

**DEPARTMENT OF THE ARMY**  
Third United States Army  
United States Army Forces Central Command  
Coalition Forces Land Component Command  
Camp Doha, Kuwait  
APO AE 09304

GENERAL COURT MARTIAL ORDER  
NUMBER

30 September 2004

10  
(b)(6)-5-(b)(7)(F)5  
Staff Sergeant Scott A. McKenzie, [REDACTED] US Army, HHG, 320th Military Police Battalion, Camp Bucca, Iraq APO AE 09375, was arraigned at Camp Doha, Kuwait, on the following offenses at a general court-martial convened by Commander, Third U.S. Army, Coalition Forces Land Component Command.

**Charge I. Article 92. Plea: None Entered. Finding: None Entered.**

Specification: On 12 May 2003, was derelict in the performance of those duties in that he willfully failed to safeguard from assault or abuse captured Iraqi prisoners of war that he was escorting from Talil Air Base, Iraq, to Camp Bucca, Iraq, as it was his duty to do. Plea: None Entered. Finding: None Entered.

**Charge II. Article 93. Plea: None Entered. Finding: None Entered.**

(b)(6)-4, (b)(7)(F)4  
Specification 1: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by throwing him to the ground striking him on the head and legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(F)4  
Specification 2: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by dragging him by his armpits across the ground. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(F)4  
Specification 3: On 12 May 2003, did aid and abet in the maltreatment of [REDACTED], a person subject to his orders, by holding his legs apart, and by encouraging other soldiers to kick him, while other U.S. soldiers kicked him in the groin, face and abdomen. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(F)4  
Specification 4: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by throwing him to the ground on his face and stepping on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(F)4  
Specification 5: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by twisting his previously injured arm, causing him to scream in pain. Plea: None Entered. Finding: None Entered.

012134

20040086

**Charge III. Article 107. Plea: None Entered.**

**Finding: None Entered.**

Specification: On 16 May 2003, with the intent to deceive, make to Special Agent [REDACTED] United States Army Criminal Investigation Division Command, an official statement on a DA Form 2823 Sworn Statement, to wit: that he did not see MSG [REDACTED] kick an EPW in the groin, that he did not see SGT [REDACTED] kick an EPW in the groin, that he did not hold an EPW's ankles while female soldiers kicked the EPW, that he did not drag an EPW to the searching area, that he did not throw EPWs to the ground, and that he did not kick, punch, or do anything unnecessary to any of the EPWs, or see any of the other MPs do anything unnecessary to the EPWs which was then known by the said SSG McKenzie to be so false. Plea: None Entered. Finding: None Entered. (b)(6)-5; (b)(7)(C) 5; (b)(7)(D) 9

**Charge IV. Article 128. Plea: None Entered.**

**Finding: None Entered.**

Specification 1: On 12 May 2003, unlawfully drag [REDACTED], an Iraqi prisoner of war, across the ground by his armpits. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C) 4

Specification 2: On 12 May 2003, aid and abet Master Sergeant [REDACTED] and Sergeant [REDACTED] in unlawfully kicking [REDACTED], an Iraqi prisoner of war, in the groin, face, abdomen, by holding [REDACTED] leg and encouraging SGT [REDACTED] to kick him. Plea: None Entered. Finding: None Entered. (b)(6) 5; (b)(7) 5 (b)(6)-4 - (b)(7)(C) 4

Specification 3: On 12 May 2003, unlawfully throw [REDACTED], an Iraqi prisoner of war, to the ground on his face, and stepped on his previously injured arm. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C) 4

Specification 4: On 12 May 2003, unlawfully throw [REDACTED] and [REDACTED], an Iraqi prisoner of war, to the ground and strike him on the legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C) 4

Specification 5: On 12 May 2003, unlawfully twist the previously injured arm of [REDACTED], causing him to scream in pain. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C) 4

