

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
3<sup>rd</sup> MILITARY POLICE GROUP (CID)  
78<sup>th</sup> MILITARY POLICE DETACHMENT (CID) (FWD)  
BAGHDAD, IZ  
APO AE 09342

CIMPR-FR

2 Aug 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION -FINAL - 0175-04-CID259-80269-  
/5C1/5Y2E

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. UNKNOWN DATE/UNKNOWN TIME/UNKNOWN LOCATION

2. DATE/TIME REPORTED: 23 Jul 2004, 0900

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]  
[REDACTED] SA [REDACTED]

674-1,66-1,62

4. SUBJECT: 1. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE)] [CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE)]

5. VICTIM: 1. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE)] [CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE)]

INVESTIGATIVE SUMMARY:

This investigation was initiated subsequent to receiving request for investigation (RFI) 0288-04-CID001 from the United States Army Criminal Investigation Command, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (USACIDC), which requested this office investigate allegations documented in an excerpt from the International Committee of the Red Cross (ICRC) on the treatment by the coalition forces of prisoners of war and other protected persons by the Geneva conventions in Iraq during arrest, internment and interrogation, dated Feb 04.

The conduct of this investigation could not determine if the offenses of Aggravated Assault and Cruelty and Maltreatment were committed, due to the victim could not be identified.

All investigative leads were exhausted, by this office.

STATUTES:

Article 128, UCMJ: Aggravated Assault (Insufficient Evidence)

Article 93, UCMJ: Cruelty and Maltreatment (Insufficient Evidence)

## EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA [REDACTED] 29 Jul 04, detailing the receipt of RFI; coordination with SJA, MNF-I, Camp Victory, Iraq and 22<sup>nd</sup> Military Police Battalion (CID), Camp Victory, Iraq. *67C-1,66-1*
2. AIR of SA [REDACTED] this office, 23 Jul 04, coordination with 22<sup>nd</sup> MP BN (CID), Camp Victory, Iraq. *67C-1,66-1*
3. (3-1 through 3-26) International Committee of the Red Cross Report, 10 Feb 04.

Not Attached

None.

The originals of Exhibits 1 and 2 are attached to the USACRC copy of this report. The location of the originals of Exhibit 3 is unknown.

STATUS: This is a Final Report. Commanders Report of Disciplinary Action Taken (DA Form 4833) is not required.

Report Prepared By:

Report Approved By:

Special Agent, [REDACTED]

Special Agent in Charge

Distribution:

1- DIR, USACRC, 6010, 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (original)

1- USACIDC (ATTN: Ms. [REDACTED]) (e-mail only)

1- THRU:

CDR, 22<sup>nd</sup> MP BN (CID), APO AE 09342CDR, 3<sup>rd</sup> MP Group (CID)

TO: CDR, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060

1- PMO, MNF-I (e-mail only)

1- CID LNO, MNF-I, APO AE 09335 (e-mail only)

1- Detainee Ops (ATTN: COL [REDACTED]) (e-mail only)

1- SJA, III Corps (ATTN: CPT [REDACTED]) (e-mail only)

1- File

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0175-04-CID259- 80269

PAGE 1 OF 1 PAGE

## DETAILS

### BASIS FOR INVESTIGATION:

About 1000, 21 Jun 04, SA [REDACTED] received a Request for Investigation from U.S. Army Criminal Investigation Command, Fort Belvoir, VA that an allegation of detainee abuse was reported to the International Committee of the Red Cross, wherein an unknown 61 year old person was tied, hooded and forced to sit on a hot surface, which caused severe burns to his buttocks.

About 1300, 23 Jun 04, SA [REDACTED] and SA [REDACTED] this office coordinated with CPT [REDACTED] SJA, MNF-I, Baghdad, Iraq, who reviewed his files, which did not disclose any information pertaining to this investigation. CPT [REDACTED] stated ICRC has never released names of alleged victims, due to possible repercussions directed towards the detainee. CPT [REDACTED] provided a copy of the ICRC report pertaining to detainee treatment. A review of the report did not disclose any names relative to this investigation. CPT [REDACTED] stated he did not know the location of MAJ [REDACTED] but believed she was co-located with CENTCOM.

