

DEPARTMENT OF THE ARMY HEADQUARTERS TASK FORCE IRONHORSE OFFICE OF THE STAFF JUDGE ADVOCATE TIKRIT, IRAQ

26 February 2004

MEMORANDUM FOR Commander, Task Force Ironhorse, Tikrit, Iraq

SUBJECT: AR 15-6 Investigation Legal Review

- 1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the circumstances surrounding the death of a detainee on 08 February 2004. I make the following determinations:
 - a. The proceedings comply with the legal requirements.
- b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.
 - c. Sufficient evidence supports the findings.
 - d. The recommendations are consistent with the findings.
- 2. The investigation is legally sufficient.
- 3. The point of contact is the undersigned at (DNVT)

CPT, JA
Chief, Administrative Law
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DEPARTMENT OF THE ARMY

HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED) TIKRIT, IRAQ, APO, AE 09323

AFYB-SG

2 March 2004

MEMORANDUM for SJA, 4th Infantry Division (Mech).

REPLY TO ATTENTION OF:

SUBJECT: AR 15-6 Investigation of the death detainee #

(b)6-4

After reviewing the findings, and statements from this investigation, I make the following recommendations:

1. A Doctor or PA should review all intake medical screenings, and sign\date the form as reviewed. They will personally examine detainees as indicated, based on the results of the screening form. This review will occur after each transfer of an EPW as well as after the initial intake.

2. A Doctor or PA should conduct weekly rounds with MP medics.

3. The intake medical assessment must be reviewed and updated by the medic at the accepting facility. The reviewer will sign and date the updated form. All assessments will then be delivered to the supervising doctor or PA for their review.

b(5)-3 deliberation process

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or 664 67c4

raskforce fronhorse Surgeon

REPORT	OF PROCEEDINGS	BY INVESTIGATING OFFICER/BOA	RD OF OFFICERS	 1.00\$\$
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present: (After each name, indicate capacity, e.g.,	President, Recorder, N	Member, Legal Advisor.)		
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Inclosures (para 3-15, AR 15-6)			<u>: - :</u>	YES NO ¹ NA
Are the following inclosed and numbered consecutive	ely with Roman numer	als: (Attached in order listed)		
a. The fetter of appointment of a summary of oral a	ppointment data?	Francisco de Order Astem		
b. Copy of notice to respondent, if any? (See item	9 helow)	·		
c. Other correspondence with respondent or counsel	if any?			X
a. All other written communications to or from the	appointing authority?		·	
e. Privacy Act Statements (Certificate, if statement	provided orallal?	<u> </u>		
f. Explanation by the investigating officer or board	of one name	*****		X
f. Explanation by the investigating officer or board encountered (e.g., absence of material witnesses)	or any unusual delays, (difficulties, irregularities, or other pro	blems	
le.g., with the material witnesses)?		·	
g. Information as to sessions of a formal board not in the Any other significant passes (see all the second passes).	ncluded on page 1 of th	is report?		
h. Any other significant papers (other than evidence OTNOTES: 1) Explain all negative answers on an establish	relating to administra	ative aspects of the investigation or boa	ard?	
2! Use of the N/A column constitutes a positive or board.	opresentation that the ci	rcumstances described in the question did n	ot occur in this investigation	
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RAYMOND T. ODIERNO Major General, USA Commanding

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MEMO FOR RECORD - EVIDENCE

On 04 Feb 2004, it was noticed by shift change that detainee # was not moving. (exhibit G) After the medic summoned the physician on call, the EPW was pronounced dead at 0730. (exhibit G) Prior to pronouncing the detainee, had never seen, treated or been called to render advice on the patient. (exhibit D) 646764

Prior to arrival at FOB Ironhorse, the detainee was processed at Brassfield Move FOB. (exhibit F) An intake physical done at that time by recorded that the patient had diabetes and anemia, as well as left kidney failure. The diabetes notation was crossed off without explanation. (exhibit F) of particular importance, it was noted that the detainee was urinating only 1 oz. daily. (exhibit F)

The detainee was transported to Ironhorse on 5 Feb 2004. At the time of reception, the detainee was noted to be frail appearing, weak, and required assistance in dismounting the vehicle (exhibit C) During the incarceration, the detainee had two episodes of fainting or near fainting, one resulting in injury requiring wound care. In addition, he was so weak that he required assistance in holding his head up for the photo ID. (exhibit C)

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On the morning of 7 Feb 2004, the detainee was seen by the MP medic, He stated that through an interpreter, the detainee reported painful urination. No action was taken by the medic. (exhibit E)

On the morning of 8 Feb 2004, and and were summoned to the detainee's area because he was not moving.

