

DEPARTMENT OF THE ARMY
800TH MILITARY POLICE BRIGADE
CAMP BUCCA, IRAQ
APO AE 09366

AFRC-CMN-MPCA

17 April, 2003

MEMORANDUM FOR COL [REDACTED] (b)(6) 2

SUBJECT: Commanders Inquiry of the Shooting of an EPW by SPC [REDACTED] b6-5
[REDACTED] that was ordered by MSG [REDACTED] on 13 April, 2003

Background

On 13 April, 2003 at around 0430 Zulu, the compound containing officer EPW's called for a hunger strike. Several of the other compounds did not want to participate. As a result, EPW's began throwing rocks at other EPW's. This soon led to rocks being thrown at the MP's stationed in the compound. Prisoners began attempting to exit through the sally port doors. All available soldiers were alerted and brought down to the compound to reinforce existing guards. A plan was developed to retake control of the compound. The quick reaction force together with additional MP's were to be divided into two groups with the intent of clearing the compound from opposite ends and meeting in the middle. Prisoners would be pushed back out of the runway and into the back of each compound. Once in the compound the EPW's would be disarmed of any boards or weapons they had developed. Each pen contains approximately 500 EPW's.

Facts

The EPW's in pen number 8 were making an attempt to exit their compound via the sally port gate. The gate door is narrow to allow only one person through at a time. This created a "bottle neck" with a small number of EPW's outside of the pen and a larger number on the inside pushing to get out. A number of MP's reported that the EPW's were attempting to grab soldier equipment that had been grounded outside the compound door. In particular, a pistol belt with a holster attached to it and a NBC JLIST bag. It was not clear to the soldiers whether the holster had a weapon in it or not. MSG [REDACTED] b6-5 had authority to use lethal force delegated to her from the SGM of the 320th MP BN. [REDACTED] b6-4

MSG [REDACTED] b6-5, SPC [REDACTED] (b)(6) 5 and other soldiers took cover from flying debris behind a HMVVEE that was parked in front of the compound. MSG [REDACTED] received information that EPW's in pen 8 may have a firearm taken from the soldiers present. She attempted several times to do a sensitive items check over the radio to determine if this was the case, but received no response. At this point a number of EPW's had exited the compound and were attempting to grab equipment. Among this equipment was a JLIST bag and the pistol belt with the holster. There is some confusion as to whether the EPW were pushing out of the compound or returning inside the compound with the equipment they had grabbed. Though, it appears that the small number who had exited the compound with the intent of grabbing equipment were now trying to return to the

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compound with the equipment at the same time that other EPW's were attempting to exit the compound.

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Fearing that the EPW's now had a loaded 9MM pistol and were attempting to exit pen 8 in mass, MSG [redacted] ordered SPC [redacted] to fire one round from his M16A2 into the crowd of EPW's attempting to escape. MSG [redacted] states that she instructed SPC [redacted]

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[redacted] to fire low. There is some confusion as to whether SPC [redacted] was firing at the EPW who actually had the pistol belt (See the sworn statement of CSM [redacted] and SSG [redacted]. However, according to both SPC [redacted] and MSG [redacted], the shot was aimed at the group of EPW's and not one particular individual. No other shots were fired. All the EPW's then returned inside the compound and control was soon restored. After a few minutes other EPW's carried the wounded man out to receive medical attention when it was learned he had been shot in the leg. The EPW's also returned the pistol belt and the JLIST bag. Later, it was learned that the holster did not contain a weapon and that all sensitive items were accounted for.

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Findings

It is my finding that the use of deadly force by SPC [redacted] and MSG [redacted] was justified. While the act of firing a relatively random shot into a crowd of escaping EPW's should only be used as a last resort, this appears to be such a case. If a large number of EPW were allowed to escape they could have quickly overpowered the MP's in the area and gained control of their weapons or taken hostages. MSG [redacted] was correct in assessing that both she and her fellow MP's were in serious danger.