About 1330, 23 Jun 04, SA [REDACTED] and SA [REDACTED] coordinated with COL [REDACTED] SJA, MNF-I, Baghdad, Iraq, who advised no contact should be made with the ICRC due to the sensitive relationship they have with the coalition forces. Also, the ICRC respects the confidentiality of the detainees and will not provide any names of the victims due to the fear of possible repercussions directed towards the detainee.

About 1315, 29 Jul 04, SA [REDACTED] coordinated with 22<sup>nd</sup> MP BN (CID), Camp Victory, Iraq and obtained the full identity of MAJ [REDACTED] Office of the Staff Judge Advocate, CENTCOM, MacDill AFB, FL.///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

78<sup>TH</sup> MP DET (CID)(FWD)  
BAGHDAD, IRAQ

SIGNATURE [REDACTED]

DATE

29 Jul 04

EXHIBIT

ACLU 1009 9:3  
1 FEB 77

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LAW ENFORCEMENT SENSITIVE

DODDOACID-005603

# AGENT'S INVESTIGATION REPORT

0175-04-CID259 80269

CID Regulation 195-1

PAGE 1 OF 1 PAGES

## DETAILS

During administrative review by 22<sup>nd</sup> Military Police (MP) Battalion (BN), (CID) (FWD), APO AE 09342 it was determined this office needed to re-open this investigation as a Report of Investigation (ROI) to complete additional investigative activity. This office needs to locate, fully identify, and interview MAJ [REDACTED] Chief, International Law, CENTCOM-CCJA (NFI) to obtain additional information to assist this investigation. ///LAST ENTRY/// 67C-3166-3

DODDOACID-005604

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]  
78th MP Det (CID) (FWD), 09342

SIGNATURE

[REDACTED]

DATE

23 Jul 04

CID FORM 94-E

FOR OFFICIAL USE ONLY

EXHIBIT 2

ACLU-RDI 109 p.4

PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-16)  
(When Data Is Entered)

**Page(s)**

5-30

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**Referred to:**

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101

MS. JACQUELINE SCOTT  
[scottj@centcom.smil.mil](mailto:scottj@centcom.smil.mil)  
(813) 827-5341/2830

UNCLASSIFIED - FOR OFFICIAL USE ONLY

DATE: 27 JULY 2004

FROM: SAC, 78TH MILITARY POLICE DET (CID) (FWD)  
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, HQUSACIDC ATTN: CIOP-ZA, FORT BELVOIR, VA  
CDR, 22<sup>ND</sup> MILITARY POLICE BATTALION (CID) (FWD)  
CDR, 3D MILITARY POLICE GROUP (CID)  
CDR, 78<sup>TH</sup> MILITARY POLICE DET (CID) (FWD)  
MNF-I, CHIEF OF STAFF, DETAINEE OPS  
PROVOST MARSHAL, MNF-I  
LNO CID, MNF-I (FOR FURTHER DISTRIBUTION)

SUBJECT: CID REPORT OF INVESTIGATION -INITIAL/SSI - 0175-  
04-CID259-80269-/5C1/5Y2E

DRAFTER : SA [REDACTED]

RELEASER: SA [REDACTED]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. UNKNOWN DATE/UNKNOWN TIME/UNKNOWN LOCATION

2. DATE/TIME REPORTED: 23 JUL 2004, 0900 HRS

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]

4. SUBJECT: 1. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT]  
[CRUELTY AND MALTREATMENT]

5. VICTIM: 1. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT]  
[CRUELTY AND MALTREATMENT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT  
IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION  
AND MAY CHANGE PRIOR TO THE COMPLETION OF THE  
INVESTIGATION.