**Additional Charge I. Article 134. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, wrongfully endeavor to impeded an investigation by meeting with MSG [REDACTED] SGT [REDACTED] SPC [REDACTED] and others for the purpose of deciding who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003 and by deciding that MSG [REDACTED] SSG Scott McKenzie, and SPC [REDACTED] would take responsibility for the actions of SSG McKenzie's unit at or near Camp Bucca, Iraq on or about 12 May 2003. Plea: None Entered. Finding: None Entered. (b)(6) 5; (b)(7) 5

012135

GCMO No 10, DA, Third U.S. Army, CFLCC, Camp Doha, Kuwait APO, AE 09304, dated 30 Sep 04 (continued)

**Additional Charge II. Article 81. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, conspire with MSG [REDACTED], SGT [REDACTED] and SPC [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: Obstruction of Justice, by meeting to decide who would take responsibility for the actions of SSG McKenzie's unit, and in order to effect the object of the conspiracy the said MSG [REDACTED], SSG McKenzie, SGT [REDACTED], and SPC [REDACTED] decided who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003, and that misrepresentations were made. Plea: None Entered. Finding: None Entered.

(b)(6) -5;  
(b) 7(c)5

The accused having been arraigned, the proceedings were terminated on 7 January 2004. All charges and specifications referred are withdrawn and dismissed with prejudice. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF LIEUTENANT GENERAL MCKIERNAN:

[REDACTED]  
[REDACTED]

(b)(6) 2, (b)(7)(C) 2

**DISTRIBUTION:**

- 1- SSG Scott A. McKenzie
- 1- Military Judge
- 1- Defense Counsel
- 1- Cdr, 320th Military Police Bn
- 1- Cdr, 800th Military Police Bde
- 1- PSB, ATTN: Records Section
- 1- DFAS

SGM, USA  
Chief Paralegal NCO

- 10- Clerk of Court (JALS-CCZ) 901 N. Stuart St, Arlington, VA 22203-1837
- 1- Cdr, USAEREC (PCRE-FS), Fort Benjamin Harrison, IN 46249
- 1- Commander, United States Army Reserve Personnel Center, ATTN: DARP-PRD-MP, 9700 Page Boulevard, St. Louis, MO 63132-5200
- 1- FORSCOM, ATTN: FCJA-ML, Fort McPherson, GA 30330-6000

**DEPARTMENT OF THE ARMY**  
Third United States Army  
United States Army Forces Central Command  
Coalition Forces Land Component Command  
Camp Doha, Kuwait  
APO AE 09304

GENERAL COURT MARTIAL ORDER  
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(b)(6)5-(b)(7)(C)

30 September 2004

Staff Sergeant Scott A. McKenzie, [REDACTED], US Army, HHG, 320th Military Police Battalion, Camp Bucca, Iraq APO AE 09375, was arraigned at Camp Doha, Kuwait, on the following offenses at a general court-martial convened by Commander, Third U.S. Army, Coalition Forces Land Component Command.

**Charge I. Article 92.                      Plea: None Entered.                      Finding: None Entered.**

Specification: On 12 May 2003, was derelict in the performance of those duties in that he willfully failed to safeguard from assault or abuse captured Iraqi prisoners of war that he was escorting from Talil Air Base, Iraq, to Camp Bucca, Iraq, as it was his duty to do. Plea: None Entered. Finding: None Entered.

**Charge II. Article 93.                      Plea: None Entered.                      Finding: None Entered.**

(b)(6)-4; (b)(7)(C)4

(b)(6)-4  
(b)(7)(C)4  
Specification 1: On 12 May 2003, did maltreat [REDACTED] and [REDACTED], a person subject to his orders, by throwing him to the ground striking him on the head and legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(C)4

Specification 2: On 12 May 2003, did maltreat [REDACTED] a person subject to his orders, by dragging him by his armpits across the ground. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(C)4

Specification 3: On 12 May 2003, did aid and abet in the maltreatment of [REDACTED] a person subject to his orders, by holding his legs apart, and by encouraging other soldiers to kick him, while other U.S. soldiers kicked him in the groin, face and abdomen. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)4

Specification 4: On 12 May 2003, did maltreat [REDACTED] a person subject to his orders, by throwing him to the ground on his face and stepping on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)4

Specification 5: On 12 May 2003, did maltreat [REDACTED] a person subject to his orders, by twisting his previously injured arm, causing him to scream in pain. Plea: None Entered. Finding: None Entered.

