

Mr Army G3/AOC

(b)(6)-2

From: [redacted] MAJ PMG (b)(6)-2
Sent: Thursday, May 20, 2004 8:06 AM
To: [redacted] Ryder, Donald J MG PMG/CID
Cc: [redacted] COL; [redacted]; [redacted] SGM PMG; [redacted] Mr PMG
Subject: PMG Senate Hearing Remarks (b)(6)-2

Attachments: Senate Hearing PMG Remarks v2.doc; Senate Hearing PMG Remarks v1.doc

Sir, here are two proposed copies of your remarks: V2 is the full version with "inside" and "outside" investigations followed by closing remarks; V1 is the short version with closing remarks following the "inside" investigations with the "outside" investigations as backup (same as your HASC briefing). Otherwise both briefings are identical.

All content changes have been made; we standby to make additional changes.

Break: [redacted] although I am confident in the CID numbers -- please run one more sanity check.

thx, [redacted] (b)(6)-2
[redacted] (b)(6)-2



Senate Hearing PMG Remarks v2...PMG Remarks v1....

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016006

BRIEFING TO SENATE ARMS SERVICE COMMITTEE

CHAIRMAN WARNER, SENATOR LEVIN, AND DISTINGUISHED MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY TO BE HERE TODAY TO BRIEF YOU REGARDING THE ACTIONS TAKEN BY THE ARMY'S CRIMINAL INVESTIGATION COMMAND IN RESPONSE TO ALLEGATIONS OF DETAINEE ABUSE AND THE DEATH OF DETAINEES WHILE IN US CUSTODY.

I KNOW EVERYONE HERE TODAY APPRECIATES THAT BECAUSE OF OUR POSITIONS, WE MUST BE CAUTIOUS THAT WE DON'T SAY OR IMPLY ANYTHING THAT MIGHT ADVERSELY AFFECT ANY PENDING INVESTIGATIONS OR LEGAL MATTERS.

MR. CHAIRMAN, MY INTENT TODAY IS TO BRIEF CID INVESTIGATIONS INTO ALLEGED DETAINEE ABUSE. AS I AM SURE WE ALL APPRECIATE, INVESTIGATIONS ARE BEING CONDUCTED AMIDST THE CHALLENGES OF A WAR IN WHICH US AND COALITION FORCES HAVE CAPTURED, PROCESSED, AND DETAINED OVER 45,000 SUSPECTED TERRORISTS, INSURGENTS, AND CRIMINALS ACROSS MORE THAN 30 SEPARATE US DETENTION FACILITIES AND US SUPPORTED IRAQI JAILS. TO DATE, WE HAVE RELEASED OVER 35,000 DETAINEES FROM US CONTROL.

016007

AGAINST THIS BACKDROP, ARMY CID IS CURRENTLY CONDUCTING 69 CRIMINAL INVESTIGATIONS OF ALLEGED DETAINEE ABUSE AND DEATHS IN IRAQ AND AFGHANISTAN.

42 OF THE 69 CASES INVOLVE INCIDENTS IN DETENTION FACILITIES. THESE CASES CAN BE SUBDIVIDED INTO:

30 DEATH INVESTIGATIONS.

12 SOLDIER MISCONDUCT INVESTIGATIONS.

15 OF THE 30 DEATH INVESTIGATIONS ARE NATURAL OR UNDETERMINED DEATHS. MOST OF THESE 15 CASES INVOLVE EITHER VERIFIED OR SUSPECTED NATURAL CAUSES SUCH AS HEART ATTACKS. 10 HAVE BEEN SUBSTANTIATED BY AUTOPSIES AND 5 BY MEDICAL DEATH CERTIFICATES.

4 OF THE 30 DEATH INVESTIGATIONS ARE JUSTIFIABLE HOMICIDE. ALL FOUR OF THESE CASES INVOLVE DISTURBANCES AT FACILITIES WHERE SOLDIERS FOLLOWED EXISTING RULES OF ENGAGEMENT (ROE) TO PREVENT A BREACH OF THE PERIMETER OR PROTECT GUARDS FROM GRIEVOUS BODILY HARM OR DEATH. 2 OF THE 30 DEATH INVESTIGATIONS ARE HOMICIDES. ONE INVOLVES A SOLDIER NOT FOLLOWING THE ROE, WHO SHOT AND KILLED A DETAINEE WHO WAS THROWING ROCKS AT HIM. CID TURNED OVER THE SECOND CASE FOR INVESTIGATION BY OTHER GOVERNMENT AGENCIES.