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However, it should be noted that the ROE did not permit a warning shot at the time of this incident. In this situation, a warning shot would likely have had the same effect as the shot placed in the crowd without injuring an EPW. Furthermore, better sensitive item security should also be enforced. It is not uncommon to find weapons placed or stacked only a few feet from the wire or the un-securable sally port door. Such practices led to the confusion on whether the EPW's had obtained a weapon. These weapons are also in the plain sight of the EPW's. The effort made by the EPW's to obtain the pistol belt and the JLIST bag indicate that they believed weapons were kept inside the items.

Attachments:

- DA Form 2823, MSG [redacted]
- DA Form 2823, SPC [redacted]
- DA Form 2823, SGM [redacted]
- DA Form 2823, SSG [redacted]
- DA Form 2823, SGT [redacted]

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[redacted]
CPT, MP, USA

This document is a computer generated copy of the original document turned in to COL [redacted], Deputy Brigade Commander, 800th Military Police Brigade. The signed original and all supporting sworn statements or evidence were turned in to COL [redacted] during May or April 2003 by CPT [redacted] and are not in the possession of the 814th MP Company.

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17 April, 2003

MEMORANDUM FOR COL [REDACTED]

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SUBJECT: Commanders Inquiry of the Shooting of an EPW by SSG [REDACTED]
[REDACTED] on 13 April 2003

Introduction

On 13 April, 2003 at around 0430 Zulu, the compound containing officer EPW's called for a hunger strike. Several of the other compounds did not want to participate. As a result, EPW's began throwing rocks at other EPW's. This soon led to rocks being thrown at the MP's stationed in the compound. Prisoners began attempting to exit through the sally port doors. All available MP's were alerted and brought down to the compound to reinforce existing guards. A plan was developed to retake control of the compound. The quick reaction force together with additional MP's were to be divided into two groups with the intent of clearing the compound from opposite ends and meeting in the middle. Prisoners would be pushed back out of the runway and into each compound. Once in the compound the EPW's would be disarmed of any boards or weapons they had developed. Each pen contains approximately 500 EPW's.

Facts

In pen #9, the QRF and other MP's of the 314th MP CO were pushing the EPW's back into the pen and attempting to disarm them. Once the EPW's were at the rear of the pen, they began throwing rocks, metal tent stakes, bottles filled with sand, and wood from a shower facility they had destroyed.

The MP's began to back up to exit the facility because of the heavy amount of debris being thrown. A problem developed because the gate door is narrow to allow only one person through at a time. Fearing that all the MP's would not be able to exit the facility and that some would be trapped to face the EPW's alone, SSG [REDACTED] and 1SG [REDACTED] drew their M9's and went to the left and right flank respectively to provide cover for the QRF to exit the facility. One EPW kept advancing on the QRF and was swinging what is described as a approximately 5ft long 2x4 board with nails in it. SSG [REDACTED] made eye contact with the EPW and motioned for the EPW to drop the board. SSG [REDACTED] can not recall if he yelled for the EPW to drop the board. The EPW was approximately 6 to 8 feet in front of the QRF line and SSG [REDACTED] was 15 feet from the left of the EPW. As the EPW began to swing the board as if he was going to throw it at the QRF line, SSG [REDACTED] aimed and fired at the EPW striking him in the left arm. SSG [REDACTED] then pointed his M9 at other advancing EPW's, who then turned and ran to the other side of the compound. No other shots were fired. After a few minutes other EPW's carried the wounded man out to receive medical attention.

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Findings

It is my finding that the use of deadly force by SSG [redacted] was justified. The actions of SSG [redacted] led to the situation being resolved without any further injury to MP's or EPW's and helped to regain control of the compound. SSG [redacted] demonstrated restraint by issuing warnings and by only firing one round and allowing the other advancing EPW's to retreat. SSG [redacted] showed his weapon to the EPW and demonstrated an intent to use it. SSG [redacted] does not remember shouting any verbal warnings, though he does remember making eye contact and motioning the EPW to drop the board before firing. However, 1SG [redacted] does remember hearing SSG [redacted] shout verbal orders to the EPW. SSG [redacted] engaged the EPW with the minimum force necessary to counter the hostile act and to protect friendly forces.

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[redacted]
CPT, MP, USA

Attachments:

- DA Form 2823, SSG [redacted]
- DA Form 2823, 1SG [redacted]
- DA Form 2823, SGM [redacted]
- DA Form 2823, SPC [redacted]

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