C12137

20040086

**Charge III. Article 107. Plea: None Entered. Finding: None Entered.**

(b)(6)1; (b)(7)(d)

Specification: On 16 May 2003, with the intent to deceive, make to Special Agent [REDACTED] United States Army Criminal Investigation Division Command, an official statement on a DA Form 2823 Sworn Statement, to wit: that he did not see MSG [REDACTED] kick an EPW in the groin, that he did not see SGT [REDACTED] kick an EPW in the groin, that he did not hold an EPW's ankles while female soldiers kicked the EPW, that he did not drag an EPW to the searching area, that he did not throw EPWs to the ground, and that he did not kick, punch, or do anything unnecessary to any of the EPWs, or see any of the other MPs do anything unnecessary to the EPWs which was then known by the said SSG McKenzie to be so false. Plea: None Entered. Finding: None Entered. (b)(6)-5; (b)(7)(d)

**Charge IV. Article 128. Plea: None Entered. Finding: None Entered.**

(b)(6)-4; (b)(7)(d)

Specification 1: On 12 May 2003, unlawfully drag [REDACTED], an Iraqi prisoner of war, across the ground by his armpits. Plea: None Entered. Finding: None Entered.

(b)(6)-5; (b)(7)(d)

Specification 2: On 12 May 2003, aid and abet Master Sergeant [REDACTED] and Sergeant [REDACTED] in unlawfully kicking [REDACTED], an Iraqi prisoner of war, in the groin, face, abdomen, by holding [REDACTED] leg and encouraging SGT [REDACTED] to kick him. Plea: None Entered. Finding: None Entered. (b)(6)-5; (b)(7)(d)

Specification 3: On 12 May 2003, unlawfully throw [REDACTED], an Iraqi prisoner of war, to the ground on his face, and stepped on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(d)

Specification 4: On 12 May 2003, unlawfully throw [REDACTED] and [REDACTED], an Iraqi prisoner of war, to the ground and strike him on the legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(d)

Specification 5: On 12 May 2003, unlawfully twist the previously injured arm of [REDACTED], causing him to scream in pain. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(d)

**Additional Charge I. Article 134. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, wrongfully endeavor to impeded an investigation by meeting with MSG [REDACTED], SGT [REDACTED], SPC [REDACTED], and others for the purpose of deciding who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003 and by deciding that MSG [REDACTED], SSG Scott McKenzie, and SPC [REDACTED] would take responsibility for the actions of SSG McKenzie's unit at or near Camp Bucca, Iraq on or about 12 May 2003. Plea: None Entered. Finding: None Entered. (b)(6)-5; (b)(7)(d)

GCMO No 10, DA, Third U.S. Army, CFLCC, Camp Doha, Kuwait APO, AE 09304, dated 30 Sep 04 (continued)

**Additional Charge II. Article 81. Plea: None Entered. Finding: None Entered.**

(b)(6)5-(b)(7)5  
Specification: On 16 May 2003, conspire with MSG [REDACTED] SGT [REDACTED] and SPC [REDACTED] commit an offense under the Uniform Code of Military Justice, to wit: Obstruction of Justice, by meeting to decide who would take responsibility for the actions of SSG McKenzie's unit, and in order to effect the object of the conspiracy the said MSG [REDACTED] SSG McKenzie, SGT [REDACTED] and SPC [REDACTED] decided who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003, and that misrepresentations were made. Plea: None Entered. Finding: None Entered. (b)(6)5 (b)(7)5