016008

THE 9 REMAINING DEATH CASES ARE STILL ACTIVE PENDING INVESTIGATIONS. 8 OF THESE CASES ARE CLASSIFIED AS HOMICIDES, WHICH INVOLVE A SUSPECTED ASSAULT OF DETAINEES BEFORE OR DURING INTERROGATION SESSIONS THAT MAY HAVE CONTRIBUTED TO THEIR DEATHS. PLEASE ALLOW ME TO CLARIFY THE TERM HOMICIDE. THE NATIONAL ASSOCIATION OF MEDICAL EXAMINERS CLASSIFIES DEATH AS ONE OF FIVE CATEGORIES: NATURAL, ACCIDENTAL, SUDICIDE, HOMICIDE, AND UNDETERMINED. "HOMICIDE IS DEFINED AS A DEATH THAT RESULTS FROM THE VOLITIONAL ACT COMMITTTED BY ANOTHER PERSON TO CAUSE FEAR, HARM, OR DEATH." I MUST EMPHASIZE, AS USED BY MEDICAL EXAMINERS, "IT IS A NEUTRAL TERM AND NEITHER INDICATES NOR IMPLIES CRIMINAL INTENT." THE REMAINING CASE IS BELIEVED TO BE A NATURAL DEATH CASE, PENDING FINAL AUTOPSY RESULTS.

ADDITIONALLY, THERE ARE 12 OTHER SOLDIER MISCONDUCT CASES. 10 ARE ASSAULTS. THESE CASES INVOLVE SOLDIERS PHYSICALLY ASSAULTING (KICKING, PUNCHING, THREATENING) DETAINEES. AN EXTREME EXAMPLE OF THESE TYPES OF CASES IS THE CURRENT ABU GHRAIB CASE. THE REMAINING 2 ARE SEXUAL ASSAULTS. IN THE FIRST CASE, SOLDIERS KISSED AND PARTIALLY UNDRESSED A FEMALE DETAINEE. THE SECOND AND NEWEST CASE OCCURRED IN GARDEZ, AF, WHERE A MALE AFGHAN POLICE COLONEL REPORTED TO THE PRESS THAT HE WAS SEXUALLY ASSAULTED.

016009

NOW ALLOW ME TO TRANSITION FROM INVESTIGATIONS OF INCIDENTS INSIDE TO THOSE THAT OCCURRED OUTSIDE DETENTION FACILITIES. 27 OF THE 69 CID INVESTIGATIONS INVOLVE DETAINEE ABUSE AND DEATH OUTSIDE OF DETENTION FACILITIES. THESE CASES CAN BE SUBDIVIDED INTO:

3 DEATH INVESTIGATIONS.

24 SOLDIER MISCONDUCT INVESTIGATIONS.

1 OF THE 3 DEATH CASES IS A HOMICIDE INVOLVING A SOLDIER WHO SHOT AND KILLED AN AFGHAN WHO ALLEGEDLY LUNGED TOWARDS A WEAPON. THE REMAINING 2 CASES ARE STILL ACTIVE PENDING INVESTIGATIONS: ONE INVOLVES AN IRAQI NATIONAL WHO APPARENTLY DROWNED AFTER HE WAS FORCED OFF OF A BRIDGE. THE SECOND INVOLVES A SOLDIER WHO SHOT AND KILLED AN IRAQI WHEN THE IRAQI ALLEGEDLY LUNGED AT A SERGEANT WHO WAS ESCORTING HIM.

OF THE 24 SOLDIER MISCONDUCTS, 6 ARE ASSAULTS AND 18 ARE THEFTS. THE ASSAULTS INVOLVE SOLDIERS WHO EITHER PHYSICALLY STRUCK IRAQI DETAINEES WITH FISTS OR FEET, OR FIRED A WEAPON AT OR NEAR A DETAINEE. THE 18 THEFTS INVOLVE SOLDIERS WHO AT VARIOUS LOCATIONS, (E.G., CHECKPOINTS) STOLE MONEY OR PROPERTY FROM IRAQIS.

IN ADDITION TO THE 69 CID INVESTIGATIONS, THERE ARE 22 UNIT AR 15-6 INVESTIGATIONS INTO ALLEGED DETAINEE ABUSE.

016010

TOGETHER, CID AND UNIT INVESTIGATIONS ACCOUNT FOR 91
TOTAL ARMY INVESTIGATIONS.

MR. CHAIRMAN THIS CONCLUDES MY SUMMARY OF ARMY CID
INVESTIGATIONS INTO ALLEGATIONS OF DETAINEE ABUSE. I AM
PREPARED TO TAKE ANY QUESTIONS YOU HAVE.

016011