



DEPARTMENT OF THE ARMY  
Office of The Judge Advocate General  
2200 Army Pentagon  
Washington, DC 20310-2200

REPLY TO  
ATTENTION OF:

22 FEB 2007

DAJA-CL

MEMORANDUM FOR RECORD

SUBJECT: Case Disposition on Case Number 0284-04-CID-56-76201

1. Case disposition is submitted on the following Soldier:

[REDACTED], 3/362d Armor Regiment, Fort Carson, CO. On 14 Mar 05, [REDACTED] was tried at a General Court-Martial. He was sentenced to 45 days confinement, forfeiture of \$1000 pay for 12 months and a reprimand.

2. If you need additional information pertaining to the above case, I can be reached at [REDACTED]

[REDACTED]  
COL, JA  
Chief, Criminal Law Division

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Encl

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of the Provost Marshal General

23-Aug-05

PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSVI).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. THRU SPECIAL AGENT IN CHARGE 48TH MP DET (CID) FORT CARSON, CO 80913	2. TO DIRECTOR USA CRIME RECORDS CENTER FORT BELVOIR, VA 22060	3. FROM COMMANDER 3/3 ACR Fort Carson, CO 80913
4. USACRC CONTROL NUMBER 0284-04-CID056-76201	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline. In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

7. NAME OF SUBJECT (Last, First, MI) 8. GRADE 9. SSN 10. DATE OF BIRTH (YYYYMMDD)

[REDACTED]

11a. OFFENSE(S) 11b. DATE OF OFFENSE(S) (YYYYMMDD) 11c. ACTION TAKEN 11d. IF NO ACTION TAKEN, EXPLAIN:

Aggravated Assault	20040715	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	See attachments
Fail to Obey Gen Order	20040715	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	See attachment 5 (disregard) (F55)
Continued on 15		YES <input type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

\* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted (AN/AR 190-45, MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND  ORAL  WRITTEN   
 FILED:  LOCALLY  OMPF

LETTER OF CONCERN/COUNSELING  
 ADVERSE OER/NCOER COMMENT  
 RELIEF FOR CAUSE OER/NCOER  
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE  
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)  
 Regulation Chapter Characterization Discharge Date

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED  FIELD GRADE  COMCA IMPOSED   
 COMPANY GRADE  GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach copy of the court-martial order giving findings and sentences.)

SUMMARY COURT-MARTIAL  GENERAL COURT-MARTIAL   
 SPECIAL COURT-MARTIAL  CIVILIAN OR MAGISTRATE CRIMINAL COURT

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13 JUDICIAL FINDINGS

GUILTY  
NOT GUILTY

DISMISSED  
OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

- a. REPRIMAND:  b. ADMONITION:  (1) ORAL  (2) IN WRITING
- c. DETENTION  d. FORFEITURE  e. FINED \$1230<sup>00</sup> 1 MONTHS
- f. REDUCED FROM \_\_\_\_\_ TO \_\_\_\_\_ g. EXTRA DUTY FOR \_\_\_\_\_ DAYS h. RESTRICTED FOR \_\_\_\_\_ DAYS
- i. CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS j. CONFINED \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS
- k. SEPARATION:  PUNITIVE DISCHARGE  OTHER

Type \_\_\_\_\_ Chapter: \_\_\_\_\_ Characterization: \_\_\_\_\_ Effective Date: \_\_\_\_\_

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Offence	Date	Action Taken (Y/N)	If no action, explain
Cruelty and Maltreatment	20040715	<del>Y</del>	see attachments
Willful Discharging a Firearm	20040715	<del>Y</del>	see attachments
Assault	20040715	<del>Y</del>	Rec'd Field grade Act 15 10/13/03

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[Redacted] LTC AR Cmdg Reap Detachment 3d ACR

