

EXECUTIVE SUMMARY

(U) Army Reserve 377<sup>th</sup> MP Company Soldiers – Pending UCMJ prosecutions / investigations

Background: Two PUCs (Persons Under Control) died in December 2002 at Bagram Airfield Containment Facility. US Army Criminal Investigation Command (CID) is pursuing investigations concerning these deaths as well as the use of force against other PUCs. An initial and several interim reports were issued by Feb. 2004. A U.S. military autopsy listed "homicide" as the cause of the two deaths. The Soldiers listed below, assigned to the 377th MP Co. (Cincinnati, OH with a detachment in Bloomington, IN - part of the 88th RRC) have been administratively "flagged" since Feb 2004 with a view towards prosecution under the UCMJ. The unit returned from Afghanistan in March 2003.

The following table lists those MPs from the 377<sup>th</sup> MP Company who are currently flagged, and the UCMJ offenses for which they have been cited as subjects thus far in the CID investigation. Investigation continues, particularly with regards to potential charges against the chain of command and possibly charges directly relating to the deaths of the two PUCs (i.e., negligent homicide; involuntary homicide.) There have been changes, additions and some deletions from the list of subjects and charges as interim reports have been issued. Thus this list does **not** represent a final determination of subjects and charges. Offenses listed thus far include: Assault and Battery (Art 128), Maltreatment (Art 93) and False Official Statement (Art 107).

SGT [REDACTED]	False Official Statement
SPC [REDACTED]	Assault and Battery, Maltreatment, False Official Statement
SGT [REDACTED]	Assault and Battery, Maltreatment, False Official Statement
SPC [REDACTED]	Assault and Battery, Maltreatment, False Official Statement
SSG [REDACTED]	Assault and Battery, Maltreatment, False Official Statement
SGT [REDACTED] (b)(6)-5	Assault and Battery, Maltreatment, False Official Statement
SGT [REDACTED]	Assault and Battery, Maltreatment, False Official Statement
SSG [REDACTED]	not yet titled
SPC [REDACTED]	Assault and Battery, Maltreatment (not related to the PUC deaths)
SGT [REDACTED]	Assault and Battery, Maltreatment
SPC [REDACTED]	Assault and Battery, Maltreatment
SPC [REDACTED]	Assault and Battery, Maltreatment, False Official Statement
SSG [REDACTED]	not yet titled; witness
SGT [REDACTED] (b)(6)-5	Assault and Battery, Maltreatment (no longer drilling)
SPC [REDACTED]	Assault and Battery, Maltreatment (not related to the PUC deaths)
SPC [REDACTED]	Assault and Battery, Maltreatment (not related to the PUC deaths)

CID reports that SGT [REDACTED] (b)(6)-3, who is currently on active duty in Mannheim, Germany has recently been cleared and removed from the title box for all offenses.

88<sup>th</sup> OSJA POC: LTC [REDACTED] Deputy SJA, 612- [REDACTED] Cell: [REDACTED] (b)(6)-2

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**EXECUTIVE SUMMARY:**

Detainee Abuse at Baghdad Central Confinement Facility (BCCF), Abu Ghraib

1. **Background:** Court-martial charges were preferred on 20 March 04 against six Army Reserve MP Soldiers for detainee abuse at the Baghdad Central Confinement Facility (BCCF). Art. 32, UCMJ pretrial investigations are complete in three of these cases, the remaining hearings should occur soon. All Soldiers charged were part of the 372d MP Co., an Army Reserve unit (99th RRC) from Cumberland, MD. Two of these Soldiers were prison guards in their civilian capacities. All of the charged Soldiers have been reassigned to HHC, 16th MP Bde. CJTF-7 plans to hold the courts-martial in Iraq.

a. The charges include: (1) indecent acts for ordering detainees to publicly masturbate; (2) maltreatment of subordinates for non-physical abuse for ordering detainees into nude pyramids and taking pictures of the nude detainees; (3) battery for shoving and stepping on detainees; (4) dereliction of duty; and (5) conspiracy to maltreat subordinates. Two NCOs were also charged with aggravated assault for striking detainees with enough force to cause serious injury. One Soldier was charged with desecrating a corpse by taking photos of two dead bodies. No connection between these corpse photos and the crimes committed against the detainees at BCCF.

b. CJTF-7 sent a seventh Soldier pending charges, PFC [REDACTED], to an MP unit at Fort Bragg because she is now pregnant.

