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Mr. John Greenewald, Jr.

Dear Mr. Greenewald:

This is the final response to your Freedom of Information Act (FOIA) request of April 30, 2004, that you submitted to the Department of the Army and they subsequently referred to our office. This completes the processing of the AR 15-6 Investigation of the 800th Military Police Brigade, Major General Antonio M. Taguba, Investigating Officer, otherwise referred to as The Taguba Report. As this document was responsive to litigation between the American Civil Liberties Union and the Department of Defense in the U.S. District Court for the District of Southern New York, the release of the entire document was contingent upon releases in litigation. This response addresses Annexes 25, 26, 34, 40, 97, 103, and 104. Enclosed you will find Annexes numbered 34 and 97 which are released in part. Annexes numbered 25, 26, 40, 103, and 104 have been withheld in their entirety from the plaintiff in the aforementioned litigation. I apologize for the delay in completing your request.

Information has been withheld from Annexes 25, 26, 34, 40, 97, 103, and 104, either in whole or in part under the following FOIA exemptions.

5 USC§552 (b) (1) which applies to information which is currently and properly classified pursuant to Executive Order 12958, as amended. In this instance the denied information is currently and properly classified pursuant to Section 1.4(a) of the Executive Order in that the information concerns military plans, weapons, or operations; and Section 1.4(c) of the Executive Order in that the information concerns intelligence activities, intelligence sources or methods.
5USC§552 (b) (2) (High), which applies to information whose release would result in the circumvention of a Department of Defense (DoD) rule, policy, or statute, thereby impeding the DoD in the conduct of its mission.
5 USC§552 (b) (3) which pertains to information exempt from release by statute. The relevant statutes in this instance are 10 USC§130b and 10 USC§130c. 10 USC§130b authorizes the Secretary of Defense to withhold from disclosure personally identifying information concerning personnel in overseas, sensitive, or routinely deployable units 10 USC§130c allows for the withholding of certain sensitive information of foreign governments and international organizations.

5 USC§552(b) (6) which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy.

5 USC§552(b) (7) (C) which applies to records or information compiled for law enforcement purposes that could reasonably be expected to constitute and unwarranted invasion of the personal privacy of others.

A complete copy of the AR 15-6 Investigation of the 800th Military Police Brigade, Major General Antonio M. Taguba, Investigating Officer is also electronically available at the following website: http://www.dod.mil/pubs/foi/detainees/taguba/

Appeals may be submitted in writing to this Office, by writing to James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal letter should be postmarked within 60 calendar days of the date of this letter and should cite case number 04-F-2296.

Sincerely,

Will Kammer
Chief

Enclosures:
As stated
ANNEX 25

CID REPORT ON CRIMINAL ABUSES AT ABU GHRAIB, 28 JANUARY 2004

DENIED IN FULL
5 USC § 552 EXEMPTION (b)(7)(A)
ANNEX 26

CID INTERVIEWS, 10-25 JANUARY 2004

DENIED IN FULL
5 USC § 552 EXEMPTION (b)(7)(A)
ANNEX 34

CID Report on abuse of detainees at Camp Bucca, 8 June 2003 (Attached)

DENIED IN PART

5 USC § 552 EXEMPTION (b)(2)(High)

5 USC § 552 EXEMPTION (b)(6)

5 USC § 552 EXEMPTION (b)(7)(C)
DEPARTMENT OF THE ARMY
10th MILITARY POLICE DETACHMENT (CID) (FWD)
THIRD MILITARY POLICE GROUP (CID), USACIDC
CAMP BUCCA, UM QASR
APO, AE 09375

CIRC-AB

8 June 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL(C) 0031-03-CID519-62147-996SC1N/5X1/5Y2D2/5Y2G

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
   1. 12 May 2003/1730 Zulu; Grid Coordinate QU 776 287, In-Processing Holding Area, Enemy Prisoner of War (EPW), Camp Bucca, Um Qasr, Iraq. APO AE 09375