16c. DATE OF REPORT (YYYYMMDD)  
2006/01/17

16d. APO ACCOUNT E-MAIL ADDRESS  
[Redacted] @us.army.mil

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DEPARTMENT OF THE ARMY  
Headquarters, 7th Infantry Division and Fort Carson  
Fort Carson, Colorado 80913

REPLY TO  
ATTENTION OF:

AFZC-CG

FEB 17 2005

MEMORANDUM FOR [REDACTED], Headquarters and Headquarters  
Troop, 3d Squadron, 3d Armored Cavalry Regiment, Fort Carson, Colorado 80913

SUBJECT: Order to Testify and Cooperate in Investigation

1. As an officer empowered to convene general courts-martial, and pursuant to R.C.M. 704, Manual for Courts-Martial, United States (2002 Edition), I make the following findings:

a. You possess information relevant to the pending court-martial case United States v. [REDACTED]. The presentation of your testimony at this trial is necessary to the public interest.

b. The prosecution believes that you have merits evidence relevant to the accusations against [REDACTED]

c. Despite the fact that you have received nonjudicial punishment under Article 15 UCMJ for related offenses, it is likely that you would refuse to testify on the basis of your privilege against self-incrimination.

2. On the basis of these facts, pursuant to R.C.M. 704(a)(2), you are ordered to appear and testify truthfully before the court-martial convened for the trial of [REDACTED]. No statement, testimony, or other information given by you subsequent to this grant of immunity (or any information directly or indirectly derived from such statement, testimony, or other information) shall be used against you in any criminal proceeding except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this order.

3. You shall also make yourself available to government investigative agencies and counsel to discuss the case United States v. [REDACTED].

4. This order is effective when presented to you by the trial counsel or his representative.

[REDACTED]  
Brigadier General, USA  
Acting Commander

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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS  
3D ARMORED CAVALRY REGIMENT  
FORT CARSON, COLORADO 80913

AFZC-R-CO

MEMORANDUM FOR Staff Judge Advocate, Fort Carson, Colorado 80913

SUBJECT: Withdrawal of Charge

1. In accordance with Rules for Courts-Martial 604(a) the charges preferred against [REDACTED] [REDACTED] HHT, 3d Squadron, 3d Armored Cavalry Regiment, Fort Carson, Colorado, on 21 October 2004, are withdrawn without prejudice.

2. Point of Contact is CPT [REDACTED]

COL, AR  
Commanding

1 Encl  
DD Form 458 w allied documents (4 pages)

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**RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ**

For use of this form, see AR 27-10; the proponent agency is TJAG.

*See Notes on Reverse Before Completing Form*

<b>NAME</b> [REDACTED]	<b>GRADE</b> [REDACTED]	<b>SSN</b> [REDACTED]	<b>UNIT</b> 1 Trp, 3/3d ACR Hit, Iraq	<b>PAY (Basic &amp; Sea/Foreign)</b> \$2,477.40
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1/</sup>  
 In that you, who should have known of your duties at or near the Ar Rutbah police station, on or about 9 July 2003, were derelict in the performance of those duties in that you willfully failed to properly handle detainees, which conduct was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces, as it was your duty to do. This is in violation of Article 92, UCMJ.

(SEE CONTINUATION SHEET)

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (*matters of defense*) or why punishment should be very light (*matters of extenuation and mitigation*). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2/</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. <sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel. Located at TDS, Al Asad, 302-539-0717. You now have 48 hours to decide what you want to do. <sup>4/</sup>

<b>DATE</b> 21 Oct 03	<b>NAME, GRADE, AND ORGANIZATION OF COMMANDER</b> [REDACTED] 3/3 ACR	<b>SIGNATURE</b> [REDACTED]
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3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (*Initial appropriate blocks, date, and sign*)  
 a.  I demand trial by court-martial.  
 b.  I do not demand trial by court-martial and in the Article 15 proceedings:  
 (1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.  
 (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

<b>DATE</b> 13 Oct 03	<b>NAME AND GRADE OF SERVICE MEMBER</b> [REDACTED]	<b>SIGNATURE</b> [REDACTED]
--------------------------	---	--------------------------------

4. In a(n)  Open  Closed hearing <sup>1/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>2/3/</sup> Forfeiture of \$1,238.00 pay for one month..

