



UNITED STATES MARINE CORPS
1ST MARINE DIVISION (REIN)
UIC 40120
FPO AP 96426-0120

IN REPLY REFER TO:
5830
SJA/ [REDACTED]
AUG 29 2004

SECOND ENDORSEMENT on (b)(7)(C) [REDACTED] Inv 5800/Invest dtd
16 Jul 04

From: Commanding General, 1st Marine Division (Rein)
To: Files

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING
MISCONDUCT AT THE REGIMENTAL DETAINMENT FACILITY FROM 1-8
JUL 04

1. Reviewed and retained.
2. The findings of fact, opinions, and recommendations of the investigating officer, as modified and endorsed, are approved. Further investigation by the Division RIAT is not warranted.
3. It is imperative that all detention facility personnel understand 1st Marine Division's standard operating procedures for detention facilities as articulated in FragO 0175-04. I expect senior leaders at the regimental detainment facility to provide continuing education on the proper procedures for handling detainees.

R. F. NATONSKI

Copy to:
CO, RCT-1 (Rein)
(b)(7)(C) [REDACTED]
File



UNITED STATES MARINE CORPS
REGIMENTAL COMBAT TEAM 1 (REIN), FMP
UIC 40145
FPO AP 96426-0145

IN REPLY REFER TO:
5830
SJA/
2 Aug 04

FIRST ENDORSEMENT on (b)(7)(C) C. I. 5800 Invest of 16 Jul 04

From: Commanding Officer
To: Commanding General, 1st Marine Division
Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING
MISCONDUCT AT THE REGIMENTAL DETAINMENT FACILITY (RDF) FROM 1-8 JUL 04

1. Readdressed and forwarded.
2. The investigating officer thoroughly investigated two separate incidents of abuse at the RCT-1 RDF that allegedly occurred between 1-8 Jul 04. I concur with the investigating officer that both allegations are unsubstantiated and recommend that this matter be closed.
3. In the first allegation, (b)(7)(C) alleged that he witnessed a RDF guard make a detainee perform pushups and squats and that the same guard kicked sand and dust into the detainees eyes. After a thorough reading of the investigation, I believe this allegation is unfounded.
4. In the second allegation, detainee #0528 claims that a Marine pushed him with the bottom of the Marine's foot, causing the detainee to topple forward from his kneeling position. The Iraqi translator for TF 2/1 reports a similar story. However, no Marine within the RDF can substantiate this allegation. Accordingly, I believe that this allegation is not sufficiently founded and conclude that it did not occur.
5. I find no basis to believe that any of the guards at the Regimental Detainment Facility physically or mentally abused any detainees or acted unprofessionally toward detainees.
6. (b)(7)(C) has been relieved of his duties and is being returned to CONUS for demobilization because he has repeatedly disobeyed orders regarding improper contact with detainees, accountability of his T/O weapon and lack of leadership. (b)(7)(C) relief was directed by (b)(7)(C) for the reasons stated above and is completely unrelated to his allegation of detainee abuse.
7. Recommendation #2 is disapproved. I have full faith and confidence in (b)(7)(C) (b)(7)(C) RCT-1 RDF, to operate and supervise our detention facility.
8. Recommendation #3 is disapproved. The MP detachment is currently providing MSR security and convoy escort throughout RCT-1 AO and is unavailable to operate our RDF.
9. I recommend that you approve the findings of fact, opinions, and recommendations, as endorsed.

(b)(7)(C)

Copy to:
File

5



UNITED STATES MARINE CORPS
REGIMENTAL COMBAT TEAM 1 (RCT-1), FMP
UIC 40145
FPO AP 96426-0145

5800
Invest
16 Jul 04

From: (b)(7)(C) (b)(6) - SSN 2120 USMC
To: Commanding Officer, Regimental Combat Team 1

SUBJ: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING MISCONDUCT AT THE
REGIMENTAL DETAINMENT FACILITY (RDF) FROM 1-8 JULY 2004

Ref: (a) JAG Manual

- Encl: (1) Appointing ltr 5830 S-1 of 10 July 04
(2) Interview of detainee #0528 (b)(7)(C)
(3) Statement of (b)(7)(C) USMC
(4) Statement of (b)(7)(C) USMC
(5) Statement of (b)(7)(C) USMC
(6) Statement of (b)(7)(C) USMC
(7) Statement of (b)(7)(C) USMC
(8) Statement of (b)(7)(C) USMC
(9) Statement of (b)(7)(C) USMC
(10) Statement of (b)(7)(C) USMC
(11) Statement of (b)(7)(C) USMC
(12) Character statement from (b)(7)(C) USMC
(13) Copy of medical records for detainee #0528
(14) Copy of First Marine Division Detainee Handling and Detention
Facility SOP
(15) Change 1 To 1st Marine Division Detentions SOP
(16) Character statement from (b)(7)(C)
(17) Interview of Interpreted (b)(7)(C)

Preliminary Statement

1. On 10 July 2004, I was appointed as an Investigating Officer by the Commanding Officer, Regimental Combat Team 1, to inquire into the facts and circumstances relating to any misconduct at the Regimental Detention Facility.
2. There were no difficulties encountered during the process of this investigation and all individuals interviewed during this investigation were forthright and fully cooperative.

