



# UNITED STATES MARINE CORPS

1st Marine Division (Rein)  
Camp Babylon, Iraq  
LIC 39702  
FPO AP 96426-9702

IN REPLY REFER TO:  
5830  
CG [REDACTED]  
26 Jul 03

RETURN ENDORSEMENT on (b)(7)(C) PI 5800 S1 of 8 May 2003

From: Commanding General, 1st Marine Division (Rein)  
To: Commanding Officer, 1st Battalion, 4th Marines

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED UNPROVOKED STRIKING OF AN ENEMY PRISONER OF WAR ON OR ABOUT 16 APR 2003 BY (b)(7)(C)  
RMC 588 0351 USMC

Encl: (6) Ltr from (b)(7)(C) to IO dtd 30 Jun 03  
(7) Electronic mail response from IO dtd 2 Jul 03  
(8) Personnel Casualty Report ICN [REDACTED] 24 Apr 03  
(9) Statement of (b)(7)(C) of 11 Jul 03 w/Rights Advisement  
(10) Statement of (b)(7)(C) of 15 Jul 03 w/Rights Advisement  
(11) Statement of (b)(7)(C) of 21 Jul 03  
(12) Statement of (b)(7)(C) Jr. of 24 Jul 03  
(13) Statement of (b)(7)(C) of 24 Jul 03

1. Readdressed and returned. The subject line has been modified to specifically reflect the date, location and Marine involved in the incident.

2. The following facts are added:

a. "That (b)(7)(C) told (b)(7)(C) USN, MC, Medical Officer, 1st Battalion, 4th Marines, that, 'he had punched an EPW in the face' while seeking medical care from (b)(7)(C) for his injured hand." (Encl. 1, 8)

b. "That (b)(7)(C) also told (b)(7)(C) USMC that he injured his hand by striking a non-compliant EPW in the back of the head." (Encl. 8, 10)

c. "That (b)(7)(C) later recanted his story claiming he injured his hand punching the ground." (Encl. 4, 5, 9)

d. "That all available witnesses were interviewed by the investigating officer. No evidence of mistreatment of Enemy Prisoners of War (EPWs) was discovered." (Encl. 7, 11, 12, 13)

e. "That all Marines in (b)(7)(C) chain-of-command verified that (b)(7)(C) did not have access to EPWs during the time when his hand was injured." (Encl. 7, 11, 12, 13)

f. "That no complaints were filed by EPWs or Iraqi detainees for mistreatment during the time when (b)(7)(C) injured his hand." (Encl. 7, 11)

3. Opinion 1 is added: That (b)(7)(C) lied to (b)(7)(C) the medical officer, and (b)(7)(C) claiming he punched an EPW when he actually injured himself by punching the ground.

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED UNPROVOKED STRIKING OF AN ENEMY  
PRISONER OF WAR ON OR ABOUT 16 APR 2003 BY [REDACTED]  
8776/0351 USMC

4. Opinion 2 is added: That [REDACTED] alleged actions were in violation of Article 107, UCMJ because of the false official statements made to the medical officer, [REDACTED] USN, MC, in violation of Article 134, UCMJ for injuring himself (infliction of self-injury without attempting to avoid duty).

5. The proceedings, findings of fact, opinions and recommendations of the investigating officer, have been reviewed by the Staff Judge Advocate and are sufficient in fact and law. The investigation is closed.

6. The investigation is returned for administrative or judicial action as you deem appropriate.

Copy to:

SJA

[REDACTED]

UNITED STATES MARINE CORPS  
1ST BATTALION, 4TH MARINES  
1ST MARINE DIVISION (REIN), FMF  
DIC 39725  
FPO AP 96613-9726

5800  
CO  
28 May 03

FIRST ENDORSEMENT on [REDACTED] Preliminary Inquiry ICO  
[REDACTED] [REDACTED] SSN [REDACTED] 0351 USMC

From: Commanding Officer  
To: Commanding Officer, 1st Marines

Subj: PRELIMINARY INQUIRY ICO [REDACTED] [REDACTED] SSN [REDACTED] 0351 USMC

1. On 8 May 2003, [REDACTED] completed a  
Preliminary Inquiry into the injury sustained by [REDACTED]  
[REDACTED] SSN [REDACTED] 0351 USMC.

2. I concur with the recommendation. It is clear that all testimonial  
evidence that [REDACTED] committed any inappropriate act toward an  
enemy prisoner of war comes solely from individuals outside of this command,  
and is based entirely upon unsubstantiated admissions by [REDACTED].  
Additionally, statements from those with firsthand knowledge of [REDACTED]  
[REDACTED] assigned duties and whereabouts during the period in question  
indicate that the events could not have occurred as [REDACTED]  
describes them. More likely, [REDACTED] wished to avoid the  
embarrassment of having injured himself by punching the ground.

(b)(7)(C)



UNITED STATES MARINE CORPS  
1ST BATTALION, 4TH MARINES  
1ST MARINE DIVISION (REIN), FMF  
UIC 39726  
FPO AP 96613-9726

5800  
S1  
8 May 2003

From: Second Lieutenant (b)(7)(C) (b)(6) SSN /0302 USMC  
To: Commanding Officer  
Subj: PRELIMINARY INQUIRY ICD OF (b)(7)(C) (b)(6) SSN /0351 USMC  
Ref: (a) JAGMAN Section 0204  
Encl: (1) Statement of (b)(7)(C) (b)(6) SSN /8400 USN  
(2) Statement of (b)(7)(C) (b)(6) SSN /0351 USMC  
(3) Statement of (b)(7)(C) (b)(6) SSN /0351 USMC  
(4) Statement of (b)(7)(C) (b)(6) SSN /8400 USN  
(5) Statement of (b)(7)(C) (b)(6) SSN /0369 USMC

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a) into the cause of (b)(7)(C) broken hand.

2. Personnel contacted:

(b)(7)(C)

3. Materials reviewed: Voluntary statements from (b)(7)(C) (enclosure (1)), (b)(7)(C) (enclosure (2)), (b)(7)(C) (enclosure (3)), (b)(7)(C) (enclosure (4)), and (b)(7)(C) (enclosure (5)).

4. On 16 April 2003, (b)(7)(C) was talking with (b)(7)(C) about what he would do to the enemy if he was on a raid in (b)(7)(C). Demonstrating a striking technique to these Marines, (b)(7)(C) punched the ground with full force injuring his hand. Once (b)(7)(C) hand began to swell he went to get treatment from (b)(7)(C). After assessing (b)(7)(C) hand, (b)(7)(C) took him to the Battalion Aid Station Medical Officer and he was then sent for X-rays.

5. Recommendation: No further investigation warranted. (b)(7)(C) injured his hand punching the ground and not an enemy prisoner of war or detainee. (b)(7)(C) was not present to be interviewed about the situation.

(b)(7)(C)