5. I direct the original DA Form 2627 be filed in the  Performance file  Restricted file of the OMPF. <sup>1/</sup> N/A

6. You are advised of your right to appeal to the Cdr, 3d ACR within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above

<b>DATE</b> 13 Oct 03	<b>NAME, GRADE, AND ORGANIZATION OF COMMANDER</b> [REDACTED] 3/3 ACR	<b>SIGNATURE</b> [REDACTED]
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7. (*Initial appropriate block, date, and sign*)  
 a.  I do not appeal b.  I appeal and do not submit additional matters <sup>8/9/</sup> c.  I appeal and submit additional matters <sup>1/2/</sup>

<b>DATE</b> 13 Oct 03	<b>NAME AND GRADE OF SERVICE MEMBER</b> [REDACTED]	<b>SIGNATURE</b> [REDACTED]
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8. I have considered the appeal and it is my opinion that: [REDACTED]

<b>DATE</b>	<b>NAME AND GRADE OF JUDGE ADVOCATE</b>	<b>SIGNATURE</b>
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9. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows: <sup>1/2/</sup>

<b>DATE</b>	<b>NAME, GRADE, AND ORGANIZATION OF COMMANDER</b>	<b>SIGNATURE</b>
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10. I have seen the action taken on my appeal. DA SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS <sup>11/12/13/</sup> B/M

1. Continuation page 2. 15-6 Inv Rpt

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DA Form 2627 pertaining to [REDACTED]  
09320

ACR, FOB Eden, Iraq

Item 1 (con't):

In that you, did, at or near FS 06 East-West route, South of FOB Buzz, on or between 13 July 2003, wrongfully and willfully discharge a firearm, to wit: in the vicinity of a detainee, under circumstances such as to endanger human life. This is in violation of Article 134, UCMJ.

[REDACTED]  
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Pages 8 to 10 containing personal information referred to U.S. Army Human Resources  
Command

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
48th Military Police Detachment (CID) Rear  
6525 Specker Avenue, Fort Carson, Colorado 80913-0913

02 Dec 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0284-2004-CID056-76201 -  
5C1L / 5S8 / 5Y2B7 / 5Y2E / 5R4B / 5C2B

**DATES/TIMES/LOCATIONS OF OCCURRENCES:**

1. 05 JUL 2003, 0101 - 06 JUL 2003, 0059; AR RUTBA, IRAQ
2. 12 JUL 2003, 0000 - 12 JUL 2003, 0400; AR RUTBA, IRAQ
3. 13 JUL 2003, 0101 - 15 JUL 2003, 0059; OUTSIDE CITY LIMITS, AR RUTBA, IRAQ
4. 05 JUL 2003, 0101 - 15 JUL 2003, 0059; AR RUTBA POLICE STATION, AR RUTBA, IRAQ
5. 15 JUN 2003, 0101 - 15 JUL 2004, 0101; UNIDENTIFIED PARKING LOT, AR RUTBA, IRAQ
6. 12 JUL 2003, 0230 - 12 JUL 2003, 0500; AR RUTBA, IRAQ

DATE/TIME REPORTED: 15 JUL 2004, 1015

**INVESTIGATED BY:**

SA [REDACTED]  
SA [REDACTED]

**SUBJECT:**

1. [REDACTED] MALE; BLACK; 3/362D ARMOR REG, 2/91ST ARMOR DIV, FORT CARSON, CO 80913; 5R ; AGGRAVATED ASSAULT, UNLAWFUL DETENTION, FAIL TO OBEY GENERAL ORDER, CRUELTY AND MALTREATMENT, WILLFUL DISCHARGING A FIREARM, ASSAULT