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

ON 21 JUN 04, THIS OFFICE RECEIVED REQUEST FOR  
INVESTIGATION (RFI) 0288-04-CID001 FROM THE UNITED STATES  
ARMY CRIMINAL INVESTIGATION COMMAND, 6010 6<sup>TH</sup> STREET, FORT  
BELVOIR, VA 22060-5506 (USACIDC), WHICH REQUESTED THIS  
OFFICE INVESTIGATE ALLEGATIONS DOCUMENTED IN AN EXCERPT  
FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ON  
THE TREATMENT BY THE COALITION FORCES OF PRISONERS OF WAR  
AND OTHER PROTECTED PERSONS BY THE GENEVEA CONVENTIONS IN

IRAQ DURING ARREST, INTERNMENT AND INTERROGATION, DATED FEB 04.

PRELIMINARY INVESTIGATION REVEALED THE ICRC REPORT RELATED A 61-YEAR OLD PERSON ALLEGED HE WAS TIED, HOODED AND FORCED TO SIT ON A HOT SURFACE OF WHAT HE SURMISED TO BE THE ENGINE OF A VEHICLE, WHICH CAUSED SEVERE BURNS TO HIS BUTTOCKS.

ON 23 JUN 04, COORDINATION WITH THE OFFICE OF THE STAFF JUDGE ADVOCATE, MULTINATIONAL FORCE - IRAQ, BAGHDAD, IZ, DISCLOSED THE ICRC HAS NOT RELEASED THE VICTIM'S NAME DUE TO POSSIBLE REPURCUSSIONS DIRECTED TOWARD THE DETAINEE.

ON 23 JUN 04, A REVIEW OF THE COMPLETE REPORT GENERATED BY THE ICRC DISCLOSED NO FURTHER INFORMATION PERTAINING TO THIS INVESTIGATION.

ON 24 JUN 04, THIS INVESTIGATION WAS CLOSED IN THE FILES OF THIS OFFICE.

ON 23 JUL 04, DURING AN ADMINISTRATIVE REVIEW OF THIS CASE FILE, IT WAS DETERMINED A REPORT OF INVESTIGATION SHOULD BE INITIATED AND FURTHER INVESTIGATIVE ACTIVITY CONDUCTED.

EFFORTS ARE ON GOING TO LOCATE, FULLY IDENTIFY, AND INTERVIEW THE UNKNOWN SUBJECT(S) AND UNKNOWN VICTIM.

INVESTIGATION CONTINUES BY USACIDC.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

DODDOACID-005607



AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0175-04-CID259- 80269
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1000, 21 Jun 04 [REDACTED] b7C-1,66-1	<b>BASIS FOR INVESTIGATION:</b> b7C-1,66-1 About 1000, 21 Jun 04, SA [REDACTED] received a Request for Investigation from U.S. Army Criminal Investigation Command, Fort Belvoir, VA that an allegation of detainee abuse was reported to the International Committee of the Red Cross, wherein an unknown 61 year old person was tied, hooded and forced to sit on a hot surface, which caused severe burns to his buttocks.	
1300, 21 Jun 04 [REDACTED] b7C-1,66-1 21 JUN 04 [REDACTED] b7C-1,66-1	Assembled case file. To SAC for review.  <b>SAC Review:</b> 1. Good IP. Continue efforts. TO SA [REDACTED] b7C-1,66-1	

CID FORM 28  
1-7-59

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

AGENTS ACTIVITY SUMMARY (CID Regulation 193-1)		Control Number 0175-04-CID259- 80241
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1300, 23 Jun 04 [REDACTED] 67C-11664	Coordinated with SJA. (See AIR for details)	
0930, 24 Jun 04 [REDACTED] 67C-11664	Made copies of ICRC report. File to SAC for review. No victim information would be provided to this office.	
24 JUN 04 [REDACTED] 67C-11664	<p>SAC Review:</p> <p>1. This office coordinated w/ MUC-I, who had no records of this incident or unknown individual. As a result of that coordination, this office will close this file. There is no further investigative activity required by this office.</p> <p>2. ICRC does not release victim's names due to possible repercussions.</p> <p>File closed</p>	

