

**TALKING POINTS**  
**Baghdad Central Confinement Facility Detainee Abuse**

**Q1:** What is the nature of the allegations?

**A1:** It is alleged that U.S. Soldiers physically abused and humiliated Iraqi detainees. Because these cases are pending, it would be inappropriate for me to elaborate.

**Q2:** How widespread was the abuse of the Iraqi detainees?

**A2:** This investigation involves seven soldiers and one civilian interpreter who were implicated in the abuse of less than 20 detainees.

**Q3:** Are there other investigations underway?

**A3:** Yes. There are other allegations of detainee abuses at other detention facilities in Iraq. All cases are being thoroughly investigated and will be handled appropriately.

**Q4:** How did these allegations come to the attention of CJTF-7 senior officers?

**A4:** A concerned soldier reported conduct that he believed did not conform to established procedures.

**Q5:** What types of investigations were conducted?

**A5:** An Army Criminal Investigations Division investigation was conducted to examine potential criminal activities associated with the allegations of detainee abuse.

**Q6:** What is the status of the CID investigation?

**A6:** The CID investigation is almost complete. At this point, there is sufficient evidence to move forward with the preferral of charges.

***Background:*** A USACIDC investigation was initiated into the reports of detainee abuse at the Baghdad Central Confinement Facility. A total of seven named MP guards and one unidentified MP guard assigned to the 372d Military Police Company, and one civilian interpreter have been titled in

**TALKING POINTS**  
**Baghdad Central Confinement Facility Detainee Abuse**

*the 10th Military Police Battalion (CID) investigation for their involvement in the maltreatment of detainees (note, CID originally titled another soldier but determined the charges to be unfounded). Three soldiers from the 325th Military Intelligence Battalion were also titled for dereliction of duty, maltreatment and other related offenses, but the file suggests these soldiers were only present during the detainee abuse and not criminally liable for the misconduct. CID is waiting on information from civilian employers in the United States regarding possible prior abuse by the subjects of this investigation; two of the subjects work as corrections officers in their civilian capacities.*

**Q7:** Are there photographic images that depict U.S. Soldiers' humiliation of the Iraq detainees?

**A7:** There is sufficient evidence to go forward with charges at this point. However, it would be inappropriate for me to comment on the nature of the evidence. Digital images of some of the alleged abusive acts were given to CID by a soldier working at the confinement facility. CID searched personal computers of the subjects in these cases and found additional images.

**Q8:** Where are the six soldiers who are being charged with criminal offenses?

**A8:** The soldiers have been moved out of the confinement facility and have no contact with detainees. They are currently in theater.

**Q9:** What is preferral?

**A9:** Preferral simply means a person subject to the Uniform Code of Military Justice signs a charge sheet and swears an oath that he or she investigated the case and believes the allegations are true. In these cases, the soldiers' company commander preferred charges after reviewing the CID investigation and coordinating with a Judge Advocate.

**Q10:** When will the cases go to court-martial?

**A10:** It is premature to speak about the actual courts-martial at this point. The U.S. Army is committed to ensuring that these cases are dealt in a just and timely manner with the soldiers being afforded all their due process rights.

**TALKING POINTS**  
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**Q11:** What's the maximum punishment each soldier will be facing?

**A11:** Because these cases are pending, it would be inappropriate for me to comment on maximum or likely sentences.

***Background.*** *The maximum possible sentence bears a limited relationship to the sentence which might be imposed at a court-martial. Additionally, many members of the media may have experience with the Federal Sentencing Guidelines which specify a range of punishments that will be imposed upon conviction of an offense. It is important to communicate that there is great discretion in the Military Judge or court-martial panel to impose a sentence from a band of potential punishments.*

**Q12:** Has any action been taken against the supervisory chain-of-command of the soldiers who were involved in the alleged abuse of Iraqi detainees?

**A12:** An ongoing investigation may lead to administrative actions against the supervisory chain of command of the soldiers involved in the alleged abuse of the Iraqi detainees; however, the findings and recommendations have not been approved.

