ. The actions were filed in their restricted fiche. CPT [REDACTED] received a general officer memorandum of reprimand. SGT [REDACTED], SPC [REDACTED] and SPC [REDACTED] received field grade Article 15 punishment. 1LT [REDACTED] and SFC [REDACTED] are pending court-martial charges. CID Report 0011-04-CID469-79630.

2. POC this report is MAJ [REDACTED] 287-[REDACTED]

[REDACTED]
LTC, JA
Staff Judge Advocate

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