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2. [REDACTED]  
[REDACTED] MALE; BLACK; HHT, 3/3 ACR, FORT CARSON, CO 80913; FC ;  
AKA: [REDACTED] ; AGGRAVATED ASSAULT, FAIL TO OBEY GENERAL ORDER,  
CRUELTY AND MALTREATMENT, WILLFUL DISCHARGING A FIREARM, ASSAULT

3. [REDACTED]  
[REDACTED] MALE; WHITE; HOWITZER BATTERY, 3/3 ACR, FORT CARSON, CO 80913; FC  
; AKA: [REDACTED] AKA: [REDACTED] ; CRUELTY AND MALTREATMENT  
(UNFOUNDED), WILLFUL DISCHARGING A FIREARM (UNFOUNDED)

**VICTIM:**

1. UNKNOWN IRAQI NATIONAL #1, ; CIV; IRAQ; MALE; XZ ; CRUELTY AND  
MALTREATMENT, ASSAULT (NFI)

2. U.S. GOVERNMENT; L TRP, 3/3 ACR; FAIL TO OBEY GENERAL ORDER,  
WILLFUL DISCHARGING A FIREARM

3. UNKNOWN IRAQI NATIONAL #2, ; CIV; IRAQ; MALE; XZ ; CRUELTY AND  
MALTREATMENT, ASSAULT (NFI)

4. [REDACTED]; CIV; IRAQ; MALE; XZ ; UNLAWFUL DETENTION,  
CRUELTY AND MALTREATMENT (NFI)

5. UNKNOWN IRAQI NATIONAL #3, ; CIV; IRAQ; MALE; XZ ; UNLAWFUL  
DETENTION, CRUELTY AND MALTREATMENT, ASSAULT (NFI)

6. UNKNOWN IRAQI NATIONAL #5, ; CIV; IRAQ; MALE; XZ ; AGGRAVATED  
ASSAULT, CRUELTY AND MALTREATMENT (NFI)

7. UNKNOWN IRAQI NATIONAL #4, ; CIV; IRAQ; MALE; XZ ; UNLAWFUL  
DETENTION, CRUELTY AND MALTREATMENT (NFI)

**INVESTIGATIVE SUMMARY:**

On 15 Jul 04, this office was notified by [REDACTED] Trial Counsel, Office of the  
Staff Judge Advocate, Fort Carson, CO 80913 (FCC), of a 15-6 investigation conducted in Jul  
03 to investigate allegations of Misconduct against [REDACTED]. The investigation was  
conducted by [REDACTED] Regimental S-3, 3rd Armored Cavalry  
Regiment (ACR), FCC, deployed to Iraq in support of Operation Iraqi Freedom. [REDACTED]  
[REDACTED] requested that this office review the 15-6 investigation to determine if any crimes

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within USACIDC purview were committed.

A review of the 15-6 Investigation revealed that between 5 Jul and 14 Jul 03, approximately 11 Iraqi Nationals were detained by [REDACTED] unit and the Ar Rutba Police. Some of the 11 appeared to be improperly detained and several appeared to have been abused and assaulted.

Investigation established probable cause to believe [REDACTED] committed the offenses of Aggravated Assault, and Cruelty and Maltreatment, when between 5 - 14 Jul 03, his unit detained several Iraqi nationals, who [REDACTED] physically assaulted by punching and kicking after they were detained.

Investigation established probable cause to believe [REDACTED] committed the offenses of Unlawful Detention and Willful Discharge of a Firearm, when on 13 Jul 04, [REDACTED] illegally detained [REDACTED] transported him out into the desert, forced him to dig his own grave and then ordered [REDACTED] and [REDACTED] to fire there weapons towards [REDACTED]

Investigation established probable cause to believe [REDACTED] committed the offense of Failure to Obey a General Order, when on several occasions between 5 - 14 Jul 03, [REDACTED] fired on Iraqi Nationals without provocation.