Check the detainee's pulse and also noted that he was cold. (exhibit B) The detainee was last seen alive during the evening coffee and soup administration. (exhibit A) Prior to the detainee's demise, the patient was not interrogated at FOB Ironhorse. (exhibit B)

FINDINGS:

- 1. The medic at FOB Ironhorse failed to recognize the seriousness of the detainee's condition, did not read the intake physical and failed to contact appropriate medical personnel for guidance and treatment.
- 2. The medic at FOB Brassfield MAY not have recognized the seriousness of the detainee's condition and may not have sought appropriate medical advice.
- 3. The medic at FOB Ironhorse appeared not to be aware of the detainee's medical conditions and it appears that the intake sheet was not available to the medic.

4. Although in hindsight, officer personnel at the detention center were aware of the frail nature of the detainee, it appears that this was not communicated to the medic.

MEMO FOR RECORD - RECOMMENDATIONS



2 Exhibits (para 3-16, AR 15-6) a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report? b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? g. If official notice of any matter was taken over the objection of a respondent or coursel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)? COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)? Was a quorum present at every session of the board (para 5-2b, AR 15-6)? Was a quorum present at every session of the board (para 5-2b, AR 15-6)? Were members, witnesses, reporter, and interprier sworn, if required (para 3-1, AR 15-6)? If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6). A 1sthe method and date of delivery to the respondent indicated on each letter of notification indicate — 10 the date, hour, and place of the first session of the board concerning that respondent? 21 the matter to be investigated, in		YE	S NO X X	
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e If there were relevant algorified		1		
E. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?				
If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings): 2. Was he properly notified (para 5-5, AR 15-6)?				
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?				
Counsel (para 5-6; AR 15-6):				6, 1
t. Was each respondent represented by counsel?				
Name and business address of counsel:				▓
(If counsel is a lawyer, check here [])				░
Was respondent's counsel present at all open sessions of the board relating to that respondent?				
If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the	7.00			
Manual III de l'eport (para 3-00, AK 13-0)?				
the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6).		1		
ras the chancing properly defined and by the appropriate officer?	-	****	-	4
Did each member successfully challenged cease to participate in the proceedings?	ļ	1-		4
as the respondent given an opportunity to (para 5-8a, AR 15-6):	ļ			
Be present with his counsel at all open sessions of the board which deal with any matter which concerns that reproduct?		****	4	
examine and object to the introduction of real and documentary evidence, including written statements?	 			4
Object to the testimony of witnesses and cross-examine witnesses other than his own?	<u> </u>			1
Call witnesses and otherwise introduce evidence?		<u></u>		4 %
Testify as a witness?	7	ڭىكىزىيى <u>مەنىلى</u> دۇرۇ		
Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?		371, 11		
requested, did the recorder assist the respondent in obtaining evidence in procession of the Control of the respondent in obtaining evidence in procession of the Control o		····	#	
B 44- and procedure of windesses (part 5-0).			[
e all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an closure or exhibit to it (para 5-11, AR 15-6)?			1	
NOTES: 1/ Explain all negative answers on an attached sheet.			1	1 i
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation				

The (investigating officer) (hoard)	SEC	TION IV FINDINGS (para 3-10, AR	15-6)		
The (investigating officer) (board),	naving carefully consider	red the evidence, finds:			
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view of the above findings, the (inventor)	SECTION V - R	ECOMMENDATIONS (para 3-11, AR	15-6)		
the fatter	suguing officer) (ooara)	recommends:			
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e 3 of 4 pages, DA Form 1574, Mar 83	· 				USAPA V1.20

ACLU-RDI 973 p.9

1. A doctor or physician's assistant should review all intake medical screenings, and sign/date the form as reviewed. They will personally examine detainees as indicated, based on the results of the screening form. This review will occur after each tansfer of a detainee as well as after the initial intake.

