

2 August 2004

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

1. Purpose. To provide updated information on the courts-martial involving allegations of military police's abuse against detainees in Abu Gharib Prison in Iraq.

2. Background. This document outlines the current case status of the courts-martial of seven military police charged abuse of detainees.

3. Summary.

a. Charges were preferred on 20 March 2004 against six reserve MP soldiers for detainee abuse at the Baghdad Central Confinement Facility at Abu Ghraib.

b. The charges include: (1) indecent acts for ordering detainees to publicly masturbate; (2) maltreatment of subordinates of non-physical abuse like ordering detainees into nude pyramids and taking pictures of the nude detainees; (3) battery for shoving and stepping on detainees; (4) dereliction of duty; and (5) conspiracy to maltreat subordinates.

c. Additionally, two NCOs were charged with aggravated assault for striking detainees with enough force to cause serious injury, and one soldier was charged with desecrating a corpse by taking pictures with two dead bodies.

d. The command sent a seventh soldier, PFC [REDACTED], to a Fort Bragg MP unit in the states for prosecution because she is pregnant.

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e. Some of the abuse was photographed with digital cameras and saved on CDs. After obtaining consents to search the personal computers of soldiers at the confinement facility, CID found approximately 100 relevant photographs including (1) detainees being ordered to masturbate in front of guards and other detainees; (2) detainees being ordered to form nude human pyramids; (3) detainees being handcuffed to doors or bed frames; and (4) guards sitting or standing on detainees. CID also found short videos of detainees masturbating and being moved into the nude pyramids.

f. All soldiers are part of the 372d Military Police Company, a reserve unit based out of Cumberland, Maryland. The six soldiers charged in Iraq have been reassigned to [REDACTED] on Victory Base; the command plans to conduct these six courts-martial in Iraq. Two of the guards work as prison guards in their civilian capacities. Charges have been referred to trial in each court-martial except PFC [REDACTED]'s.

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g. The current status of each court-martial is as follows:

1) U.S. v. SSG [REDACTED]. The accused retained Mr. [REDACTED], a civilian defense counsel. The convening authority referred charges to a General Court-Martial on 5 May 2004. SSG [REDACTED] was arraigned on 19 May 2004. A motions hearing is scheduled for 24-26 August 04 and a trial date is set for 12 Sep 04.

2) U.S. v. SGT [REDACTED]. The convening authority referred charges to a General Court-Martial on 28 April 2004. SGT [REDACTED] was arraigned on 19 May 2004. A motions hearing is scheduled for 24-26 August 04. No trial date has been set.

3) U.S. v. SPC [REDACTED]. The Accused retained civilian defense counsel. The convening authority referred charges to a General Court-Martial. A motions hearing is schedule for 24-26 August 04. No trial date has been set.

4) U.S. v. SPC [REDACTED]. The convening authority referred charges to a General Court-Martial on 14 May 2004. SPC [REDACTED] was arraigned on 19 May 2004. A motions hearing is schedule for 24-26 August 2004. No trial date has been set.

5) U.S. v. SPC [REDACTED]. The accused retained Mr. [REDACTED], a civilian defense counsel. The accused also released her detailed defense counsel. The convening authority referred charges to a General Court-Martial.

6) U.S. v. SPC [REDACTED]

Pretrial Actions. The Article 32 hearing was initially delayed by defense until 21 April 2004. Subsequent to the delay request, the accused released his detailed defense counsel. The accused was detailed new defense counsel on 19 April 2004. The defense requested a second delay in the Article 32 hearing. An Article 32 hearing was subsequently not held, and the convening authority referred charges to a Special Court-Martial Empowered to Adjudge a Bad Conduct Discharge on 5 May 2004.

Trial On May 19, 2004, SPC [REDACTED] pled guilty to the following charges: one charge of conspiracy to maltreat subordinates, one charge of dereliction of duty, and one charge (with two separate specifications) of maltreatment of subordinates. The Military Judge found Specialist [REDACTED] guilty of the charges in accordance with his pleas and sentenced him to confinement for one year, a Bad Conduct Discharge, reduction to E-1. While no forfeitures were adjudged, by action of law, automatic forfeitures will occur. SPC [REDACTED] plea of guilty to the offenses charged was part of a pre-trial agreement with the Convening Authority

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who ordered the court-martial. In exchange for SPC [REDACTED] plea of guilty, the Convening Authority committed that he would order the case be tried as a Special Court-Martial. As part of the pre-trial agreement, SPC [REDACTED] agreed to testify truthfully, if called as a witness, in other cases.

7) US v. PFC [REDACTED] The command returned PFC [REDACTED] to Fort Bragg, NC because she is pregnant. She was assigned to a MP unit at Fort Bragg and charges were preferred. The Article 32 Investigation in US v. [REDACTED] is scheduled for 3-6 August 2004.

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