

Information Paper

15 Sep 2003

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SUBJECT: 320th MP Soldiers and Allegations of Maltreatment of EPWs

POINTS:

(b)(6)(5)/(b)(7)(C)-5

- On 13 July 2003, charges were preferred against four military policemen assigned to the 320th MP BN, in connection with the 12 May 2003 alleged maltreatment of seven (7) Iraqi enemy prisoners of war (EPWs) at Camp Bucca, Iraq. The charged soldiers (MSG [redacted], SFC [redacted], SGT [redacted], and SPC [redacted]) were part of a detail assigned to transport prisoners from Talil Air Base, Iraq, to Camp Bucca. All are assigned to an MP battalion that is part of the 800th MP Bde, USAR.
- BG Karpinski, commander of the 800th MP Bde and the Special Court-Martial Convening Authority (SPCMCA), directed a joint Article 32 Investigation and appointed a senior military police officer, a LTC, to conduct it.
- The Article 32 investigation, open to the public, began on 27 August at Camp Bucca, Iraq, with all four accused and their counsel present. The investigating officer heard extensive testimony from both US military witnesses and EPW's. The Article 32 was recessed late in the evening of 29 July and reconvened at Camp Doha, Kuwait, the afternoon of 1 September to hear certain telephonic testimony, as well as the testimony of witnesses returning to Kuwait on Sunday, 31 August.
- The Article 32 Investigating Officer (IO) closed the hearing on 2 September 2003. The IO ordered a verbatim transcript of the entire proceedings, and the CPTCC (PWD) OSJA is currently transcribing the record requested. Once the transcript is completed, the IO will make his findings and recommendations, and it will be forwarded to the Special Court-Martial Convening Authority for review and action as appropriate.
- The preferral of charges against the four accused soldiers was made only after careful review of the criminal investigation. All appropriate actions have been taken to ensure the rights of the accused soldiers are safeguarded and that the alleged misconduct is investigated and processed IAW the UCMJ. It is improper and unlawful command influence for senior commanders or HQDA officials to interfere with the case.
- The accompanying enclosure gives more details about the alleged misconduct and the alleged injuries suffered by the detained EPWs.

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ENCLOSURE

- The collective Charge Sheets reflect allegations of abuse concerning seven (7) separate Iraqi EPWs:

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(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- MSG [redacted] and SGT [redacted] are accused of kicking and striking the EPW in the groin, face, abdomen and head. SSG [redacted] and SPC [redacted] are accused of holding the EPW down, with his legs spread apart, encouraging the beating.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- MSG [redacted] and SSG [redacted] are accused of dragging the EPW across the ground by his armpits. MSG [redacted] also allegedly kicked and punched the EPW.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- SSG [redacted] is accused of throwing the EPW to the ground and striking him on the head and legs. MSG [redacted] allegedly kicked the EPW in the face and leg.

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○ [redacted] -- SSG [redacted] is accused of throwing the EPW to the ground and stepped on his injured arm

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○ [redacted] -- SPC [redacted] and SPC [redacted] are accused of twisting the EPW's previously injured arm.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- SPC [redacted] is accused of knocking the EPW to the ground, then dragging him across the ground with his (the EPW's) pants around his ankles.

(b)(6)-5 / (b)(7)(C)-5

○ Unknown Iraqi EPW -- SPC [redacted] is accused of kicking an unknown EPW in the thigh as he walked toward an in-processing tent, causing him to cry out in pain.

- The soldiers have been charged as follows:

(b)(6)-5 / (b)(7)(C)-5

○ In connection with the 12 May 2003 incidents, MSG [redacted] is charged with Assault (3 specifications); Cruelty and Maltreatment (3 specifications); and Failure to an Obey Order or Regulation (2 specifications; dereliction of her duty to safeguard the prisoners, and negligent supervision of other soldiers who allegedly participated in the assaults). On 16 May 2003, MSG [redacted] allegedly gave a sworn statement to CID, in which she denied any participation in, or knowledge of, the assaults; she is charged with Making a False Official Statement. Also, MSG [redacted] is charged with attempting to impede the investigation (a violation of the General Article), in that she allegedly instructed a subordinate (who was also a potential witness and/or subject of the investigation) not to submit to a polygraph. MSG [redacted] is alleged to have told the subordinate, with a wink, that he "didn't see anything."

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- In connection with the 12 May 2003 incidents, **SSC [REDACTED]** is charged with Assault (5 specifications); Cruelty and Maltreatment (5 specifications); and Failure to Obey an Order or Regulation (dereliction of his duty to safeguard the prisoners). On 16 May 2003, **SSA [REDACTED]** gave a sworn statement to CID, in which he denied any participation in, or knowledge of, the assaults; he is charged with Making a False Official Statement.

- In connection with the 12 May 2003 incidents, **SGT [REDACTED]** is charged with Assault; Cruelty and Maltreatment; and Failure to an Obey Order or Regulation (dereliction of her duty to safeguard the prisoner).

- In connection with the 12 May 2003 incidents, **SFC [REDACTED]** is charged with Assault (4 specifications); Cruelty and Maltreatment (4 specifications); and Failure to Obey an Order or Regulation (dereliction of his duty to safeguard the prisoners). On 15 May 2003, **SFC [REDACTED]** gave a sworn statement to CID, in which he denied any participation in, or knowledge of, the assaults; he is charged with Making a False Official Statement.