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DEPARTMENT OF THE ARMY
10TH MILITARY POLICE BATTALION (CID) (ABN)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
BIAP, IRAQ, APO AE 09335

CIRC-AGCF

26 Jan 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/FINAL/ - 0005-04-CID149 - 83131 - 5C2B/5Y2E/5Y2B/5Y2G

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 24 Nov 2003/1830 - 24 Nov 2003/2000; WING 1A, ISOLATION AREA, BAGHDAD CORRECTIONAL FACILITY, ABU GHURYEB, IRAQ

DATE/TIME REPORTED: 20 Jan 04, 1048

INVESTIGATED BY: SA [REDACTED] SA [REDACTED] b2, b7C-1, b6-4

SUBJECT: 1. (none); [ASSAULT (UNFOUNDED)]; [CRUELTY AND MALTREATMENT (UNFOUNDED)]; [CONDUCT UNBECOMING (UNFOUNDED)]; [FAILURE TO OBEY AN ORDER OR REGULATION (UNFOUNDED)].

VICTIM: 1. [REDACTED] DETAINEE; [REDACTED] M; OTHER; 22; b7C-4, b6-4 (NFI); [ASSAULT (UNFOUNDED)]; [CRUELTY AND MALTREATMENT (UNFOUNDED)].

2. US GOVERNMENT; [CONDUCT UNBECOMING (UNFOUNDED)]; FAILURE TO OBEY AN ORDER OR REGULATION (UNFOUNDED);

INVESTIGATIVE SUMMARY:

About 1048, 20 Jan 04, this office was notified by SGT [REDACTED] b6-4, b7C-4 [REDACTED] 229th Military Police Company, Abu Ghuryeb Prison, b6-4, b7C-4 Abu Ghuryeb, Iraq, that an unknown Captain assaulted a detainee during an inspection at the prison.

Preliminary investigation revealed Military Police (MP) and Military Intelligence personnel were notified by Detainee [REDACTED] b6-4, b7C-4 that a detainee within the isolation area possessed a pistol. Detainee [REDACTED] stated the detainee planned to use a pistol to kill the MP's in an attempt to escape the prison. The MP's were able to subdue the detainee after a brief altercation. The incident was investigated under ROI #0260-03-CID259-61229.

Investigation established the listed offenses did not occur as alleged, when CPT [REDACTED] 372nd MP Company (Co), b6-4, b7C-4 Cumberland, MD (deployed to Abu Ghuryeb Prison, Abu Ghuryeb, Iraq) staged a controlled assault, by pulling Detainee [REDACTED] from his cell b6-4, b7C-4 and into the open area so the other detainees could observe his actions. CPT [REDACTED] gave the appearance he was assaulting Detainee b6-4, b7C-4 [REDACTED] in an attempt to locate additional weapons. b6-4, b7C-4

Detainee [REDACTED] was interviewed and related he was aware of the staged b6-4, b7C-4 event and at no time was he injured by CPT [REDACTED] Detainee [REDACTED] b6-4, b7C-4 stated the event was stage to protect his identity, as he was the one

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who provided the information pertaining to the detainee with the pistol.

CPT [REDACTED] was interviewed and related Detainee [REDACTED] provided b6-4, b7C-4 information regarding a detainee who possessed a pistol and planned to use it against the MP's. CPT [REDACTED] coordinated with Detainee [REDACTED] b6-4, b7C-4 prior to searching all the cells and described the sequence of events with regards to the staged event.

STATUTES

ARTICLE 128, UCMJ: ASSAULT (UNFOUNDED)
ARTICLE 92, UCMJ: FAILURE TO OBEY AN ORDER OR REGULATION (UNFOUNDED)
ARTICLE 133, UCMJ: CONDUCT UNBECOMING OF AN OFFICER (UNFOUNDED)
ARTICLE 93, UCMJ: CRUELTY AND MALTREATMENT (UNFOUNDED)

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigative Report (AIR) of SA [REDACTED] 20 Jan 04, b6-4, b7C-1 documenting the basis for investigation and the interviews of SPC [REDACTED] b6-4, b7C-4 and SGT [REDACTED] b6-4, b7C-4
2. Sworn Statement of SPC [REDACTED] 20 Jan 04, detailing his b6-4, b7C-4 knowledge of an assault by an Army Captain in the isolation area
3. Sworn Statement of SGT [REDACTED] dated 20 Jan 04, detailing his b6-4, b7C-4 knowledge of an assault by an Army Captain in the isolation area.
4. AIR of SA [REDACTED] 23 Jan 03, documenting the interviews of MSG [REDACTED] b6-4, b7C-4 1LT [REDACTED] CPT [REDACTED] SFC [REDACTED] SPC [REDACTED] SFC [REDACTED] CPT [REDACTED] b6-4, b7C-4 and coordination with SJA. b6-4, b7C-4
5. Sworn Statement of 1LT [REDACTED] 22 Jan 04, detailing his account b6-4, b7C-4 of the events at the prison the night of the alleged incident.
6. AIR of SA [REDACTED] 22 Jan 04, documenting his interview of b6-4, b7C-1 Detainee [REDACTED] b6-4, b7C-4

Not Attached:

None.

The originals of Exhibits 1 through 6 are forwarded with the USACRC copy of this report.

STATUS: This is a Final Report.

Report Prepared By
[REDACTED] b2, b7C-1, b6-1

Special Agent, [REDACTED]

Report Approved By:

[REDACTED] b6-4, b7C-1

Special Agent-in-Charge

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AGENT'S INVESTIGATION REPORT
CID Regulation 195-1

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BASIS FOR INVESTIGATION: About 1048, 20 Jan 04, this office was notified by SPC [REDACTED] 229th MP Co, Abu Ghraib, Iraq, of detainee abuse within the isolation area of Abu Ghraib Prison, Abu Ghraib, Iraq, which involved a soldier. *b6-4, b7C-4*

b6-1, b7C-1
About 1048, 20 Jan 04, SA [REDACTED] interviewed SPC [REDACTED] who provided a sworn statement, wherein he related he had witness an unknown Army Captain punch and kick a detainee the night they responded to the detention facility, after the detainee had shot a Military Police person. *b6-4, b7C-4*

b6-1, b7C-1
About 1219, 20 Jan 04, SA [REDACTED] interviewed SPC [REDACTED] 229th MP Co, Abu Ghraib, Iraq, who provided a sworn statement, wherein he related he had witness an unknown Army Captain punch and kick a detainee the night they were at the detention facility, after a detainee had shot at a military policeman. ///LAST ENTRY/// *b6-4, b7C-4*

SA [REDACTED]	Prisoner Interview/Interrogation
<i>b2, b6-1, b7C-1</i>	Team (PIT) (CID)
Special Agent, [REDACTED]	Abu Ghraib, Iraq APO AE 09889
[REDACTED]	Date: 20 Jan 04
	Exhibit:

CID Form 94

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