2. DATE/TIME REPORTED: 14 May 2003, 0600 Zulu

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

4. SUBJECT: 1. [REDACTED], MSG; [REDACTED], F; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; CT [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

   2. [REDACTED], SFC; [REDACTED], M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

   3. [REDACTED], SSG; [REDACTED], M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

   4. [REDACTED], SSG; [REDACTED], M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

   5. [REDACTED], SGT; [REDACTED], F; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]
09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

6. [REDACTED] SGT; [REDACTED]; F; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

7. [REDACTED]; SPC; [REDACTED]; M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

8. [REDACTED]; SPC; [REDACTED]; M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

9. [REDACTED]; SPC; [REDACTED]; M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

10. [REDACTED]; SPC; [REDACTED]; M; WHITE; HHC, 320TH MILITARY POLICE BATTALION, CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [CRUELTY AND MALTREATMENT OF EPW][AGGRAVATED ASSAULT][CONSPIRACY][DERELICTION OF DUTY][CONDUCT UNBECOMING]

5. VICTIM: 1. [REDACTED]; SPC; [REDACTED]; F; WHITE; 223RD MP CO; CAMP BUCCA, UM QASR, IRAQ, APO AE 09375; [ASSAULT]

2. [REDACTED] CIV-EPW; ISN [REDACTED] BAGHDAD, IRAQ; M; OTHER; [CRUELTY AND MALTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]

3. [REDACTED] CIV-EPW; [REDACTED] BABEL, IRAQ; M; OTHER; [CRUELTY AND MALTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]

4. [REDACTED] CIV-EPW; ISN [REDACTED] BASRAH, IRAQ; M; OTHER; MAJOR FOR CIVILIAN POLICE BASRAH; [CRUELTY AND MALTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]

5. [REDACTED] CIV-EPW; ISN [REDACTED] BABLE, IRAQ; M; OTHER; CAPTAIN FOR CIVILIAN POLICE BASRAH; [CRUELTY AND MALTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]
6. [REDACTED], CIV-EPW; ISN [REDACTED]; BABEL, IRAQ; M; OTHER; [CRUELTY AND MALTRTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]

7. [REDACTED], CIV-EPW; ISN [REDACTED]; KARBALA, IRAQ; M; OTHER; [CRUELTY AND MALTRTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]

8. [REDACTED], CIV-EPW; ISN [REDACTED]; BAGHDAD, IRAQ; M; OTHER; [CRUELTY AND MALTRTREATMENT][AGGRAVATED ASSAULT][CONSPIRACY]

9. U.S. GOVERNMENT [DERELICTION OF DUTY]

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom" investigation. The delay in dispatching this report was due to the lack of secure communications capabilities for CID at Camp Bucca, Um Qasr, Iraq.

This investigation established probable cause to believe MSG [REDACTED], SSG [REDACTED], SFC [REDACTED], SGT [REDACTED], SGT [REDACTED], SPC [REDACTED], SPC [REDACTED] committed the offenses of Aggravated Assault, Conspiracy, Cruelty and Maltreatment of EPW, Dereliction of Duty and False Swearing when they physically and verbally assaulted EPWs under their charge during in-processing into the Theater Internment Facility (TIF).

STATUTES:

ARTICLE 128, UCMJ: AGGRAVATED ASSAULT
ARTICLE 81, UCMJ: CONSPIRACY
ARTICLE 93, UCMJ: CRUELTY AND MALTREATMENT
ARTICLE 92, UCMJ: DERELICTION OF DUTY
ARTICLE 134, UCMJ: FALSE SWEARING
ARTICLE 134, UCMJ: CONDUCT UNBECOMING

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent’s Investigation Report (AIR) of SA [REDACTED], 16 May 03, detailing: the initial notification by [REDACTED] of maltreatment of EPWs; Coordination with MAJ [REDACTED] and LTT [REDACTED], and the interviews of SSG [REDACTED], SPC [REDACTED]

2. AR 15-6 Investigation, 14 May 03.

3. Sworn Statement of SSG [REDACTED], 14 May 03
4. Sworn Statement of SPC [redacted], 14 May 03.

5. Non-Rights Waiver of SGT [redacted], 14 May 03.

6. AIR of SA [redacted], 14 May 03.

7. AIR of SA [redacted], 16 May 03, documenting the interviews of SGT [redacted], SPC [redacted], SPC [redacted], SPC [redacted], MR [redacted], and LTC [redacted].

