

HEADQUARTERS
Multi National Corps-Iraq
CAMP VICTORY, IRAQ
APO AE 09342-1400

REPLY TO
ATTENTION OF:

MNCI-BCC-JA

6 June 2004

MEMORANDUM FOR COMMANDER, FFA and MNC-I Effects, Camp Victory, Iraq, APO
AB 09342-1400.

SUBJECT: 15-6 Investigation into Death of Detainee ([REDACTED])

b(6)

1. **Purpose.** To provide an executive summary of the enclosed 15-6 investigation.
2. **Findings.** The following are the most significant findings:
 - Detained on 22 DEC: [REDACTED] was intoxicated
 - Three-Day Stay at 2-3 FA: [REDACTED] appeared to be mentally challenged, repeatedly took off his clothes and defecated on himself on two occasions; he was often seen with his pants around his ankles
 - 25 DEC: 501 FSB for Interrogation: Aide Station determined [REDACTED] had low body temperature, shallow respiration, and weak cardio rhythms; he had little response to stimuli and was moaning to himself
 - 26 DEC: [REDACTED] air lifted to [REDACTED] where he died due to total cardio failure
3. **Conclusion.** There was no evidence of misconduct or maltreatment. [REDACTED] did have some healing abrasions on his shin and bruises on his shoulders and knees. The report of the 15-6 states that the treating doctor (CPT [REDACTED]) said that the abrasions and bruises did not appear to be recent. However, the doctor's statement (TAB Y) simply notes the abrasions and bruises. The doctor's statement is silent as to when these injuries may have occurred.
4. The POC for this memorandum is the undersigned.

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1 Encl
as

[REDACTED]
Captain, Judge Advocate
III Corps Artillery/MNC-I Effects

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 1ST ARMORED DIVISION
UNIT 21104 APO AE 09074
BAGHDAD, IRAQ

AETV-THN-CO

31 December 2003

MEMORANDUM FOR MAJ [REDACTED] HHC 1st Brigade, 1st Armored Division

b(6)

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances surrounding the death of a detainee, [REDACTED] taken into custody by [REDACTED] and transported to the 501st FSB Detention Center on 25DEC03.

b(6)

2. In your investigation, all witness statements will be sworn using DA Form 2823. You will examine all circumstances leading up to and surrounding the incident. You should determine whether proper measures were taken by all individuals involved to ensure the physical safety and care of detainees and to provide necessary medical treatment of detainees in accordance with the Geneva Convention and all established orders, regulations and SOP's.

3. If at any time you discover that the completion of your investigation requires examining the conduct or performance of duty of, or may result in findings or recommendations adverse to, a person senior to you, you will report this fact to the appointing authority.

4. If at any time you suspect any person of criminal misconduct you must advise that person of his Article 31 Fifth Amendment rights as appropriate. Document rights waivers by witnesses on a DA Form 3881.

5. Prior to beginning your investigation you should contact your legal advisor, CPT [REDACTED] located in the Brigade Headquarters at DNVT 551-7634.

b(6)

6. Your findings and recommendations should be submitted on DA Form 1574. Submit your investigation to me in the following order:

- a. DA Form 1574 with sufficient findings and recommendations;
- b. This letter of appointment as Enclosure 1;
- c. An executive summary of the facts as Enclosure 2;
- d. Your chronology as Enclosure 3;

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AETV-THN-CO
SUBJECT: AR 15-6 Investigating Officer Appointment

31 December 2003

- e. Any Privacy Act statements as subsequent Enclosures;
- f. An index of exhibits as the final numbered Enclosure; and
- g. All exhibits labeled in successive order (A, B, C, etc.).