The accused having been arraigned, the proceedings were terminated on 7 January 2004. All charges and specifications referred are withdrawn and dismissed with prejudice. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF LIEUTENANT GENERAL MCKIERNAN:

**DISTRIBUTION:**

1- SSG Scott A. McKenzie  
1- Military Judge  
1- Defense Counsel  
1- Cdr, 320th Military Police Bn  
1- Cdr, 800th Military Police Bde  
1- PSB, ATTN: Records Section  
1- DFAS  
10- Clerk of Court (JALS-CCZ) 901 N. Stuart St, Arlington, VA 22203-1837  
1- Cdr, USAEREC (PCRE-FS), Fort Benjamin Harrison, IN 46249  
1- Commander, United States Army Reserve Personnel Center, ATTN: DARP-PRD-MP, 9700 Page Boulevard, St. Louis, MO 63132-5200  
1- FORSCOM, ATTN: FCJA-ML, Fort McPherson, GA 30330-6000

[REDACTED]  
SGM, USA  
Chief Paralegal NCO

(b)(6) 2;  
(b)(7) 2-2

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(b)(6)5, (b)(7)E-5

Staff Sergeant Scott A. McKenzie, [REDACTED], US Army, HHG, 320th Military Police Battalion, Camp Bucca, Iraq APO AE 09375, was arraigned at Camp Doha, Kuwait, on the following offenses at a general court-martial convened by Commander, Third U.S. Army, Coalition Forces Land Component Command.

**Charge I. Article 92.      Plea: None Entered.      Finding: None Entered.**

Specification: On 12 May 2003, was derelict in the performance of those duties in that he willfully failed to safeguard from assault or abuse captured Iraqi prisoners of war that he was escorting from Talil Air Base, Iraq, to Camp Bucca, Iraq, as it was his duty to do. Plea: None Entered. Finding: None Entered.

**Charge II. Article 93.      Plea: None Entered.      Finding: None Entered.**

(b)(6)-4; (b)(7)E4

Specification 1: On 12 May 2003, did maltreat [REDACTED] and [REDACTED], a person subject to his orders, by throwing him to the ground striking him on the head and legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)E4

Specification 2: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by dragging him by his armpits across the ground. Plea: None Entered. Finding: None Entered.

(b)(6)4-(b)(7)E4

Specification 3: On 12 May 2003, did aid and abet in the maltreatment of [REDACTED], a person subject to his orders, by holding his legs apart, and by encouraging other soldiers to kick him, while other U.S. soldiers kicked him in the groin, face and abdomen. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)E4

Specification 4: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by throwing him to the ground on his face and stepping on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)4; (b)(7)E4

Specification 5: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by twisting his previously injured arm, causing him to scream in pain. Plea: None Entered. Finding: None Entered.

C12140

20040086

**Charge III. Article 107. Plea: None Entered. Finding: None Entered.**

(b)(6)-5; (b)(7)(C) (b)(6); (b)(7)(C)  
Specification: On 16 May 2003, with the intent to deceive, make to Special Agent [REDACTED] United States Army Criminal Investigation Division Command, an official statement on a DA Form 2823 Sworn Statement, to wit: that he did not see MSG [REDACTED] kick an EPW in the groin, that he did not see SGT [REDACTED] kick an EPW in the groin, that he did not hold an EPW's ankles while female soldiers kicked the EPW, that he did not drag an EPW to the searching area, that he did not throw EPWs to the ground, and that he did not kick, punch, or do anything unnecessary to any of the EPWs, or see any of the other MPs do anything unnecessary to the EPWs which was then known by the said SSG McKenzie to be so false. Plea: None Entered. Finding: None Entered.

**Charge IV. Article 128. Plea: None Entered. Finding: None Entered.**

(b)(6)-4; (b)(7)(C)  
Specification 1: On 12 May 2003, unlawfully drag [REDACTED] an Iraqi prisoner of war, across the ground by his armpits. Plea: None Entered. Finding: None Entered.