8. Sworn Statement of SGT [redacted], 14 May 03.


10. Sworn Statement of SSG [redacted], 15 May 03.

11. Sworn Statement of SPC [redacted], 16 May 03.

12. Waiver Certificate and Sworn Statement of SPC [redacted], 16 May 03.

13. AIR of SA [redacted], 16 May 03, detailing interviews of SPC [redacted], SGT [redacted], and SPC [redacted].


15. Waiver Certificate and Sworn Statement of SGT [redacted], 15 May 03.


17. AIR of SA [redacted], 16 May 03.

18. Rights Waiver and Sworn Statement of MSG [redacted], 16 May 03.

19. AIR of SA [redacted], 16 May 03, detailing interviews of SSG [redacted], SPC [redacted], and SSG [redacted].

20. Waiver Certificate and Sworn Statement of SSG [redacted], 15 May 03.

21. Sworn Statement of SPC [redacted], 15 May 03.

22. Waiver Certificate and Sworn Statement of SSG [redacted], 16 May 03.

23. AIR of SA [redacted] of Crime Scene Examination, 16 May 03.

24. Crime Scene Sketch of SA [redacted], 16 May 03.
25. AIR of SA 04/16, 16 May 03, documenting the interviews of MR 04/16 and SPC 04/16.


27. Waiver Certificate and Sworn Statement of SPC 04/16, 16 May 03.

28. AIR of Investigator 04/16 detailing interviews of Mr 04/16 and Mr 04/16, 14 May 03.

29. AIR of SA 04/16, 14 May 03, detailing re-interviews of SGT 04/16 and SPC 04/16.

30. Sworn Statement of SGT 04/16, 14 May 03.

31. Sworn Statement of SPC 04/16, 14 May 03.

32. AIR of SA 04/16, detailing interviews of CPT 04/16, photographs of injuries to Enemy of Prisoners of War (EPW) and coordination to obtain medical records of EPW's, 27 May 03.

33. Computer Disk containing images of injuries sustained by victims, 003103519.62147 (file, SJA, USACRC copies only).

34. Medical Records of injured EPW's, 27 May 03.

35. AIR of SA 04/16, 19 May 03 detailing the interview of members of the 744th MP BN, CWI.

36. Camp Whitford Release List, 12 May 03.

37. AIR of SA 04/16, 21 May 03, detailing the re-interviews of MSG 04/16 and SSG 04/16.

38. Non-Waiver Certificate of MSG 04/16, 21 May 03.

39. Non-Waiver Certificate of SSG 04/16, 21 May 03.

40. AIR of SA 04/16, 23 May 03, detailing a briefing with Staff Judge Advocate LTC 04/16.

Not Attached:

On file at USACRC, Polygraph Division:

41. Polygraph request of MSG 04/16, 21 May 03.

42. Polygraph approval of MSG 04/16, 21 May 03.
43. Polygraph request of SSG [redacted], 21 May 03.

44. Polygraph approval of SSG [redacted], 21 May 03.

The originals of Exhibits 1-4, 6-8, 10, 11, 13, 17, 19, 23-25, 28-32, 35, 37 and 40 are forwarded with a USACRC copy of this report. The originals of Exhibits 5, 9, 12, 14-16, 18, 20-22, 26 and 27, 33, 38 and 39 are retained in the original case file pending adjudication of this investigation. The originals of Exhibit 36 is maintained in the files of the 800th MP BDE, Camp Arifjan, Kuwait, APO AE 09366.

