

4 May 2004

EXECUTIVE SUMMARY

(U) Army Reserve MP Soldiers – Pending UCMJ prosecutions / investigations

*Background: Over the past year, reports of misconduct by Military Police (MP) Soldiers assigned to guard Enemy Prisoners of War (EPWs), detainees, and other Persons Under Control (PUC), have arisen in the CENTCOM AOR. Details of these cases we know of are listed below. The fact that multiple cases have occurred creates an appearance we have a systemic problem requiring correction and also creates the potential for public affairs problems since most of the MPs are from the Army Reserve.*

On 11 March 2004, LTG Helmly directed the USARC IG to perform an Army Reserve-wide assessment--with a focus on MP and Military Intelligence (MI) units -- regarding their training and leadership in the areas of the "Law of Land Warfare / Detainee Treatment Requirements / Ethics / Leadership." This assessment will also address any systemic deficiencies that might be raised by these cases. USARC IG (COL [REDACTED]) recently stated an interim report is expected to become available at about December 2004.

**Known cases of USAR MPs "detainee abuse" cases that were or are being investigated or charged with a view towards trial by Court-Martial appear below.**

• **800th MP Brigade (and subordinate units):** A 4 May 2004 EXSUM prepared by the CJTF-7 OSJA is attached. It describes the disciplinary actions taken to date with respect to misconduct that was also documented in a 15 March 2004 CFLCC AR 15-6 Investigation completed by MG Antonio Taguba. All of the Army Reserve MPs charged in this case are assigned to the 372nd MP Co., Cumberland, MD (99th RRC). The HQs, 800th MP Bde is a Uniondale, NY unit that is part of the 77th RRC.

• **377th MP Company (Bagram, Afghanistan):** LTG Helmly directed the USAR-wide IG assessment in response to a series of US Army Criminal Investigation Command (CID) investigations (all essentially completed by Feb. 2004) into the deaths of two PUCs at the Bagram Airfield, Afghanistan in Dec 2002. A subsequent U.S. military autopsy listed "homicide" as the cause of these deaths. The following Soldiers assigned to the 377th MP Co. (Cincinnati, OH with a detachment in Bloomington, IN - part of the 88th RRC) have been administratively "flagged" since February 2004 with a view towards UCMJ prosecution. The unit returned from Afghanistan in March 2003. It is unknown at this time what "tour awards" were issued to these Soldiers.

- SGT [REDACTED]
- SPC [REDACTED]
- SGT [REDACTED]
- [REDACTED]
- SSG [REDACTED]
- SGT [REDACTED]
- SGT [REDACTED]
- SSG [REDACTED]
- SPC [REDACTED]
- SGT [REDACTED]
- SPC [REDACTED]
- SPC [REDACTED]
- SSG [REDACTED]
- SGT [REDACTED]
- SPC [REDACTED]

*Note: Two other Soldiers assigned to the 377 Military Police Company at the time of these suspected offense have since entered the Active Army. Both have been also been "flagged" in connection with this series of investigations: SGT [REDACTED] is currently on AD in Germany; and, a SGT [REDACTED] was known to be on AD at Ft. Riley, KS in Feb 2004. Active Duty MI Soldiers assigned to XVIII Airborne Corps were also "flagged" as a result of these CID investigations.*

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Detachment 4, 320th MP Bn (Ashley, PA / 99th RRC): The following four Army Reserve MP Soldiers were all administratively discharged from the Army prior to their scheduled Jan 2004 courts-martial for offenses that occurred in connection with general "camp security" at **Camp Bucca, Iraq** duties and were not associated with interrogations. These dispositions were all due to pretrial agreements that avoided trial by court-martial (and the possibility of a felony conviction) for the Soldiers concerned.

**MSG** [REDACTED]

- Charged with dereliction of duty (Art. 92, UCMJ) for failing to safeguard EPWs within her control from assault and abuse. Also charged with maltreatment of an Iraqi detainee (Art. 93, UCMJ) by knocking him to the ground, repeatedly kicking him and encouraging subordinates to do the same.
- Received Article 15 NJP from BG Diamond, CG, 143d TRANSCOM, on 11 December 2003. Punishment was 30 days extra duty, 30 days restriction and forfeiture of \$1, 671.00 a month for two months. No appeal was taken.
- An involuntary separation action (UP Ch. 14, AR 635-200) was then initiated for serious misconduct. MSG [REDACTED] waived board appearance and BG Diamond then directed separation with an Other Than Honorable discharge and reduction to PVT (E-1).

**SSG** [REDACTED]

- Charged with dereliction of duty (Art. 92, UCMJ) for failing to safeguard EPWs within his control from assault and abuse. Also charged with three specifications of maltreatment of an Iraqi detainee (Art. 93, UCMJ) by dragging him across the ground by the armpits, holding his legs apart and encouraging others to kick him in the groin and stepping on his previously injured arm. Also charged with making a false sworn statement to a CID Agent (Art. 107, UCMJ).
- Received Article 15 NJP from CG, 143d TRANSCOM, on 11 December 2003. Punishment was 30 days extra duty, 30 days restriction, forfeiture of \$1141.00 per month for two months and reduction to SGT. No appeal was taken. (b)(6) 5
- An involuntary separation action (UP Ch. 14, AR 635-200) was then initiated for serious misconduct. SSG [REDACTED] waived appearance before a board and BG Diamond then directed that SSG [REDACTED] be separated with a General, Under Honorable Conditions discharge.

**SPC** [REDACTED]

- Charged dereliction of duty (Art. 92, UCMJ) for failing to safeguard EPWs within his control from assault and abuse. Two specifications of maltreatment of an Iraqi detainee (Art. 93, UCMJ) by holding his legs apart while others kicked him in the groin and twisting his previously injured arm. Also charged with making a false sworn statement to a CID Agent (art. 107, UCMJ).
- Received Article 15 NJP from CG, 143d TRANSCOM, on 11 December 2003. Punishment was 30 days extra duty, 30 days restriction and forfeiture of \$575 per month for tow months and reduction to PVT. No appeal was taken.
- An involuntary separation action (UP Ch. 14, AR 635-200) was then initiated. SPC [REDACTED] was not entitled to a board due to limited time in service. BG Diamond then directed separation with a General, Under Honorable Conditions discharge.

**SGT** [REDACTED]

- Charged with dereliction of duty (Art. 92, UCMJ) for failing to safeguard EPWs within her control and also charged with maltreatment of an Iraqi detainee (Art. 93, UCMJ).
- Requested discharge in lieu of court-martial UP Chapter 10, AR 635-200. LTG McKiernan approved the Chapter 10 discharge on 8 November 2003 and reduced this Soldier to PVT (E-1) and separated her with an Other Than Honorable discharge.

USARC OSJA POCs are LTC [REDACTED] Acting Chief, Military Law (404) [REDACTED] and LTC [REDACTED], (404) [REDACTED]

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