CID FORM 28  
1-6-60

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

2

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0175-04-CID259 8076f
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1200, 23 Jul 04 [REDACTED] 67C-156-1	<p>During administrative review by 22<sup>nd</sup> Military Police (MP) Battalion (BN), (CID) (FWD), APO AE 09342 it was determined this office needed to re-open this investigation as a Report of Investigation (ROI) to complete additional investigative activity. This office needs to locate, fully identify, and interview MAJ [REDACTED] Chief, International Law, 67C-3, 66-3 CENTCOM-CCJA (NFI) to obtain additional information to assist this investigation</p> <p>TO SA [REDACTED] for re-assignment 67C-156-1</p>	

CID FORM 28  
1 Oct 80

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

3

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0175-04-CID259-80269
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1100, 27 Jun 04 ██████████ 67C-1,66-1	According to the RFI, USACIDC already coordinated with MAJ ██████████ who related MNF-I has overall responsibility for the Iraq theater of operations. MAJ ██████████ related to USACIDC that MNF-I was responsible to make both policy and legal determinations concerning allowing USACIDC access to ICRC employees. Further USACIDC was unable to obtain additional information concerning the ICRC allegations through MAJ ██████████ 67C-3,66-3  Coordination was already made with COL ██████████ MNF-I, SJA, Camp Victory, Iraq who advised this office not to contact ICRC regarding the allegations. (See AIR dated 21 Jun 04) 67C-3,66-3  Drafted initial report.  To SAC for review.	
27 JUL 04 ██████████ 67C-1,66-1	MAIL/SSA Dispatched. Continue efforts w/TP. TO SA ██████████ 67C-1,66-1	

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0175-04-CID259-80269
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1315, 29 Jul 04 [REDACTED] b7C-1,66-1	Coordinated with 22 <sup>nd</sup> MP BN (CID), Camp Victory, Iraq and obtained the full identity of MAJ [REDACTED] Office of the Staff Judge Advocate, CENTCOM, MacDill AFB, FL. b7C-3,66-3	
	All investigative leads were exhausted. Will draft final R report.	
1710, 29 Jul 04 [REDACTED] b7C-1,66-1	Drafted Final Report. TO SAC For Review	
31 Jul 04 [REDACTED] b7C-1,66-1	ASAC Review: Reviewed Final. Correct and provide to SAC	
2 AUG 04 [REDACTED] b7C-1,66-1	Reviewed FINAL. make corrections, then return to me for closure b7C-1,66-1	
2 AUG 04 [REDACTED] b7C-1,66-1	TO SA [REDACTED] Corrections made. File closed TO ADMIN For Distro	
11 Aug 04 [REDACTED] b7C-1,66-1	Distro Done Copie of file made originals send out to CRE.	

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0175-04-CID259-80269
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1000, 24 Sep 04  b7C-1,66-1	<p>Rebuttal for Detainee Assessment Task Force:</p> <p>Request for Correction (0555-04-CID001)</p> <p>1a. Whether any medical treatment records existed at Camp Bucca that could have documented the incident or provide data for victim/suspect identification. SAC's Comments:</p> <p>During previous investigations involving detainees it was determined Camp Bucca requires a name, an ISN or NDRS to conduct any query. Without a detainee identification number, then medical can not query an medical treatment records. The medical personnel located at Camp Bucca do not have 2003 treatment records on hand. This office omitted the information in this case file.</p> <p>1b. No interviews of Camp Bucca medical personnel or explanations. SAC's Comments:</p> <p>During previous investigations involving medical personnel located at Camp Bucca, it was determined the medical personnel at Camp Bucca during Sep 03 have re-deployed before the incident was reported to this office. This office omitted the information in this case file.</p> <p>1c. No indication that any type of record at Camp Bucca (e.g. capture, interrogation or ISN) was checked to identify anyone within the victim's age range (61) or any explanation provided. SAC's Comments:</p> <p>During previous investigations involving detainee personnel, it was determined Camp Bucca requires a name or an ISN/NDRS (identification number) to locate any detainee personnel. This office omitted this information in this case file.</p> <p>1d. AIR of SA [redacted] 23 Jul 04, list a lead that was not pursued or explained further. SAC's Comments: SA [redacted] did not explain further because SA [redacted] AAS entry, 1100, 27 Jun 04, which documents USACIDC obtained all information from MAJ [redacted] at the onset of this investigation.</p>	

