



DEPARTMENT OF THE ARMY
 Headquarters, 3d Battalion, 505th Parachute Infantry Regiment
 82d Airborne Division
 APO AE 09384

REPLY TO
 ATTENTION OF:

AFVC-CC

4 February 2004

MEMORANDUM THRU *Concise JG* Commander, 3d Battalion, 505th Parachute Infantry Regiment, 82d Airborne Division, APO AE 09384

MEMORANDUM FOR Commander, 505th Parachute Infantry Regiment, 82d Airborne Division, APO AE 09384

SUBJECT: Report of Commander's Inquiry

1. GENERAL. On 31 January 2004, I was appointed to conduct an investigation into the circumstances surrounding the injuries sustained by the [REDACTED].
 [REDACTED] Outlined below are my findings and recommendations.

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2. FINDINGS.

- a. On or about 180200 January 2004, SEAL Team [REDACTED] detained [REDACTED] based upon intelligence that he was the head of a terrorist cell responsible for attacks against coalition forces. LCDR [REDACTED] the SEAL [REDACTED] the raid, stated that [REDACTED] tried to resist being captured on the objective, and that force was necessary to detain him (TAB B). Upon bringing him to the [REDACTED], the detainee was taken outside and a battlefield interrogation was performed in an attempt to acquire information on where another ACF member was located. Approximately five or six men gathered around the detainee while he was being interrogated. The detainee kept trying to get up and move around, and one of the SEALs used his foot to keep him down (TAB B).
- b. SPC [REDACTED] was on guard in the SHTF at the time that [REDACTED] was brought in by the SEALs. He related that the SEALs needed to ask the detainee some questions, and SPC [REDACTED] recommended the holding area outside the PUC tent. SPC [REDACTED] took them out to the holding area, and watched as they threw the detainee on the ground. About four or five SEALs surrounded the PUC, and one SEAL knelt by the detainee's head, shining a red light on a piece of paper written in Arabic. While the kneeling soldier asked the detainee questions, the other SEALs had SureFire lights shined on the detainee. When the man interrogating received no response to his questions, the order was given to turn off the lights. At that point all of the men surrounding the detainee began to kick him. After about ten seconds, when the detainee began moaning and sounded short of breath, the SEALs again turned their SureFire lights onto the detainee. When the soldier interrogating again received no response, the lights were again shut off, and the detainee was kicked again. At that point SPC [REDACTED] walked back into the PUC tent (TAB C). Once inside, he saw a SEAL filling out a CPA Forces Apprehension Form on the detainee (TAB D).
- c. SSG [REDACTED] the overall NCOIC of the SHTF, showed up there after the SEALs had already arrived. As he walked towards the PUC tent, he saw a PUC on the ground surrounded by a group of military personnel. As he walked by, he heard someone speaking Arabic to

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the PUC and heard the PUC say "No mister" several times. He then heard sounds that he described as if someone had weight put on him or was being punched. Once inside the tent, he heard more of what he thought were Arabic words being spoken and heard more sounds similar to what he described before (TAB E).

- d. SPC [REDACTED], the NCOIC of the current shift in the SHTF, was also in the PUC tent at the time. He heard someone ask a question in English, followed by another man stating a question in Arabic. After the detainee replied, SPC [REDACTED] heard body contact followed by the detainee yelling in pain. He walked outside to see what was going on. He saw a SEAL pulling security on the detainee. When SPC [REDACTED] asked what they were doing, the SEAL replied that they were interrogating him (TAB F). b(6)
- e. PV2 [REDACTED] was also on duty in the SHTF when [REDACTED] was brought in. After the SEALs took him outside, he describes hearing noises that sounded like moaning coming from the detainee. The statements of SSG [REDACTED], SPC [REDACTED] and PV2 [REDACTED] reinforce the testimony of SPC [REDACTED]. b(6)
- f. After the SEALs handed the detainee over to the SHTF guards, SSG [REDACTED] relates that he saw a bruise on the detainee's forehead (TAB E). SPC [REDACTED] relates that he saw bruises on the detainee's forehead, one eye, and the side of his chin. The bruises did not look bad enough for medical treatment, and they gradually faded before the detainee was taken to the Division Interrogation Facility (DIF) on 27 January (TAB F). b(6)
- g. While PV2 [REDACTED] tried to remove the zip ties on the detainee, the [REDACTED] moved and the knife cut his hand (TAB E, F). The detainee was taken to the aid station, where SPC [REDACTED] treated the injury (TAB H, I). b(6)
- h. At approximately 1400 on January 18, PFC [REDACTED], the head SHTF inprocessing medic, went to the SHTF and medically inprocessed [REDACTED] on a [REDACTED] Detainee Medical Work Sheet (TAB I). As per the existing SOP, after performing some basic medical checks and asking basic questions, PFC [REDACTED] asked the detainee if anything was medically or physically wrong with him. The detainee shook his head no but did not respond verbally (TAB J). Under the SOP at the time, if the detainee did not state that something was wrong with him, the detainee's entire body was not examined. b(6)
b(2)
- i. [REDACTED] was held in the SHTF from 18-27 January. CPT [REDACTED] stated that, to the best of his knowledge, nothing unusual occurred on the objective that would warrant unusual use of force on the detainee. Also, he stated that to the best of his knowledge no other agency signed out the detainee while he was in [REDACTED] custody (TAB K). I confirmed this by examining the SHTF sign-out logs (TAB L). b(6)
- j. [REDACTED] served as the [REDACTED] interrogator for [REDACTED]. SGT [REDACTED] stated that no physical force was used on the detainee during interrogations (TAB M). b(6)
- k. On 27 January [REDACTED] served as the NCOIC for transporting the detainee to the DIF. He stated that during the movement to the DIF, no force was used against the detainee (TAB N). b(6)
- l. Upon arrival at the DIF, SPC [REDACTED] gave a medical exam (TAB O) to [REDACTED]. SPC [REDACTED] noticed large bruises on both of the detainee's legs, the cut on his hand, and a possible cigarette burn on his arm. 1LT [REDACTED] wrote a sworn statement on the condition of the detainee (TAB P) and had 5 pictures taken of his injuries (TAB Q). b(6)

