

MEMORANDUM FOR RECORD

SUBJECT: Identification of CPT [REDACTED] 372nd MP Company, as the Individual Who Reportedly Assaulted an Iraqi Detainee at Abu Ghraib Hard Site on 24 November 2003

1. On 23 June 2004, [REDACTED] Article 15-6 Investigating Officer (MG Fay Inquiry), interviewed [REDACTED] SGT/E-5, USAR, 229th Military Police Company, Virginia Beach, VA, concerning the incident he reported to US Army Criminal Investigative Command on 20 January 2004, in which he observed a US Army soldier choking, dragging, and kicking an Iraqi detainee in the Hard Site of Abu Ghraib Detention Facility on or about 24 November 2003. At the time of the incident [REDACTED] identified the individual involved in the incident only as a soldier because the individual was not dressed in full military uniform and therefore [REDACTED] could not identify him by name or rank. Subsequent to the incident, [REDACTED] saw the individual again, this time in his full uniform with Captain's rank, but he did not see the Captain's name tag. [REDACTED] presented [REDACTED] nine photographs of US Army Captains who were assigned at Abu Ghraib at the time of the incident. The photographs were eight by ten inch color print outs of digital photographs obtained from the Department of Defense (DoD) Common Access Card (CAC) database. The photographs were presented to [REDACTED] randomly and without comment, other than instruction to [REDACTED] that he look carefully at the photographs to determine if any of them was the individual he observed choking and kicking the detainee at Abu Ghraib. All photographs were presented simultaneously and [REDACTED] was allowed to peruse and study them at his leisure. [REDACTED] immediately and without hesitation identified [REDACTED] USAR, 372nd MP Company, as the individual who he had observed choking, dragging, and kicking a detainee at the Abu Ghraib Hard Site on or at out 24 November 2003. After [REDACTED] identified CPT [REDACTED] from the nine photographs [REDACTED] asked [REDACTED] if he was sure of his choice, and [REDACTED] stated he was "absolutely sure." In his civilian profession [REDACTED] is a correctional professional employed by the State of Virginia. [REDACTED] executed DA Form 2823, Sworn Statement, dated 23 June 2003, which stated the following:

"At approximately 1050 hrs on 23 June 2004 investigator [REDACTED] presented a line up of photo's (sic). After reviewing the photo's (sic) I identified [REDACTED] digital photo #244410378 as the individual as discribed (sic) in the statement dated 20 Jan 04. As a professional jailer for eleven years, the conduct and treatment of the prisoners were not to standards. I have nothing else to add at this time."

2. On 24 June 2004, [REDACTED] Article 15-6 Investigating Officer (MG Fay Inquiry), interviewed [REDACTED] SPC/E-4, USAR, 229th Military Police Company, Virginia Beach, VA, concerning the incident he reported to US Army Criminal Investigation Command on 20 January 2004, in which he observed a US Army soldier striking and kicking an Iraqi detainee in the Hard Site of Abu Ghraib Detention Facility on or about 24 November 2003. At the time of the incident [REDACTED] identified the individual involved in the

incident only as a soldier because the individual was not dressed in full military uniform and therefore [REDACTED] could not identify him by name or rank. Subsequent to the incident [REDACTED] saw the individual again, this time in his full uniform with Captain's rank, but he did not see the Captain's name tag. [REDACTED] presented [REDACTED] nine photographs of US Army Captains who were assigned at Abu Ghraib at the time of the incident. The photographs were eight by ten inch color print outs of digital photographs obtained from the Department of Defense (DoD) Common Access Card (CAC) database. The photographs were presented to [REDACTED] randomly and without comment, other than instruction to [REDACTED] that he look carefully at the photographs to determine if any of them was the individual he observed striking and kicking the detainee at Abu Ghraib. All photographs were presented simultaneously and [REDACTED] SPC [REDACTED] was allowed to peruse and study them at his leisure. [REDACTED] immediately and without hesitation identified [REDACTED] USAR, 372nd MP Company, as the individual who he had observed striking and kicking a detainee at the Abu Ghraib Hard Site on or about 24 November 2003. After [REDACTED] identified [REDACTED] from the nine photographs, [REDACTED] asked [REDACTED] if he was sure of his choice, and [REDACTED] stated that he was "100 percent sure." In his civilian profession, SPC is a detective for the Newport News, VA, Police Department. [REDACTED] executed DA Form 2823, Sworn Statement, dated 24 June 2003, which stated the following:

"On June 24, 2004, I identified [REDACTED] from a photospread (sic) provided to me as being the unknown Captain described in my January 20, 2004 statement to CID [REDACTED]. This is the Captain that I witness beating a prisoner inside the hard site in late November 2003. I have nothing further to add to this statement."

3. [REDACTED] was the Officer-in-Charge of the Hard Site facility at Abu Ghraib at the time of the incident on 24 November 2003.

4. [REDACTED] attorney-at-law, Law Offices of [REDACTED] legal representative for [REDACTED] telephoned [REDACTED] investigating officer (MG Fay Inquiry) on 9 June 2004, and notified [REDACTED] wanted to cooperate with investigating officers, but that he would submit to an interview and make a statement only if granted immunity. MG Fay declined to accept [REDACTED] conditional offer to cooperate and no further effort has been made to interview [REDACTED]

5. POC is the undersigned at (703) 428-4822

Enclosures:

DA Form 2823, Sworn Statement,
dated 27 Jun 04, executed by
[REDACTED]

DA Form 2823, Sworn Statement,
dated 24 Jun 04, executed by
[REDACTED]

[REDACTED]
AR 15-6 Investigating Officer

[REDACTED]
DA Form 2823, Sworn Statement,
dated 20 Jan 04, executed by

[REDACTED]
DA Form 2823, Sworn Statement,
dated 20 Jan 04, executed by

[REDACTED]
MFR, dated 9 Jun 04, Subject: Procedure 15
Interview of CP [REDACTED] USAR