(b)(6)-5; (b)(7)(C) (b)(6)-5; (b)(7)(C)  
Specification 2: On 12 May 2003, aid and abet Master Sergeant [REDACTED] and Sergeant [REDACTED] in unlawfully kicking [REDACTED] an Iraqi prisoner of war, in the groin, face, abdomen, by holding [REDACTED] leg and encouraging SGT [REDACTED] to kick him. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C)

(b)(6)-4; (b)(7)(C)  
Specification 3: On 12 May 2003, unlawfully throw [REDACTED], an Iraqi prisoner of war, to the ground on his face, and stepped on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)  
Specification 4: On 12 May 2003, unlawfully throw [REDACTED] and [REDACTED] an Iraqi prisoner of war, to the ground and strike him on the legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)  
Specification 5: On 12 May 2003, unlawfully twist the previously injured arm of [REDACTED] causing him to scream in pain. Plea: None Entered. Finding: None Entered.

**Additional Charge I. Article 134. Plea: None Entered. Finding: None Entered.**

(b)(6)-5; (b)(7)(C)  
Specification: On 16 May 2003, wrongfully endeavor to impeded an investigation by meeting with MSG [REDACTED], SGT [REDACTED], SPC [REDACTED], and others for the purpose of deciding who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003 and by deciding that MSG [REDACTED], SSG Scott McKenzie, and SPC [REDACTED] would take responsibility for the actions of SSG McKenzie's unit at or near Camp Bucca, Iraq on or about 12 May 2003. Plea: None Entered. Finding: None Entered.



**Additional Charge II. Article 81. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, conspire with MSG [REDACTED] SGT [REDACTED] and SPC [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: Obstruction of Justice, by meeting to decide who would take responsibility for the actions of SSG McKenzie's unit, and in order to effect the object of the conspiracy the said MSG [REDACTED] SSG McKenzie, SGT [REDACTED] and SPC [REDACTED] decided who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003, and that misrepresentations were made. Plea: None Entered. Finding: None Entered. (b)(6)-5; (b)(7)(D)-5

The accused having been arraigned, the proceedings were terminated on 7 January 2004. All charges and specifications referred are withdrawn and dismissed with prejudice. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF LIEUTENANT GENERAL MCKIERNAN:

**DISTRIBUTION:**

- 1- SSG Scott A. McKenzie
  - 1- Military Judge
  - 1- Defense Counsel
  - 1- Cdr, 320th Military Police Bn
  - 1- Cdr, 800th Military Police Bde
  - 1- PSB, ATTN: Records Section
  - 1- DFAS
  - 10- Clerk of Court (JALS-CCZ) 901 N. Stuart St, Arlington, VA 22203-1837
  - 1- Cdr, USAEREC (PCRE-FS), Fort Benjamin Harrison, IN 46249
  - 1- Commander, United States Army Reserve Personnel Center, ATTN: DARP-PRD-MP, 9700 Page Boulevard, St. Louis, MO 63132-5200
  - 1- FORSCOM, ATTN: FCJA-ML, Fort McPherson, GA 30330-6000
- [REDACTED] (b)(6)-2; (b)(7)(D)-2
- SGM, USA  
Chief Paralegal NCO

**DEPARTMENT OF THE ARMY**  
Third United States Army  
United States Army Forces Central Command  
Coalition Forces Land Component Command  
Camp Doha, Kuwait  
APO AE 09304

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30 September 2004

10 (b)(6)S, (b)(7)(e)S

Staff Sergeant Scott A. McKenzie, [REDACTED], US Army, HHG, 320th Military Police Battalion, Camp Bucca, Iraq APO AE 09375, was arraigned at Camp Doha, Kuwait, on the following offenses at a general court-martial convened by Commander, Third U.S. Army, Coalition Forces Land Component Command.