*Lynndie England*

c. Some of the abuse was photographed. CID consent searches of personal computers of Soldiers at BCCF found about 100 relevant photos including (1) detainees ordered to masturbate in front of guards and other detainees; (2) detainees ordered to form nude human pyramids; (3) detainees handcuffed to doors or bed frames; and (4) guards sitting or standing on detainees. CID also found short videos of detainees masturbating and being moved into the nude pyramids. On 20 March 2004, BG Kimmit held a press conference and summarized the above information without giving the names or units for the Soldiers concerned.

2. **Current Case Status:**

a. **U.S. v. SSG Ivan Frederick.** The Art. 32 hearing was conducted on 2, 9, and 10 April 04. The Art 32 report was completed on 18 April 04 with a recommendation that all charges proceed to a general court-martial. The accused has retained Mr. Gary Myers as civilian defense counsel. It is anticipated that the Court-Martial convening authority (LTG Sanchez) will refer these charges for trial by general court-martial later this week.

b. **U.S. v. SGT Javal Davis.** The Art. 32 hearing was conducted on 6 April 04 and the report was completed on 15 April 04. The Art. 32 investigating officer recommended all charges proceed to a general court-martial. The convening authority referred charges to a General Court-Martial on 28 April 04.

c. **U.S. v. SPC Megan Ambuhl.** The Art. 32 hearing was completed on 3 May 04 and the Investigating Officer is currently completing his report.

d. **U.S. v. SPC Charles Graner.** The Art. 32 hearing was completed on 26 April 04. The Investigating Officer is completing his report.

e. **U.S. v. SPC Sabrina Harman.** The Art. 32 hearing has been delayed at the request of civilian defense counsel, Mr. Frank Spinner.

f. **U.S. v. SPC Jeremy Sivits.** The Article 32 hearing is now set for 5 May 2004.

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3. Administrative Actions: An AR 15-6 investigation completed on 15 March 04 by MG Taguba, DCG(S), CFLCC, and approved by exception by LTG McKiernan, CG, CFLCC, on 6 April 04, recommended that adverse administrative action be taken against various MP personnel. Implicated MPs were suspended or removed from their positions. All of these Soldiers received redacted copies of the AR 15-6 report (with arrangements made for review of the full investigation) and all of their rebuttals were reviewed by LTG Metz, CJTF-7 Deputy Commanding General. LTG Metz made the following recommendations, which were approved and acted upon by Lieutenant General Sanchez on 1 May 2004:

a. LTC(P) [REDACTED] Cdr, 320th MP Bn (An Army Reserve unit from Ashley, PA – 99th RRC): Relief for Cause, General Officer Memorandum of Reprimand (GOMOR), and Removal from the O-6 Promotion List. LTC [REDACTED] was served with the GOMOR on 1 May 2004, and elected to submit no response.

b. LTC [REDACTED] Joint Interrogation & Debriefing Center LNO – Defer action until Procedure 15 is complete.

c. MAJ [REDACTED] 320th MP Bn S3 - GOMOR.

d. CPT [REDACTED] Cdr, 372d MP Co. - GOMOR. CPT [REDACTED] was served with the GOMOR on 1 May 2004, and has seven days to submit a response.

e. 1LT [REDACTED] Platoon Ldr, 372d MP Co. - Letter of Admonishment. 1LT [REDACTED] was served with the admonishment on 1 May 2004; no response is required.

f. SGM [REDACTED], Operations SGM, 320th MP Bn - Relief for Cause, GOMOR.

g. 1SG [REDACTED] 372d MP Co. - GOMOR. 1SG [REDACTED] was served with the GOMOR on 1 May 2004, and has seven days to submit a response.

h. SFC [REDACTED] Platoon Sergeant, 372 MP Co. - GOMOR. SFC [REDACTED] was served with the GOMOR on 1 May 2004, and has seven days to submit a response.

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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 Ertman) recently stated an interim report is expected to become available at about December 2004.*

**Known cases of USAR MPs "detainee abuse" (aside from those currently associated with the 800th MP Bde / 372d MP Co) that were or are being investigated or charged with a view towards trial by Court-Martial appear below.**

- **377th MP Company (Bagram, Afghanistan):** LTG Helmly directed the USAR-wide IG assessment partially as a result of 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 Feb 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]

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*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.*