7. This investigation and all accompanying documentation will be returned to me no later than 03 January 04.


COL, Armor
Commanding

b(6)

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-2; the proposed agency is OIA/JIA.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL [redacted] 1st Armored Brigade Commander (Appointing authority)

b(6)

on 31 December 2003 (Date) (Attach enclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at 1st Armored Brigade, Baghdad, Iraq at 1000 (Time) on 01 January 2004 (Date) (If a formal board met for more than one session, check here [] . Indicate in an enclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, (if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See para 3-3 and 3-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1400 (Time) on 05 January 2004 (Date) and completed findings and recommendations at 1900 (Time) on 07 January 2004 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Enclosures (para 3-15, AR 15-6)

Are the following included and numbered consecutively with Roman numerals: (Attached in order listed)

- a. The letter of appointment or a summary of oral appointment data?
b. Copy of notice to respondent, if any? (See item 9, below)
c. Other correspondence with respondent or counsel, if any?
d. All other written communications to or from the appointing authority?
e. Privacy Act Statements (Certificates, if statements provided orally)?
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
g. Information as to sessions of a formal board not included on page 1 of this report?
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

Table with 3 columns: YES, NO, NA. Rows correspond to items a-h of the checklist.

FOIA CASE:

- 1 Explain all negative answers on an attached sheet.
2 One of the IMA columns contains a positive representation that the circumstances described in the question did not occur in this investigation or board.

DA FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages

FORM 1574

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SECTION IV - FINDINGS (para 3-10, AR 15-0)
The (investigating officer) (board), having carefully considered the evidence, finds:
Refer to attached Memorandum For Record.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-0)
In view of the above findings, the (investigating officer) (board) recommends:
Refer to attached Memorandum For Record.

Page 3 of 4 pages. DA Form 1576, Mar 83

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)


MAJ
(Investigating Officer) (President)

b(4)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-4)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-4)

The findings and recommendations of the (Investigating Officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence for a summary, if oral) as a numbered inclosure.)



COL, Armor
Commanding

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 1ST ARMORED DIVISION
UNIT 21104 APO AE 09074

AETV-THN-HC

07 January 2004

MEMORANDUM FOR RECORD

SUBJECT: Investigative Report for death of detainee, [REDACTED]

1. Purpose: I, MAJ [REDACTED], was appointed as the investigating officer for the death of an Iraqi detainee, [REDACTED] and submit the following report.

2. Summary:

a. [REDACTED] was detained on 22 December 2003 after C/2-3 FA conducted a raid on a cafe in [REDACTED] pursuant to gathered intelligence. [REDACTED] was reportedly intoxicated and, though not aggressive, not fully compliant to instructions. [REDACTED] had to be assisted on to the 5-ton which took the detainees to the 2-3 FA Detention Center. During the approximate three days [REDACTED] spent at the 2-3 FA Detention Center, he appeared to be mentally challenged, often talking as though he was still in the cafe. [REDACTED] continuously would remove his clothes and defecated in his pants twice. Though many attempts were made to instruct [REDACTED] to leave his clothes on, he was often seen with his pants dropped down to his ankles. [REDACTED] as well as all the detainees at 2-3 FA Detention Center, was seen twice a day by medical personnel. One of the interpreters for 2-3 FA is an Iraqi MD who also examined the detainees during the time of [REDACTED] detention.

b. On 25 December 2003 [REDACTED] and the rest of the detainees from 2-3 FA Detention Center were transported to 501 FSB Detention Center for interrogation by brigade intelligence personnel. Upon arrival at 501 FSB Detention Center, [REDACTED] appeared to have little response to stimuli; however, he was breathing and making moaning sounds. [REDACTED] was taken to the 501 FSB Aide Station where it was determined he had a low body temperature, shallow respiration, and weak cardio rhythms. The medical staff attempted to raise [REDACTED] body temperature and improve his respiratory and cardio symptoms.

c. Approximately 0100, 26 December 2003, [REDACTED] was air lifted to 28TH CSH where he received further treatment in attempts to improve his condition. [REDACTED] later died due to total cardio failure. The 28TH CSH reported [REDACTED]'s death to the 501 FSB at 260600DEC03.

3. Findings: After interviewing and examining statements from many individuals involved in the incident with [REDACTED] I found no evidence of misconduct or maltreatment. [REDACTED] medical care record states he had healing abrasions on his shin and bruises on his shoulders and knees. When interviewing CPT [REDACTED] who treated [REDACTED] she stated the abrasions and bruises did not appear to be recent. Lastly, many detention center guards seemed to discover for themselves that [REDACTED] was acting strangely.