**Charge I. Article 92. Plea: None Entered. Finding: None Entered.**

Specification: On 12 May 2003, was derelict in the performance of those duties in that he willfully failed to safeguard from assault or abuse captured Iraqi prisoners of war that he was escorting from Talil Air Base, Iraq, to Camp Bucca, Iraq, as it was his duty to do. Plea: None Entered. Finding: None Entered.

**Charge II. Article 93. Plea: None Entered. Finding: None Entered.**

(b)(6)-4; (b)(7)(e)S

Specification 1: On 12 May 2003, did maltreat [REDACTED] and [REDACTED] a person subject to his orders, by throwing him to the ground striking him on the head and legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(e)S

Specification 2: On 12 May 2003, did maltreat [REDACTED] a person subject to his orders, by dragging him by his armpits across the ground. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(e)S

Specification 3: On 12 May 2003, did aid and abet in the maltreatment of [REDACTED] a person subject to his orders, by holding his legs apart, and by encouraging other soldiers to kick him, while other U.S. soldiers kicked him in the groin, face and abdomen. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(e)S

Specification 4: On 12 May 2003, did maltreat [REDACTED] a person subject to his orders, by throwing him to the ground on his face and stepping on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(e)S

Specification 5: On 12 May 2003, did maltreat [REDACTED] a person subject to his orders, by twisting his previously injured arm, causing him to scream in pain. Plea: None Entered. Finding: None Entered.

012143

20040086

**Charge III. Article 107. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, with the intent to deceive, make to Special Agent [REDACTED] (b)(6)-1; (b)(7)(C)1 United States Army Criminal Investigation Division Command, an official statement on a DA (b)(6)-5 Form 2823 Sworn Statement, to wit: that he did not see MSG [REDACTED] kick an EPW in the (b)(7)(C)5 groin, that he did not see SGT [REDACTED] kick an EPW in the groin, that he did not hold an EPW's ankles while female soldiers kicked the EPW, that he did not drag an EPW to the searching area, that he did not throw EPWs to the ground, and that he did not kick, punch, or do anything unnecessary to any of the EPWs, or see any of the other MPs do anything unnecessary to the EPWs which was then known by the said SSG McKenzie to be so false. Plea: None Entered. Finding: None Entered.

**Charge IV. Article 128. Plea: None Entered. Finding: None Entered.**

Specification 1: On 12 May 2003, unlawfully drag [REDACTED] (b)(6)-4 (b)(7)(C)4 an Iraqi prisoner of war, across the ground by his armpits. Plea: None Entered. Finding: None Entered.

(b)(6)-5; (b)(7)(C)5 Specification 2: On 12 May 2003, aid and abet Master Sergeant [REDACTED] and Sergeant [REDACTED] (b)(6)-5 (b)(7)(C)5 in unlawfully kicking [REDACTED] an Iraqi prisoner of war, in the groin, face, abdomen, by holding [REDACTED]'s leg and encouraging SGT [REDACTED] to kick him. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C)4

Specification 3: On 12 May 2003, unlawfully throw [REDACTED] (b)(6)-4; (b)(7)(C)4, an Iraqi prisoner of war, to the ground on his face, and stepped on his previously injured arm. Plea: None Entered. Finding: None Entered.

Specification 4: On 12 May 2003, unlawfully throw [REDACTED] (b)(6)-4; (b)(7)(C)4 and [REDACTED] an Iraqi prisoner of war, to the ground and strike him on the legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

Specification 5: On 12 May 2003, unlawfully twist the previously injured arm of [REDACTED] (b)(6)-4; (b)(7)(C)4, causing him to scream in pain. Plea: None Entered. Finding: None Entered.

**Additional Charge I. Article 134. Plea: None Entered. Finding: None Entered.**

(b)(6)-5; (b)(7)(C)5 Specification: On 16 May 2003, wrongfully endeavor to impeded an investigation by meeting with MSG [REDACTED], SGT [REDACTED], SPC [REDACTED], and others for the purpose of deciding who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003 and by deciding that MSG [REDACTED], SSG Scott McKenzie, and SPC [REDACTED] would take responsibility for the actions of SSG McKenzie's unit at or near Camp Bucca, Iraq on or about 12 May 2003. Plea: None Entered. Finding: None Entered.

