

[REDACTED] Mr Army G3/AOC

(b)(6)-2

From: [REDACTED] MAJ PMG (b)(6)-2
Sent: Monday, May 24, 2004 9:36 AM
To: [REDACTED] Mr PMG (b)(6)-2
Subject: Detainee Abuse Information Campaign

Attachments: Senate Hearing PMG Remarks v4.doc; CG's proposed press release v4.doc



Senate Hearing PMG Remarks v4....
CG's proposed press release v4...

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016047

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. THESE INVESTIGATIONS WERE INITIATED, A NUMBER OF WHICH ARE STILL BEING CONDUCTED, AMIDST THE CHALLENGES OF A WAR IN WHICH U.S. AND COALITION FORCES CAPTURED, PROCESSED, AND DETAINED OVER 45,000 SUSPECTED TERRORISTS, INSURGENTS, AND CRIMINALS ACROSS MORE THAN 30 SEPARATE U.S. DETENTION FACILITIES AND U.S. SUPPORTED IRAQI JAILS. TO DATE, WE HAVE RELEASED OVER 35,000 DETAINEES FROM U.S. CONTROL.

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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 OF THE 15 DEATHS HAVE BEEN SUBSTANTIATED BY FULL AUTOPSIES BY THE OFFICE OF THE ARMED FORCES MEDICAL EXAMINER.

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 AN OTHER GOVERNMENT AGENCY.

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THE 9 REMAINING DEATH CASES ARE STILL ACTIVE PENDING INVESTIGATIONS. 8 OF THESE CASES INVOLVE DEATHS THAT ARE CLASSIFIED BY MEDICAL AUTHORITIES 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 MOST RECENT CASE OCCURRED IN GARDEZ, AF, WHERE A MALE AFGHAN POLICE COLONEL REPORTED TO THE PRESS THAT HE WAS SEXUALLY ASSAULTED.

016050

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 MURDER CASE 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 ALLEGEDLY 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.

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

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

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

30 DEATH INVESTIGATIONS.

12 SOLDIER MISCONDUCT INVESTIGATIONS.

FIFTEEN 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. TEN OF THE 15 DEATHS HAVE BEEN SUBSTANTIATED BY FULL AUTOPSIES BY THE OFFICE OF THE ARMED FORCES MEDICAL EXAMINER.

FOUR 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. TWO 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 AN OTHER GOVERNMENT AGENCY.

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THE NINE REMAINING DEATH CASES ARE STILL ACTIVE PENDING INVESTIGATIONS. EIGHT OF THESE CASES INVOLVE DEATHS THAT ARE CLASSIFIED BY MEDICAL AUTHORITIES AS HOMICIDES, WHICH INVOLVE A SUSPECTED ASSAULT OF DETAINEES BEFORE OR DURING INTERROGATION SESSIONS THAT MAY HAVE CONTRIBUTED TO THEIR DEATHS. 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." 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. TEN 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 TWO ARE SEXUAL ASSAULTS. IN THE FIRST CASE, SOLDIERS KISSED AND PARTIALLY UNDRESSED A FEMALE DETAINEE. THE SECOND AND MOST RECENT CASE OCCURRED IN GARDEZ, AF, WHERE A MALE AFGHAN POLICE COLONEL REPORTED TO THE PRESS THAT HE WAS SEXUALLY ASSAULTED.

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TWENTY-SEVEN 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.

ONE OF THE THREE DEATH CASES IS A MURDER CASE INVOLVING
A SOLDIER WHO SHOT AND KILLED AN AFGHAN WHO
ALLEGEDLY LUNGED TOWARDS A WEAPON. THE REMAINING
TWO 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, SIX 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.

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