***Background:*** *Based on this alleged abuse of Iraqi detainees at the confinement facility and other reports that reflected systemic command problems, Major General Antonio M. Taguba, Deputy Commanding General (Support), Third Army, was directed to conduct an administrative investigation under the provisions of Army Regulation 15-6 into the 800th MP Brigade. This investigation has not received final approval from LTG McKiernan, CG, CFLCC.*

**Additional Note.** Major General Taguba has briefed senior Army Commanders on his findings. Specifically, he has briefed LTG Thomas Metz, Deputy Commanding General, CJTF-7 and Commanding General, III Corps; LTG Ricardo Sanchez, Commanding General, CJTF-7; LTG David McKiernan, Commanding General, Third Army, ARCENT. Other senior leaders will be briefed.

**Q13:** Are there any corrective efforts underway at BCCF to address the alleged abuse of Iraqi detainees, or prevent potential abuse of Iraqi detainees in the future?

**TALKING POINTS**  
**Baghdad Central Confinement Facility Detainee Abuse**

**A13:** In addition to taking the actions against the individual soldiers and leaders, we have taken the following steps:

(a) The new leadership at the confinement facility is clearly aware of the need to heighten their vigilance to prevent any possible mistreatment of Iraqi detainees. Additional training on the Geneva Convention and the Rules of Engagement has been conducted for the new units that are taking over detention operations to ensure the new soldiers are aware of their duties and responsibilities.

(b) Additionally, the reported allegations have prompted LTG Sanchez to request the immediate provision of a team to conduct additional training on confinement operations, with emphasis on treating detainees with dignity and respect.

**Background.** *Other investigations (to include internal investigations of the 800<sup>th</sup> MP Brigade and CJTF-7), and inspections, such as that conducted by MG Ryder, Commanding General, CID Command, have identified areas in which corrective actions were necessary. If necessary, reference these other investigations and inspections to show that the command did exercise oversight over detention operations. However, the primary focus should be on the current investigations.*

**Q14:** Who are the soldiers under investigation for allegedly committing abuse of Iraqi detainees and to what units are these soldiers?

**A14:** It is premature to release information on the names of the U.S. Soldiers. The soldiers are currently assigned to another unit pending disposition of their cases.

**Q15:** How many Iraqi detainees are under the control of Coalition Forces?

**A15:** There are two categories of detainees: criminal detainees who are alleged to have committed violations of the Iraqi Penal Code and Security Detainees who are in detention based on their ongoing potential to disrupt Coalition efforts to maintain Iraqi security and reconstruction efforts. As of 13 March 2004, there are approximately 9,500, the bulk of which are classified as Security Detainees.

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**TALKING POINTS**  
**Baghdad Central Confinement Facility Detainee Abuse**

**Q16:** What are the criminal charges?

**A16:** The criminal charges are different for each individual. The charges include Article 93 (cruelty and maltreatment of detainees), Article 81 (conspiracy), Article 134 (indecent acts), Article 128 (assault), and Article 92 (dereliction of duty).

**Q18:** Where will the trials be held?

**A18:** As previously stated it would be premature to speak about the courts-martial. Courts-martial are being conducted in Iraq and if these cases are referred to court-martial, it is our intent to conduct these trials in Iraq.

***Background:** While it is our intent to conduct these trials in theater, circumstances could preclude us from doing so. For example, one of the seven soldiers will be returned to the states for medical reasons and will have to be tried there.*

**Q19:** Who will be conducting the trials?

**A19:** The U.S. Army has jurisdiction for any court-martial of U.S. soldiers.

**Q20:** Will the trials be open to the news media?

**A20:** Yes

**Q21:** Will international courts be involved, since the alleged abuses were against Iraqis?

**A21:** The U.S. Army has jurisdiction for any court martial of U.S. soldiers.

**Q22:** How many detainees were abused?

**A22:** At this point, we believe that the number is less than 20 detainees.

**Q23:** What types of abuse were discovered by investigators?

**A23:** The allegations of abuse include physical assaults, cruelty and maltreatment.

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TALKING POINTS  
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