GCMO No 10, DA, Third U.S. Army, CFLCC, Camp Doha, Kuwait APO, AE 09304, dated 30 Sep 04 (continued)

**Additional Charge II. Article 81. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, conspire with MSG [REDACTED], SGT [REDACTED] and SPC [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: Obstruction of Justice, by meeting to decide who would take responsibility for the actions of SSG McKenzie's unit, and in order to effect the object of the conspiracy the said MSG [REDACTED], SSG McKenzie, SGT [REDACTED], and SPC [REDACTED] decided who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003, and that misrepresentations were made. Plea: None Entered. Finding: None Entered.

The accused having been arraigned, the proceedings were terminated on 7 January 2004. All charges and specifications referred are withdrawn and dismissed with prejudice. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF LIEUTENANT GENERAL MCKIERNAN:

**DISTRIBUTION:**

1- SSG Scott A. McKenzie  
1- Military Judge  
1- Defense Counsel  
1- Cdr, 320th Military Police Bn  
1- Cdr, 800th Military Police Bde  
1- PSB, ATTN: Records Section  
1- DFAS  
10- Clerk of Court (JALS-CCZ) 901 N. Stuart St, Arlington, VA 22203-1837  
1- Cdr, USAEREC (PCRE-FS), Fort Benjamin Harrison, IN 46249  
1- Commander, United States Army Reserve Personnel Center, ATTN: DARP-PRD-MP, 9700 Page Boulevard, St. Louis, MO 63132-5200  
1- FORSCOM, ATTN: FCJA-ML, Fort McPherson, GA 30330-6000

[REDACTED]  
SGM, USA  
Chief Paralegal NCO

**DEPARTMENT OF THE ARMY**  
Third United States Army  
United States Army Forces Central Command  
Coalition Forces Land Component Command  
Camp Doha, Kuwait  
APO AE 09304

GENERAL COURT MARTIAL ORDER  
NUMBER

30 September 2004

10 (b)(6)-5; (b)(7)(C)-5  
Staff Sergeant Scott A. McKenzie, [REDACTED] US Army, HHG, 320th Military Police Battalion, Camp Bucca, Iraq APO AE 09375, was arraigned at Camp Doha, Kuwait, on the following offenses at a general court-martial convened by Commander, Third U.S. Army, Coalition Forces Land Component Command.

**Charge I. Article 92. Plea: None Entered. Finding: None Entered.**

Specification: On 12 May 2003, was derelict in the performance of those duties in that he willfully failed to safeguard from assault or abuse captured Iraqi prisoners of war that he was escorting from Talil Air Base, Iraq, to Camp Bucca, Iraq, as it was his duty to do. Plea: None Entered. Finding: None Entered.

**Charge II. Article 93. Plea: None Entered. Finding: None Entered. (b)(6)-4; (b)(7)(C)-4**

Specification 1: On 12 May 2003, did maltreat [REDACTED] and [REDACTED], a person subject to his orders, by throwing him to the ground striking him on the head and legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)-4  
Specification 2: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by dragging him by his armpits across the ground. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)-4  
Specification 3: On 12 May 2003, did aid and abet in the maltreatment of [REDACTED], a person subject to his orders, by holding his legs apart, and by encouraging other soldiers to kick him, while other U.S. soldiers kicked him in the groin, face and abdomen. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)-4  
Specification 4: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by throwing him to the ground on his face and stepping on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)-4; (b)(7)(C)-4  
Specification 5: On 12 May 2003, did maltreat [REDACTED], a person subject to his orders, by twisting his previously injured arm, causing him to scream in pain. Plea: None Entered. Finding: None Entered.

