



UNITED STATES MARINE CORPS

1st Marine Division (Rein)

UTC 40120

FPO AP 95426-0120

IN REPLY REFER TO:

5830

SJA

FIRST ENDORSEMENT on LtCol [REDACTED] PI of 1 Aug 2004

From: Commanding General, 1st Marine Division (Rein)
To: Commanding General, I Marine Expeditionary Force

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED ABUSE OF [REDACTED]

1. Readressed and forwarded. The findings of the Investigating Officer are approved.
2. This investigation was prompted by a report that 1st Marine Division personnel had been accused of abusing an Iraqi man during the course of a raid and subsequent detention. The individual who was allegedly maltreated was identified as a [REDACTED]. Based on this report, a preliminary inquiry was conducted by the Regimental Combat Team-1 (RCT-1) Executive Officer, [REDACTED]. The investigation concluded that there was no evidence to support the allegation that [REDACTED] was abused or maltreated in any way on 18 July or thereafter by members of the capturing unit. Based on my review of the facts surrounding this incident, I concur with the Investigating Officer's findings. There is no evidence to indicate that [REDACTED] was abused at any point while in the custody of 1st Marine Division personnel.
3. On or about 18 July 2004, members of 2nd Battalion, 2nd Marines (2/2), conducted raids on a series of targets based on intelligence provided by a source referred to 2/2 by the 507th Iraqi National Guard (ING) Battalion intelligence officer (S-2). The 507th S-2 was known to the members of 2/2 as reliable, having provided accurate, actionable information in the past. Based on intelligence originating from this referred source, three raids were planned and executed. The first target was searched without incident. The second, a residence, led to the discovery of two complete 82mm mortar systems, RPG launchers, RPG projectiles, and multiple hand grenades. Based on this discovery, and consequent validation of the reliability of the source referred to 2/2 by the ING S-2, a third target residence was searched. The third raid targeted the residence of what was described to 2/2 as an ACP sympathizer. The third residence searched on July 18 was that of [REDACTED]. The intelligence described [REDACTED] residence with particularity, to include the exaction location where [REDACTED] stored his weapon. Upon entering the residence, the search team found the weapon in question, exactly as described by the source. This discovery, coupled with the earlier discovery of the contraband at target two, reinforced and bolstered the reliability of the source in the minds of the 2/2 raid force, and as such, led to the decision to detain [REDACTED] based on his description as an ACP sympathizer.
4. Given the established reliability the 507th ING S-2, who referred the source of the intelligence that led to the 18 July raid of [REDACTED] residence, coupled with the subsequent, demonstrated reliability of the information actually provide by that source, I find that the raid on [REDACTED] residence was reasonable and proper.

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED ABUSE OF (b)(7)(C)

5. Subsequent to the raid, (b)(7)(C) alleged that he was abused during the course of his detention. He indicated that the abuse was both verbal and physical. The alleged verbal abuse included disparaging remarks made toward the (b)(7)(C) generally and (b)(7)(C) in particular. (b)(7)(C) further alleged that he was flex-cuffed in front of his family when he was escorted from the residence, and kicked while in route to 2/2's FOB.

6. Every member of the raid force was interviewed in furtherance of (b)(7)(C) preliminary inquiry. There was absolutely no evidence that (b)(7)(C) was abused, either verbally or physically, at any time by the members of the 2/2 raid force. To the contrary, all of the evidence indicated that the raid force acted professionally, and in accordance with standard operating procedure (SOP). (b)(7)(C) was flex-cuffed when he was escorted from his residence in accordance with SOP. He was referred to as "sir" by the Marines once they learned he was (b)(7)(C) and he was never kicked or physically abused by anyone on or after the 18 July raid.

7. I find based on review of the investigation that the allegations made by (b)(7)(C) are unsupported by the evidence and without merit. No further investigation is warranted.