2. A doctor or physicain's assistant should conduct weekly rounds with military police medics.

3. The intake medical assessment must be reviewed and updated by the medic at the accepting facility. The reveiwer will sign and date the updated form. All assessments will then be delivered to the supervising doctor or physician's assistant for review.

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

IRITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

IPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

NE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

OSURE:

Disclosure of your social security number is voluntary.

TASK FOLCE TROWNSE	2. DATE (YYYYMMDD). 2004 02 19	3. TIME 10 SO	4. FILE NUMBER
T NAME, EIRST NAME, MIDDLE NAME	6. SSN	564	7. GRADEISTATUS 664
SANIZATION OR ADDRÉSS		Q ICY	67c4

564 6704, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I went on shift at 1900 hrs I got off that marning at 0700 hrs. During night shift the only-thing that happened was the soup and coffee distribution to the detaines around 2000 hrs. Shift was running very smoothly that night until the morning Shift change was at orooms. The on comming shift did a head count of detainees and one detained didn't come out of his noon during the count. A soldier from the on comming shift went to check on the detainer. The soldier came out of the norm and said to me, "I think he has passed." At that time the MCOIC's went inside the cage confirm that the detained passed. At that time was told to stand by and pull security while they went to notify higher of the situation. returned their said I could proceed to my living gen 11. INITIALS OF PERSON MAKING STATEMEN

PAGE 1 OF

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DATED 19 FC6 04

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ACLU-RDI 973 p.13

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ACLU-RDI 973 p.14

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

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For use of this form, see AR 190-45; the proponent agency is ODCSOPS

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For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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IPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

NE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

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Disclosure of your social security number is voluntary.

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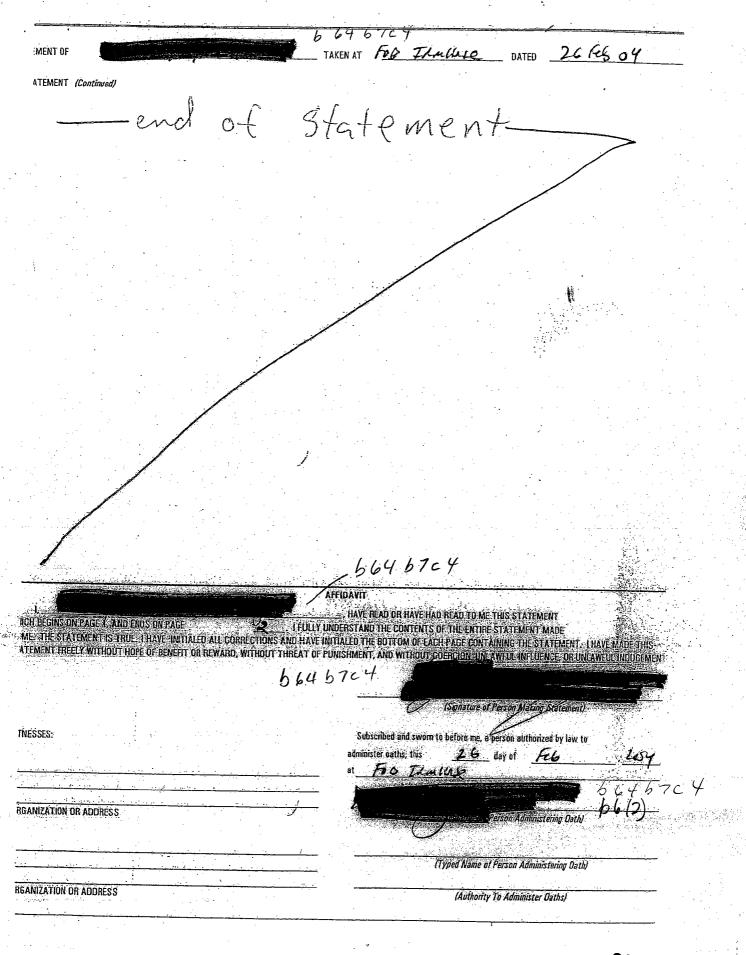
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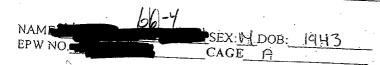
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_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on the morning of 7Feb 0 I went to the Epw Cage to handout medications between 0800 to 0900, apon arrival to the Epw cage The Mps on duty informed me that one of the detainers was complaining of samething. Apon completion of Handing out Medications, I checked out the Detainer. The detained was laying down and I asked him through problem. The detainer acting as artranslator what was the urinated. I then asked The detainer if he had kidne, Stones. After this I took his vital sighus, Everything the Mpg told me that he had fainted teaving this tatrine. I noticed he scratched his nose cleaned it up. I then asked the detainer it he had any other medical problems. He said no, just the Edney stones. I then asked it he was on achen any medication, aggin the Detainer Sqid no. after thin I told him if it didn't get better to let me know. I then Left the cagearen