STATUS: This is a Final (C) Report. This investigation was terminated IAW paragraph 4-17a(4), CIDR 195-1. The supported staff judge advocate is of the opinion that sufficient admissible evidence is available to prosecute the subject(s) for the offense(s), that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely.

Leads Remaining: Locate possible additional witnesses and interview.

REPORT PREPARED BY: Special Agent, [redacted]

- REPORT APPROVED BY: Special Agent in Charge, [redacted]

DISTRIBUTION:

1 - (original) Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th St, Fort Belvoir, VA 22060

1 - THRU: CDR, 800th Military Police Brigade (ATTN: COL [redacted], Camp Bucca, APO AE 09367

TO: Action Commander, 800th MP BDE (ATTN: BG [redacted], Camp Bucca, Um Qasr, Iraq.

1 - 800th MP BDE, SJA (ATTN: LTC [redacted], Camp Arifjan, Kuwait, APO AE 09366.

1 - CDR, 3rd MP GRP, (FWD) (ATTN: Operations Officer), APO, AE 09366 (e-mail only/less exhibits)

1 - CDR, 10th MP BN (CID) (FWD) (ATTN: Operations Officer), APO, AE 09304, (e-mail only/less exhibits)
1 - 800th Military Police Brigade (ATTN: MAJ [Redacted], Camp Bucca, APO, AE 09375 (e-mail only/less exhibits))

1 File
ANNEX 40

Joint Interrogation and Debriefing Center’s (JIDC) Slides, Undated
DENIED IN FULL

5 USC § 552 EXEMPTION (b)(1)

5 USC § 552 EXEMPTION (b)(2)(High)

5 USC § 552 EXEMPTION (b)(3) –
Statute 10 U.S.C. 130b

5 USC § 552 EXEMPTION (b)(6)
ANNEX 97

530th MP Battalion Mission Brief, 11 Feb 2004  
(Attached)

DENIED IN PART

5 USC § 552 EXEMPTION (b)(1)

5 USC § 552 EXEMPTION (b)(2)(High)
Mission Brief

530TH MILITARY POLICE BATTALION (I/R)

OMAHA, NEBRASKA

CAMP ASHRAF MISSION BRIEF
FOR
MG ANTONIO TAGUBA
11 FEBRUARY 2004
23 Pages
Withheld In Full
Exemption 1
530th Military Police Battalion (I/R)

“Securing The Vanquished”
The Geneva Convention
Outline

- Brief History
- Define EPW
- Selected Articles
  - Beginning of Capture
  - Quarters, Food and Clothing
  - Hygiene and Medical Attention
  - Discipline
  - Rank of EPW’s
  - Summary
The Geneva Convention

- Adopted on 12 August 1949
- Made Official 21 October 1950
- Has 143 Articles and 5 Annexes
- Established By A Diplomatic Conference
- Provided For The Protection of EPW's
Why Comply?

- DOD Directive 2310.1
  - Establishes Policies for the Treatment, Care, Accountability, Legal Status, and Administrative Procedures.

- Army Regulation 190-8, 190-57
- SECNAV Instruction 31-3461
- Air Force Joint Instruction 31-304
Army Regulation 190-8

- This regulation provides policy, procedures, and responsibilities for the administration, treatment, employment, and compensations of enemy prisoners of war (EPW) in the custody of U.S. Armed Forces.
Article 4
Enemy Prisoners of War

- EPW’s are
  - Members of an Armed Force in Conflict
  - Members of a Militia (Resistance Movements)
  - Members of a Volunteer Corps
  - Members of Crews (Planes and Ships)
The Geneva Convention

Beginning of Capture
Article 17

- What Occurs Upon Capture:
  - Required to Give, Name, Rank, SSN, DOB
  - EPW's will Be Given an ID
  - No Physical or Mental Torture
  - No Form of Coercion May Be Inflicted
  - No Punishment for Refusing To Answer Questions
  - Questioning Will Be Done In Their Language
Article 18

