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## 1. Death of Prisoner Detailed in Testimony

**Richard A. Serrano, Los Angeles Times, 18 May 2004, Page A1**

WASHINGTON -- When CIA officers took the Iraqi detainee to Abu Ghraib prison, his head was covered with an empty sandbag and Army guards were ordered to take him directly to a shower room that served as a makeshift interrogation center at the overcrowded, shell-damaged facility outside Baghdad.

An hour later, during intensive questioning by intelligence officers, the prisoner collapsed and died. Only then did interrogators remove the hood to reveal severe head wounds that had not been treated.

The dead prisoner, whose identity has not been made public, would become famous around the world through a photograph of a body wrapped in plastic sheeting and packed in ice - among the most indelible images yet made public in the Iraqi prisoner abuse scandal.

An account of his final hours, and of the failure to provide medical attention to a severely wounded prisoner, is contained in sworn statements provided to Army investigators by military police guards at Abu Ghraib.

After the man died, the documents say, officials argued over who was responsible for the body. Eventually, the body deteriorated to the point that it had to be disposed of.

The official documents describing the episode, obtained Monday, were based on testimony at a secret military court hearing last month on the charges against Sgt. Javal S. Davis, one of seven members of the 372nd Military Police Company accused of beating and humiliating Iraqi detainees.

"He wasn't dead at first," Spc. Jason A. Kenner said of the unidentified detainee, adding that guards were told not to remove the prisoner's hood when they took him to the shower room.

"We didn't know how much he was injured. He went into the showers for interrogation, and about an hour later he died on them. I was sent to find out what was going on. Later that day, they decided to put him on ice...."

"After he passed, the sandbag was removed and I saw that he was severely beaten on his face," Kenner testified. "At the time, they would interrogate people in the shower rooms. He was shackled to the wall.... The shower room was just used because there was no other space available."

Another guard in the 372nd, Spc. Bruce Brown, said, "I heard of a dead detainee being stored in the hard site. We would spray air freshener to cover the scent.... They finally took the body away."

In their testimony, Kenner and Brown agreed that the CIA had taken the prisoner to Abu Ghraib and ordered guards to take him to the interrogation center without removing the hood. They disagreed on who was involved in the subsequent questioning: Kenner said it was the CIA alone, while Brown said the CIA and military intelligence officers had worked together.

Both Kenner and Brown referred to the CIA by its commonly used pseudonym, the OGA, or Other Government Agency.

A CIA spokesman said Monday that he could not comment on the matter because it was under investigation by the agency's inspector general's office in conjunction with other military investigations.

In other testimony at the Davis hearing, guards said military intelligence officers routinely deprived prisoners of food, sleep, clothes, cigarettes and sometimes even sunshine, and expected guards to treat prisoners just as harshly or worse.

Separately, a key defendant in the scandal said in a sworn statement to Army investigators that mistreatment of prisoners was condoned throughout Abu Ghraib and that no one ordered a halt to the abuses or to the photographing of humiliated inmates.

"Everyone in the company from the commander down" knew what was going on, said Pfc. Lynndie England, the Army soldier seen in photographs laughing, smoking and flashing the thumbs-up in front of naked Iraqi men. "The pictures were shown to anyone who wanted to see them. Cpl. [Charles] Graner told me he showed them to his platoon sergeant and platoon leader."

England told investigators that guards forced detainees to crawl on their hands and knees on broken glass, threw a Nerf football at handcuffed prisoners and forced male detainees to wear women's "maxi pads."

She also said Graner, by whom she is now pregnant, applied needle and thread to prisoners after beating them.

"Cpl. Graner would personally stitch up detainees if the wounds weren't too bad," she said. "He would take pictures of his work. One particular incident, Cpl. Graner ran a former Iraqi general into a wall and split his lip. Cpl. Graner stitched up his lip."

England, interviewed May 5 at Ft. Bragg, N.C., said that she did not believe the guards went too far in punishing detainees and that much of what happened in the prison's notorious cellblock 1A was done in sport.

"We thought it looked funny, so pictures were taken," she said. It was "basically us fooling around."

England described abuse by six defendants, including herself, but not by the seventh: Spc. Megan Ambuhl, who is not seen in any of the prison photographs. "She rarely participated," England said. "She really wasn't part of all this."

As have other defendants, England described Graner and Staff Sgt. Ivan L. "Chip" Frederick II as the leaders of the rogue guard unit, and she said Davis was close behind.

Davis "was the intimidator," she said. "Very big. He would push them around or into walls. He also stepped on their toes. He would help with rowdy detainees."

"Personnel from MI [military intelligence] and OGA would tell us to keep it up, that we were doing a good job," she said. "I was just told we were doing a good job."

She said there were many other abuses, but "I can't remember all of them." She said she didn't think guards should be punished because "we did what we were told."

That is at the heart of the defense of the seven accused guards.

With the first court-martial scheduled for Wednesday, when Spc. Jeremy Sivits is expected to plead guilty and begin helping prosecutors seek convictions against the others, the statements by England and others reflect an effort by some guards to show that prison interrogators must share the blame for abuses.

The guards suggested that the interrogators helped establish a climate of abuse and that Army supervisors did not intervene to stop the misconduct.

At the April 7 court hearing for Davis, Sgt. Hydrue S. Joyner described how intelligence officers allegedly held sway over guards.

Joyner, also of the 372nd Military Police Company, testified that military intelligence officers never explicitly ordered guards to "rough up" detainees. But guards looked to the MIs for guidance on how

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to treat the Iraqis, he said.

"I did not question anything of MI personnel," Joyner testified. "They were there longer than me. I did not question them."

Brown, a guard with the 372nd, said he had "little to no contact with MI" officers. "I would only see them in passing, and said hi or bye," he said. But, he added, "there were situations where they gave us ideas on how to treat detainees. They had sleep management plans and eating plans."

Kenner said intelligence officers "would take away their clothes and the detainees would sleep in their cells naked."

Sgt. William A. Cathcart, also of the 372nd, said he routinely asked MI and OGA officers how to handle detainees properly, but, he said, he "got no response." Intelligence officers told him the interrogators were putting together a formal SOP, or standing operating procedure, he said, "but I never saw it."

Other guards testified that they would never have followed any direct encouragements to abuse or humiliate detainees, such as making the Iraqis masturbate in front of others.

"If an MI [officer] told me to make detainees masturbate together, I would cut off his air supply," said Joyner. "This is not acceptable instruction to me. There is no special training to know this behavior is wrong, except 'life.' "

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