Finding of Facts

1. That, Detainee #0528 was interrogated by (b)(7)(C) at approximately 1500 on 7 July 2004 at the RCT-1 Detention Facility. [Encl (2)]
2. That, Detainee #0528 stated that approximately two days ago, which would be 5 July 2004, he was kicked twice in the back by a guard. [Encl (2), (3)]
3. That, Detainee #0528 stated that during the interrogation with (b)(7)(C) he was in line waiting to receive water and was made to squat and look at the ground. [Encl (2)]

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING MISCONDUCT AT THE
REGIMENTAL DETAINMENT FACILITY (RDF) FROM 1-8 JULY 2004

4. That, Detainee #0528 stated he was kicked twice and fell to ground on his face and hands. [Encl (2)]
5. That, Detainee #0528 stated during an interview with the Investigating Officer [b(7)(C)] he was placed on his knee's in the processing area during initial processing on 5 July 2004 while his hands were tied and blindfolded. [Encl (2)]
6. That, Detainee #0528 states he was kicked in the back and he landed on his face in the dirt. [Encl (2)]
7. That, Detainee #0528 stated while being interviewed by [b(7)(C)] this was the only incident that took place involving the detainee at the Detention Facility. [Encl (2)]
8. That, [b(7)(C)] the interpreter states he witnessed [b(7)(C)] from the RDF put the bottom of his foot on the back of detainee #0528 and push him to the ground. [Encl (17)]
9. That, [b(7)(C)] identified [b(7)(C)] at the RDF who put his foot on detainee #0528 and pushed him to the ground. [Encl (17)]
10. That, no personnel with the capturing unit, 2nd IAR, or at the Regimental Detention Facility has corroborated the alleged incident. [Encl (17)]
11. That, [b(7)(C)] performed a pre interrogation screening of Detainee #0528 on 7 July 2004 and found no bruising or physical problems. [Encl (11), (13)]
12. That, Detainee #0528 stated that he had no problems at the time of the pre interrogation medical screening. [Encl (11), (13)]
13. That, a review of detainee #0528's medical record shows no bruising and or signs of abuse. [Encl (13)]
14. That, Detainee #0528 during interrogation with [b(7)(C)] and during interview with [b(7)(C)] had two different versions of the alleged incident. [Encl (1), (2)]
15. That, [b(7)(C)] the senior Marine on duty and present during the in brief and processing of detainee #0528, states that no Detention Facility personnel mistreated detainee #0528. [Encl (5)]
16. That, [b(7)(C)] of the Detention Facility was not aware of any kicking incident until told by [b(7)(C)] after interrogation on 7 July 2004. [Encl (2), (3)]
17. That, during the course of this investigation no Marine questioned at the Detention Facility recalls anything significant about the night Detainee #0528 was brought in for processing and in fact saw nothing that would corroborate the accusations. [Encl (4), (5), (6), (7), (8), (9), (10), (11)]
18. That, [b(7)(C)] on 20 June 2004 alleges that he witnessed [b(7)(C)] ordering a detainee to perform push-ups. [Encl (6)]
19. That, [b(7)(C)] informed [b(7)(C)] of the incident, but did not inform him of the Marine in question. [Encl (6)]
20. That, [b(7)(C)] did nothing to stop the alleged incident. [Encl (6)]
21. That, [b(7)(C)] on 27 June 2004 alleges that Detainee #0490 reported to him that the Marine Guards made him do a lot of push-ups while tired. [Encl (6)]

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING MISCONDUCT AT THE
REGIMENTAL DETAINMENT FACILITY (RDF) FROM 1-8 JULY 2004