- EPW's are allowed to keep:
  - All effects and articles of personal use
  - Gas Masks/Articles for Personal Protection
  - Items Used For Clothing and Feeding
  - Items of Sentimental Value
  - Articles of Value will be Secured for Security Reasons
Article 19

- EPW’s shall be evacuated as soon as possible after their capture to Internment Facilities (IF) situated in an area far enough from the combat zone for them to be out of danger.
Article 20

- EPW’s shall always be treated humanely.
- They will be given sufficient food and water along with the necessary clothing and medical attention.
- Stays at temporary holding areas should be as brief as possible.
Article 22

- EPW’s will not be housed in an area that is unhealthy or where the climate may cause injuries to them.
- Prisoners will be housed according to their nationality, language and customs.
- EPW’s will be broken down by rank and sex.
The Geneva Convention

- Quarters, Food and Clothing
Article 25

- EPW's will be housed under conditions as favorable as those of the detaining power.
- The premises shall be entirely protected from dampness and adequately heated and lighted.
Article 26

- The daily food ration will be in an amount so that the prisoners will not lose any weight and should be in a diet they are accustomed to.
- EPW's must be kept in good health and free of nutritional deficiencies.
- Sufficient drinking water shall be supplied.
- The use of tobacco shall be permitted.
Article 27

- Proper clothing should be made available to all EPW's.
- Must make allowances for the weather conditions.
The Geneva Convention

- Hygiene and Medical Attention
Article 29

- All prisoners will be given sanitary measures to ensure cleanliness and to assist with the prevention of epidemics.
Article 30

- Each IF will have an infirmary for treatment of EPW's.
- If necessary, an isolation ward will be set up to prevent the spread of diseases.
- Seriously ill EPW's will be admitted to military medical facilities.
Article 31

- Medical Inspections of each EPW should be conducted once a month.
  - Weigh-in
  - Check general health, nutrition and cleanliness
Articles 32,33,34,35

- EPW's can use their own:
  - Medical Personnel
  - Chaplains
  - Religious Beliefs
  - Cooks
  - Make Their Own Compound Improvements
Article 38

- EPW’s are encouraged to participate in educational and recreational activities.
- The Internment Facility must provide adequate premises and the necessary equipment to participate in these activities.
The Geneva Convention

- Discipline
Article 39

- EPW’s will salute and show respect to all officers of the detaining party.
- EPW Officers are only required to salute officers of higher rank.
- All EPW’s will salute the Battalion Commander.
Article 40

- Rank and insignias are authorized to be worn by all EPW’s.
Article 41

- Any regulations, orders and notices will be published in the EPW’s language.
The Geneva Convention

- Rank of EPW's
Article 44

- EPW's will be treated in accordance with their rank.
Summary

- Brief History of the Geneva Convention
- Define EPW
- Beginning of Capture
- Quarters, Food and Clothing
- Hygiene and Medical Attention
- Discipline
- Rank of EPW
Comments & Questions

- The Geneva Convention of 12 August 1949
Final Comments

- U.S. Soldiers are Ordinary People Who Do Extraordinary Things!

- Ask Not What Your Country Can Do For You......Ask What You Can Do For Your Country!!

- The 530th Military Police Battalion & The 336th Military Police Processing Team----------We Are...."Answering The Call"!!!

"Securing the Vanquished"
ANNEX 103
Various SIRs from the 800th MP Brigade / 320th MP Battalion

DENIED IN FULL

5 USC § 552 EXEMPTION (b)(1)

5 USC § 552 EXEMPTION (b)(2)(High)

5 USC § 552 EXEMPTION (b)(3) –
Statute 10 U.S.C. 130b

5 USC § 552 EXEMPTION (b)(6)
ANNEX 104

205th MI Brigade SITREP to MG Miller

12 December 2003

DENIED IN FULL

5 USC § 552 EXEMPTION (b)(1)

5 USC § 552 EXEMPTION (b)(2)(High)

5 USC § 552 EXEMPTION (b)(3) –

Statute 10 U.S.C. 130b

5 USC § 552 EXEMPTION (b)(6)