(b)(7)(C)

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UNITED STATES MARINE CORPS

Regimental Combat Team 1
1ST MARINE DIVISION (MCD), FORT
USC 48145
TPO, AP 96486-0145

REPORT NUMBER TO

5830

(b)(7)(C)

1 Aug 04

From: (b)(7)(C) (b)(6) - SSN 0302 USMC
To: Commanding Officer, Regimental Combat Team 1

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED ABUSE OF (b)(7)(C)
(b)(7)(C)

Ref: (a) JAGMAN Section 0204

1. This report completes the preliminary inquiry conducted in accordance with reference (a) into the alleged abuse of (b)(7)(C) by members of the 2/2 raid force on the morning of 18 July 2004 in Mahmudiyah, Iraq.

2. Personnel contacted were:

- a. (b)(7)(C) Commanding Officer, 2d Bn, 2d Mar
- b. (b)(7)(C) Executive Officer, 2d Bn, 2d Mar
- c. (b)(7)(C) Operations Officer, 2d Bn, 2d Mar
- d. (b)(7)(C) Engineer platoon commander, 2d Bn, 2d Mar
- e. (b)(7)(C) HET OIC

3. After the initial allegations of abuse were made by (b)(7)(C) and subsequently sent to the RCT 1 Bravo Command in Mahmudiyah, I spoke to the individuals listed above. In addition, the battalion Executive Officer spoke to the Marines who conducted the actual search of (b)(7)(C) home, and with the entire HET which interviewed (b)(7)(C). Each individual listed above gave a complete account, verbally to me, of what he recalled about the morning of 18 July.

4. Summary of findings: The decision to raid the Al Rahman Mosque was based on single source reporting to the 2/2 HET. This source was referred to them by the 507th ING Battalion S2, and that source had a record of reliability with the 507th which included the location of IEDs in zone. The source specifically identified (b)(7)(C) (although he did not state that he was (b)(7)(C) as being an ACF sympathizer. He gave very explicit details about the location of (b)(7)(C) home, to include the

location of the weapon which (b)(7)(C) kept. The initial raid on the mosque revealed nothing, but the secondary target, which the source had provided, turned up 2 complete 82mm mortar systems, 2 RPG launchers, 8 RPG rounds and 36 hand grenades. Based on this validation of the sources information, a third home was raided. This was the home of (b)(7)(C). When the raid force entered, they went to the location where the source had stated a weapon was kept, and found the weapon, exactly as described. At this point, it was determined to detain (b)(7)(C). (b)(7)(C) said that he was (b)(7)(C) and produced an ID card. (b)(7)(C) the OIC of the sensitive site exploitation team, immediately came to (b)(7)(C) and explained to him that until we could validate his claim, he would be detained. That decision was sound based on the fact that 2/2 had just raided a mosque less than 1 block from (b)(7)(C) home, we had uncovered 2 mortar systems which 2/2 was confident had been used to shell their FOB, and the fact that the sun would soon be up and crowds would form. (b)(7)(C) states, and the Marines interviewed by the Battalion XO verify, that (b)(7)(C) was called "sir" and was treated with respect by the Marines. He was flex cuffed, as is SOP for all detainees. Once back at Camp Mahmudiyah, (b)(7)(C) was interviewed by HET, again being called "sir" and after approximately 5 hours, he was released. He was offered an apology, a ride home, or money for a cab if he did not wish to ride with CF. He was also told how he could file a grievance. He refused all of the above and left. He was angry despite our "brush off" plan. The plan was sound, and has been sufficient in the past. I found the statements of the officers on the raid (Bn CO and OPSO) as well as the officers who saw (b)(7)(C) when he was questioned (Bn XO and HET OIC) to be credible. I never met (b)(7)(C) although I engaged the local Iraqi Police to establish a meeting with him to apologize for his inconvenience. This was never arranged. The HET report which implicated (b)(7)(C) was sound, and I believe that he was involved in ACF activity. I found no evidence, nor has (b)(7)(C) produced any evidence, which validates his claim of abuse. I find nothing to substantiate this claim.

5. Recommendations: Based on my interviews, I recommend that this matter be closed. No further investigation is indicated. I further recommend that (b)(7)(C) be monitored for future links to reports on ACF activity.

(b)(7)(C)