22. That, (b)(7)(C) on 27 June 2004 alleges that numerous Marine Guards ordered a detainee to perform push-ups, bend and squats, move rocks from one location to another, and hold a cinderblock in the air while he ran around the grounds. [Encl (6)]
23. That, (b)(7)(C) did nothing to stop the alleged incident. [Encl (6)]
24. That, (b)(7)(C) on 3 July 2004 alleges that he witnessed (b)(7)(C) making a detainee do push-ups and squats. [Encl (6)]
25. That, (b)(7)(C) alleges that (b)(7)(C) kicked dirt in the detainees' head four times. [Encl (6)]
26. That, (b)(7)(C) confronted (b)(7)(C) about the alleged incident and also informed (b)(7)(C). [Encl (6)]
27. That, (b)(7)(C) was only confronted about one alleged incident on 3 July 2004 involving (b)(7)(C) and (b)(7)(C). [Encl (5)]
28. That, (b)(7)(C) confronted (b)(7)(C) and (b)(7)(C) concerning the alleged incident on 3 July 2004. [Encl (5)]
29. That, (b)(7)(C) explained to (b)(7)(C) that he was only instructing the detainees on the use of proper commands and showing him the commands for stand up and sit down. [Encl (5), (7)]
30. That, (b)(7)(C) confirmed (b)(7)(C) version of the incident with (b)(7)(C) who was on post in the western tower of the compound. [Encl (5), (8)]
31. That, (b)(7)(C) who was also on duty in the detainees holding cells did not see or hear any incident on 3 July 2004. [Encl (9)]
32. That, (b)(7)(C) of the Detention Facility, had no knowledge of any alleged incidents at the Detention facility. [Encl (4)]
33. That, (b)(7)(C) of the Detention Facility, submitted a character statement concerning the reliability of (b)(7)(C). [Encl (12)]
34. That, (b)(7)(C) character statement regarding (b)(7)(C) outlines a history of his questionable integrity and that he has been relieved of his duties for lapse in professional judgment.
35. That, (b)(7)(C) submitted a character statement concerning the reliability of (b)(7)(C). [Encl (16)]
36. That, during the course of this investigation no Marine questioned at the Detention Facility can corroborate the version of alleged incidences made by (b)(7)(C). [Encl (4), (5), (6), (7), (8), (9), (10), (11)]
37. That, upon arrival to the Detention Facility all detainees are briefed on the rules for detainees contained in the Division Detainee Handling and Detention Facility SOP. [Encl (14), (15)]
38. That, all guards are briefed on the Rules for Guards contained in the Division Detainee Handling and Detention Facility SOP. [Encl (14), (15)]

Opinions

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING MISCONDUCT AT THE
REGIMENTAL DETAINMENT FACILITY (RDF) FROM 1-8 JULY 2004

1. That, The Marine Guards working the morning of 5 July 2004 did not act improperly or mistreat detainee #0528 during processing or at anytime during his detention. [FF (15), (16), (17)]
2. That, [REDACTED] allegations are at a minimum over exaggerated and in the worst-case scenario a falsified allegation. [FF (33), (34), (35), (36)]
3. That, no Marine Guard at the Detention Facility acted improperly or mistreated any detainee's concerning this investigation. [FF (15), (17), (32), (32)]
4. That, all Detention Facility Guards interviewed were forthright and their body language and eye contact convinced this investigating officer that they were being truthful during the interview process. [(17), (36)]

Recommendations

1. That, (b)(7)(C) be relieved of all duties at the Detention Facility and replaced immediately in order to limit any further unsubstantiated allegations and to avoid any confrontations with Detention Facility personnel.
2. (b)(5)
[REDACTED]
3. (b)(5)
[REDACTED]
4. That, training is provided to all Detention Facility personnel in accordance with FragO 0175-04 in regards to the 1st Marine Division detention procedures. This will ensure that all guard force personnel are properly trained.

(b)(7)(C)



UNITED STATES MARINE CORPS
REGIMENTAL COMBAT TEAM 1 (REIN), FMF
UIC 48145
FPO AP 96426-8145

IN REPLY REFER TO:
5830
S-1
10 Jul 04

From: Commanding Officer
To: (b)(7)(C) (b)(6) SSN /2102 USMC
Subj: COMMAND INVESTIGATION INTO THE ANY MISCONDUCT AT THE REGIMENTAL
DETAINMENT FACILITY (RDF) FROM 1-8 JULY 2004.
Ref: (a) JAG Manual

1. This appoints you, per chapter II of reference (a), to inquire into the facts and circumstances surrounding any misconduct at the RDF between 1-8 July 2004.
2. Your investigation will, in accordance with Department of Defense Instruction 6055.7, paragraph e4.6, inquire into all facts and circumstances surrounding any misconduct at the RDF and will obtain and preserve all available evidence for use in litigation, claims, disciplinary actions, or adverse administrative actions, as appropriate. Further, the investigation will include an assessment as to any fault or negligence and make recommendations concerning corrective measures and disciplinary actions, as appropriate.
3. This will be your primary duty until completion. Please turn in your completed investigation NLT 21 July. Route all extension requests through the Regimental Executive Officer. (b)(7)(C) will be your POC for guidance.

(b)(7)(C)

Enclosure (1)

Interview of Detainee# 0528, (b)(7)(C) taken
on 9 July 2004:

- Detainee was brought to the detention facility early morning of the 5th of July 2004.
- Detainee states he was blindfolded and hands were tied behind his back.
- Detainee stated that he was put on his knees in the processing holding area and that he was kicked in the back.
- Detainee did not see who kicked him because he was blindfolded.
- Detainee states that when he was kicked he landed on his face in the dirt.
- Detainee stated that the kick was more like a push with the bottom of the foot knocking him over.
- Detainee states that he does not know the other detainee's that were in the processing area that night and can not corroborate his story.
- Detainee stated that this was the only incident that took place involving him at the Detention Facility.

(b)(7)(C)

Investigating Officer's Signature

Enclosure (2)