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[REDACTED]

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[REDACTED]

[REDACTED]

3. RECOMMENDATIONS.

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. POC for this memorandum is the undersigned, at DNVT [REDACTED]

[Signature]
[REDACTED]
ILT, IN
Investigating Officer

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[REDACTED]

TABS

- A Appointment Orders
- B ~~Statement~~ MFR
- C SPO ~~Statement~~ statement
- D CPA Forces Apprehension Form
- E SSG ~~Statement~~ statement
- F SPC ~~Statement~~ statement
- G PV2 ~~Statement~~ statement
- H SPC ~~Statement~~ statement
- I ~~Statement~~ Detainee Medical Work Sheet
- J PFC ~~Statement~~ statement
- K CPT ~~Statement~~ statement
- L Detainee Cell records MFR
- M SGT ~~Statement~~ statement
- N SGT ~~Statement~~ statement
- O DIF Detainee Medical Screening Worksheet
- P ILT ~~Statement~~ statement
- Q 5 Pictures of Detainee's Bruises

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DEPARTMENT OF THE ARMY
Headquarters, 3d Battalion,
505th Parachute Infantry Regiment, 3d Brigade
Fort Bragg, North Carolina 28310

AFVC-CC (15-6)

31 January 2004

MEMORANDUM FOR First Lieutenant [REDACTED] Headquarters and Headquarters Company, 3d Battalion, 505th Parachute Infantry Regiment, 3d Brigade Fort Bragg, North Carolina 28310

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SUBJECT: Appointment as an Investigating Officer

1. You are hereby appointed as an Investigating Officer under provisions of AR 15-6 to investigate the circumstances surrounding the injuries sustained by the detainee [REDACTED]

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2. Your investigation will be conducted IAW AR 15-6. You are authorized to take sworn statements IAW AR 15-6. All written statements will be sworn. This investigation is your primary duty until completed and takes precedence over all other duties and assignments. Your investigation must be completed NLT 4 February 2004.

3. You will determine

- a. When and how his injuries were sustained
- b. Who is responsible for the injuries
- c. Whether negligence was involved

4. If in the course of your investigation you suspect that certain people may be criminally responsible in this matter, you must advise them of their rights under Article 31, UCMJ.

5. Your legal advisor for this investigation is CPT [REDACTED] 3d Brigade Judge Advocate, at DSNVT 582-3014. Consult with him before beginning your investigation.

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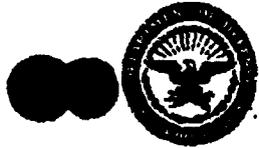
[REDACTED]

LTC, IN
Commanding

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DEPARTMENT OF THE ARMY
 Headquarters and Headquarters Company
 3d Battalion, 805th Parachute Infantry Regiment
 FOB St. Michael, Iraq APO AE 83384

REPLY TO
 ATTENTION OF:

AFVC-CC-HHC

4 February 2004

MEMORANDUM FOR RECORD

SUBJECT: Phone Conversation With LCDR [REDACTED]

1. On 4 February 2004 from 1500 to 1530, I had two separate phone conversations with LCDR [REDACTED], the SEAL Team [REDACTED] ground force commander for the raid o/a 180200JAN04 in which they detained [REDACTED]. Following are key elements of that conversation.

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2. I related to LCDR [REDACTED] the essence of the statements that I had gathered from 3 Panther soldiers working at the SHTF alleging physical force being used for detainee interrogation. I also related the evidence from the pictures taken at the DIF.

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3. LCDR [REDACTED] stated, based upon speaking with soldiers about the incident, that the detainee resisted being captured at the objective, and that it proved necessary to use force to detain him.

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4. LCDR [REDACTED] stated, again after speaking with his men, that upon arrival at the 3 Panther SHTF, the detainee was taken outside the PUC tent to perform a field interrogation. The SEALs were attempting to find out where another ACF member was located. Approximately 5 to 6 men gathered around the detainee while he was being questioned. The detainee kept trying to get up and move around, and one of the SEALs used his foot to keep him down.

5. POC for this memorandum is the undersigned, at DNVT [REDACTED]

[REDACTED]
 1LT. IN
 Investigating Officer

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