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AETV-THN-HC

07 January 2004

SUBJECT: Investigative Report for death of detainee [REDACTED]

[REDACTED]

b(5)(a)
deliberative
process

- 5. Chronology of Events: See Enclosure 1.
- 6. List of Exhibits: See Enclosure 2.

Encl 1, Chronology of Events
Encl 2, List of Exhibits

[REDACTED]

MAJ, SC
15-6 Investigating Officer

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION, 3RD FIELD ARTILLERY
ADHAMIYA, BAGHDAD, IRAQ
APO AE 09324-2856

AETV-TFK-A-S3

27 December 2003

MEMORANDUM FOR RFCT S3

SUBJECT: Commanders Incident Report: Death of a Local National

1. REPORT MADE BY:

- a. Rank: CPT
- b. Name: [REDACTED]
- c. Duty Position: Assistant S-3
- d. Unit: HHB/2-3 FA

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2. TYPE OF REPORT: CIR

3. TYPE OF INCIDENT: Death of a Local National while in Custody

4. DTG OF INCIDENT: 26 (Unknown Time) CDEC03

5. LOCATION OF INCIDENT: MB 401 929 (Zone 18)

6. UNITS INVOLVED: HHB/2-3 FA

7. UNIT ADDRESS (Current Location if deployed): [REDACTED] MB397974

8. LIST OF PERSONNEL INVOLVED:

- a. [REDACTED]
 - (1) Iraqi Detainee
 - (2)
 - (3) MALE
 - (4)
 - (5) Died of pneumonia (as reported by Brigade S2 Update Brief, 270900CDEC03)

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9. NARRATIVE: On 22 DEC 03, at 1830, C Btry detained 9 local nationals suspected to have ties to an IED attack earlier in the day. He was detained at a café vicinity [REDACTED]. An informant had pointed all nine suspects out to the patrol. [REDACTED] was extremely [REDACTED]

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Exhibit CC

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intoxicated upon arrival to the 2-3 FA FOB. He was placed in the Detention cell located on the FOB. After questioning him it was apparent that [REDACTED] was psychologically unable to provide useful information. [REDACTED] spent the majority of his time in detention on a bus. This bus is used to shelter and warm detainees during periods of inclement weather.

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Additionally, the detainees were provided wool blankets for warmth which included [REDACTED]

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On numerous occasions U.S. Army Medics checked all the detainees for signs of injuries or illnesses. [REDACTED] defecated in his pants so he was provided with dry pants on two separate occasions. When Brigade requested to speak with him for more information we informed them he would be useless for intelligence purposes and we recommended his release. This was based on his initial interview and the fact his other family members stated he was taken to the psychologist many times. The [REDACTED] told us that because of his relationship as the brother of [REDACTED] that they still wanted to talk with him. Before all the detainees were moved to the BSA on 25 December at 1800, the medics conducted another screening to ensure all the detainees were in good health; this included [REDACTED] who was in good condition. The Battalion TOC was notified on or about 2200 hours on 25 DEC 03 by CPT [REDACTED] that [REDACTED] was sent to the 28th CSH for medical treatment and that his prognosis was not good. At approximately 1500 hours on 26 DEC 03 the Brigade XO notified the Battalion XO that [REDACTED] was dead and that an autopsy would follow.

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10. TIME UNIT COMMANDER WAS NOTIFIED: 26 DEC 03

11. UNIT COMMANDER: LTC [REDACTED] 2-3 FA CDR

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12. DRUGS OR ALCOHOL INVOLVED: No (US); yes deceased local national was drunk when he was detained.

13. ESTIMATED COST OF DAMAGE: UNK.

14. COMMANDER'S EVALUATION AND OTHER COMMENTS.

a. IMPACT ON OPERATIONAL READINESS: None.

b. INDICATE COMMANDER'S JUDGMENT OF CAUSE: The Detainee had a pre-existing condition that could not be detected by medical personnel on site.

15. ACTIONS TAKEN BY UNIT COMMANDER: The detainees were placed in a guarded bus during inclement weather periods to provide a heated environment. As a result of increased inclement weather, a roof and a forced air heater were added to the detention cell in order to discontinue the use of the bus.

16. AUTHENTICATION and POC: CPT [REDACTED] @ DNVT [REDACTED]

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