(HIBIT E	11. INITIALS OF PERSON MAKING STATEMENT 644 6764	PAGE 1 OF PAGES
IONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF	66457c4 TAKEN AT DATED	26 Febes





DATE SCREENED: 1 FCb 64 ASSESSMENT MEDIC: GENERAL IMPRESSION: GOOD/BAD (MEDIUM) 6646764 PHYSICALINJURIES: IF OLD HOW OLD: BLEEDING PRESENT: Ø MEDICATIONS ON HAND: MEDICAL HISTORY/CONDITIONS OF STATES IN TELES meds for anemic diabetes of home, name he does get know HEART LUNGS STROKE OTHER COPD HEART DISEASE: DIABETES -not-diabetic **BRONCHITIS** anemic V DYSRYTHMIAS TB HYPERTENSION PSYCHIATRIC **ASTHMA** HYPOTENSION **MEDS** OTHER SEIZURES LUNG SOUNDS: :В/Р: LIVER DISEASE COUGHING? Y/N MEDS: Po2: KIDNEY Reflicat (1) ALLERGIES: UKA, NEDA MEDICAL COMMENTS of is old and needs time necessary if two much unite in a case of leidnesp feetine can become emerge MEDICAL EXAMINATION AND TREATMENT: SMOKE HX: 2 packs daily 1 25 years SCARS: above umbilical, surgical INFECTIONS: O SKIN TEMPERATURE /CONDITION /APPEARANCE: Sugardice EYES: éjaundice perda LICE/ITCHING/ & SUBJECTIVE: 61 40 pw fatigue checiness from standing up and walking a sous has not eating anything except cracker, pt was been drinking bettled water and utinating daily only los daily. Wine is yellow TREATMENT: allow time to unnate. Talk with M.O. about pt. Tring 100%, peptobismol teible in between Inoci S

INCIDENT REPORT FORM

Type of Report: Initial

Date/time of report: 080805February2004

Date/time of incident: 080708February2004

Location of incident: LD 80132903 (TF IH CCP-Tikrit Main Palace)

Unit involved in the incident: 4th Platoon, 4th Military Police Company

Name of senior person involved in incident and contact information:

6646764

by DNVT at

. All persons named can be reached 564 6764

Narrative of Incident: On the morning of 08FEB04 at approximately 0700 4th platoon, 4th Military Police Company assumed responsibility of the detention

facility from 5th platoon, 4th Military Police Company. At every shift change there is a head count conducted with both the on coming shift and off going shift. personnel present. As the head count was being conducted it was noticed by

that one of the detainees was not present.

to check on the detainee and that is when it was recognized that the detainee: wasn't moving inudged the detainee and asked him if he was ok and:

he received nonesponses notified the off going Sergeant of the Guard

that the detainee wasn't moving. At that time took the detainee's pulse and determined that there was no pulse.

16467c4 to go to the company to inform a medic of the situation informed.

and to det a doctor to officially pronounce the detainee as being deceased. At 5645767 approximately 0730, pronounced detainee #5982

as being deceased. The property of the part of the part of the deputy provest marshall by by 6.6.7.67c./

h646764

and Mortuary Affairs.

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Friendly Casualties: N/A

Enemy Casualties:N/A

EPWs: Deceased of unknown causes

66167c1

200 name and contact information:

DNVT

1616701

EXHIBIT H

MEMO FOR RECORD

26 February 2004

664 57c4 On 20 Feb 2004 at approximately 1100 hrs, I conducted a phone interview with assigned to Brassfield Move FOB.

the FOB that did the initial intake processing on the EPW named Ahmed. The intake processing was accomplished on 1 Feb 2004.

664 67c4 had no recollection of the above mentioned EPW or of the medical note written on that date (Exhibit F). He did say that the note would have prompted a call to the physician on duty but can't recall if that call was made or if a physician was contacted.

56467c4