

HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
BAGHDAD, IRAQ
APO AE 08342-1400

REPLY TO
ATTENTION OF

MNFI-CG

15 May 2004

MEMORANDUM FOR BG Richard P. Formica, Commanding General, III Corps
Artillery

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. You are appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into all the facts and circumstances surrounding allegations of detainee abuse occurring while detainees were under the control of [REDACTED]

[REDACTED] and were detained at [REDACTED], near Baghdad, Iraq. Specific incidents are detailed in the attached materials (an interim report of an investigating officer and two attached sworn statements). However, if you discover any other allegations of detainee abuse, you will notify me immediately, and then proceed to investigate the additional allegations.

2. In addition to investigating the issue of whether detainee abuse occurred, you will specifically examine the procedures and facilities used for detainee operations within [REDACTED] in order to determine whether there has been compliance with regulatory and policy guidance established for detainee operations in Iraq. As part of your investigation, you will establish who has command and control over detainee operations within [REDACTED]. Should you have any questions as to the scope of your investigation, you may contact COL [REDACTED] Staff Judge Advocate, III Corps and MNC-1, for clarification.

3. Your investigation will run concurrently with an investigation being conducted by the [REDACTED]. To insure your efforts do not hinder or interfere with the [REDACTED] investigation, you will, in accordance with AR 15-6, paragraph 1-4d, coordinate with LTC [REDACTED] Commander, 22d Military Police Battalion (CID), prior to initiation of your investigation. Such coordination will focus on deconfliction of investigative efforts. Your legal advisor can provide you with additional guidance on the interplay between your investigation and the [REDACTED] investigation.

4. You will use the Informal Investigation procedures detailed in AR 15-6, paragraph 4-7 et seq. You will make specific findings of facts that are supported directly by the documented evidence or reasonably based upon circumstantial evidence. Based upon all factual findings and conclusions, you will make recommendations on all relevant issues you identify in the course of your investigation.

5. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other

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criminal law, you must advise them of their rights under Article 31, UCMJ. Rights warnings and waivers will be documented on DA Form 3881. If during an interview you begin to suspect criminal conduct on the part of the witness, you must stop the interview and advise the individual of his rights under Article 31, UCMJ.


6. If during the course of your investigation, it becomes necessary to interview any person who is not a member of the U.S. Armed Services, or a U.S. government civil servant, you will contact COL [REDACTED] for further guidance. You should contact of COL [REDACTED] prior to interviewing U.S. citizens serving as contractors, citizens of countries other than the U.S. serving as contractors, citizens of Iraq (to include detainees) or third countries, and members of foreign militaries. b6

7. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. If you conduct any witness interviews telephonically, you will prepare a memorandum for record memorializing the interview. You will use DA Form 1574 to prepare your report. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. Submit the original report to me no later than 15 days after your receipt of this memorandum. Any requests for extension must be in writing.

8. [REDACTED] on this date, I have coordinated your appointment to conduct this investigation with GEN John Abizaid, Commanding General, USCENTCOM, and secured his approval for this action. b2

9. Before proceeding with the investigation, you will coordinate with LTC [REDACTED] OSJA, III Corps, who will serve as your legal advisor. b6

Encl
as


RICARDO S. SANCHEZ
Lieutenant General, USA
Commanding

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