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**Charge III. Article 107. Plea: None Entered. Finding: None Entered.**

(b)(6)1-(b)(7)(D)

Specification: On 16 May 2003, with the intent to deceive, make to Special Agent [REDACTED] United States Army Criminal Investigation Division Command, an official statement on a DA Form 2823 Sworn Statement, to wit: that he did not see MSG [REDACTED] kick an EPW in the groin, that he did not see SGT [REDACTED] kick an EPW in the groin, that he did not hold an EPW's ankles while female soldiers kicked the EPW, that he did not drag an EPW to the searching area, that he did not throw EPWs to the ground, and that he did not kick, punch, or do anything unnecessary to any of the EPWs, or see any of the other MPs do anything unnecessary to the EPWs which was then known by the said SSG McKenzie to be so false. Plea: None Entered. Finding: None Entered.

(b)(6)5-  
(b)(7)(E)5

**Charge IV. Article 128. Plea: None Entered. Finding: None Entered.**

(b)(6)-4, (b)(7)(D)4

Specification 1: On 12 May 2003, unlawfully drag [REDACTED] an Iraqi prisoner of war, across the ground by his armpits. Plea: None Entered. Finding: None Entered.

(b)(6)-5, (b)(7)(E)5

Specification 2: On 12 May 2003, aid and abet Master Sergeant [REDACTED] and Sergeant [REDACTED] in unlawfully kicking [REDACTED] an Iraqi prisoner of war, in the groin, face, abdomen, by holding [REDACTED] s leg and encouraging SGT [REDACTED] to kick him. Plea: None Entered. Finding: None Entered.

(b)(6)5-  
(b)(7)(E)5

(b)(6)-4;  
(b)(7)(D)4

(b)(6)4-(b)(7)(E)4

Specification 3: On 12 May 2003, unlawfully throw [REDACTED] an Iraqi prisoner of war, to the ground on his face, and stepped on his previously injured arm. Plea: None Entered. Finding: None Entered.

(b)(6)4-(b)(7)(D)4

Specification 4: On 12 May 2003, unlawfully throw [REDACTED] and [REDACTED] an Iraqi prisoner of war, to the ground and strike him on the legs as he walked to the in-processing tent. Plea: None Entered. Finding: None Entered.

(b)(6)-4, (b)(7)(D)4

Specification 5: On 12 May 2003, unlawfully twist the previously injured arm of [REDACTED] causing him to scream in pain. Plea: None Entered. Finding: None Entered.

**Additional Charge I. Article 134. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, wrongfully endeavor to impeded an investigation by meeting with MSG [REDACTED] SGT [REDACTED] SPC [REDACTED] and others for the purpose of deciding who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003 and by deciding that MSG [REDACTED] SSG Scott McKenzie, and SPC [REDACTED] would take responsibility for the actions of SSG McKenzie's unit at or near Camp Bucca, Iraq on or about 12 May 2003. Plea: None Entered. Finding: None Entered.

(b)(6)5-  
(b)(7)(E)5

**Additional Charge II. Article 81. Plea: None Entered. Finding: None Entered.**

Specification: On 16 May 2003, conspire with MSG [REDACTED] SGT [REDACTED] and SPC [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: Obstruction of Justice, by meeting to decide who would take responsibility for the actions of SSG McKenzie's unit, and in order to effect the object of the conspiracy the said MSG [REDACTED] SSG McKenzie, SGT [REDACTED] and SPC [REDACTED] decided who would take responsibility for the actions of SSG McKenzie's unit and to misrepresent what occurred on or near Camp Bucca, Iraq on or about 12 May 2003, and that misrepresentations were made. Plea: None Entered. Finding: None Entered.

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

The accused having been arraigned, the proceedings were terminated on 7 January 2004. All charges and specifications referred are withdrawn and dismissed with prejudice. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF LIEUTENANT GENERAL MCKIERNAN:

[REDACTED]

(b)(6)2;  
(b)(7)(C)-2

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