Further, investigation established probable cause to believe [REDACTED] committed the offenses of Aggravated Assault, Cruelty and Maltreatment, Assault, and Willful Discharge of a Firearm, when between 5 - 14 Jul 04, he assisted [REDACTED] in assaulting several detained Iraqi nationals, and fired his weapon at [REDACTED]

Investigation established probable cause to believe [REDACTED] committed the offense of Failure to Obey a General Order, when on several occasions between 5 - 14 Jul 03, he fired on Iraqi Nationals without provocation.

Investigation determined that [REDACTED] did not commit the offenses of Cruelty and Maltreatment, and Willful Discharging of a Weapon as originally reported, as he was under duress from [REDACTED] when he fired his weapon in the proximity of [REDACTED]

**STATUTES:**

- Article 128, UCMJ: Aggravated Assault
- Article 97, UCMJ: Unlawful Detention
- Article 92, UCMJ: Fail to obey general order
- Article 93, UCMJ: Cruelty and Maltreatment

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Article 134, UCMJ: Willful discharging of a firearm  
Article 128, UCMJ: Assault

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of SA [REDACTED] dated, 22 Jul 04, detailing the basis for investigation, coordination with [REDACTED], interview of [REDACTED], coordination with [REDACTED], interview of [REDACTED], interview of [REDACTED], interview of [REDACTED], coordination with [REDACTED], interview of [REDACTED], re-interview of [REDACTED], coordination with [REDACTED], coordination with [REDACTED], interview of [REDACTED], interview of [REDACTED], coordination with [REDACTED], and [REDACTED], coordination with [REDACTED], interview of [REDACTED], interview of [REDACTED], rights warning of [REDACTED] and name checks of [REDACTED] and [REDACTED].

2. AR 15-6 investigation dated 21 Jul 03, detailing the findings of the investigation against [REDACTED], [REDACTED] and [REDACTED].

3. Sworn statement of [REDACTED], dated 19 Jul 04, detailing his knowledge of the incidents under investigation.

4. Sworn Statement of [REDACTED] dated 19 Jul 04, detailing an incident where [REDACTED] threatened to kill a local national in Iraq

5. Sworn statement of [REDACTED], dated 19 Jul 04, clarifying his previous statement where he stated that he had never seen [REDACTED] hit an Iraqi National.

6. Sworn statement of [REDACTED], dated 19 Jul 04, clarifying his previous statement from the 15-6 investigation detailing his knowledge of [REDACTED] possible detainee abuse.

7. Sworn statement of [REDACTED] dated 20 Jul 04 detailing the reporting of the incident in Jul 03 involving [REDACTED] threatening to kill an Iraqi local national.

8. Sworn statement of [REDACTED] dated 20 Jul 04, detailing and incident where [REDACTED] fired upon a blue truck.

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9. Rights warning of [REDACTED] dated 22 Jul 04.
10. AIR of SA [REDACTED] dated 28 Jul 04, detailing the interview of [REDACTED] briefing of [REDACTED], coordination with [REDACTED] and DCII name checks of [REDACTED] and [REDACTED].
11. AIR of SA [REDACTED] dated 31 Aug 04, detailing the rights waiver and interview of [REDACTED] coordination with [REDACTED] coordination with Mr. [REDACTED] and coordination with Mr. [REDACTED].
12. Rights waiver certificate and sworn statement of [REDACTED] dated 12 Aug 04, wherein he [REDACTED] detailed his firing of his weapon as ordered by [REDACTED] as well as [REDACTED] actions and abuse of an Iraqi local national.
13. AIR of SA [REDACTED], dated 22 Jul 04, detailing the rights warning of [REDACTED].
14. Rights Warning pertaining to [REDACTED], dated 22 Jul 04.
15. AIR of SA [REDACTED] dated 29 Sep 04, detailing the dispatch of the request for assistance to the Washington Resident Agency and the receipt of the final info report from the 75th MP DET (CID).
16. AIR of SA [REDACTED] dated 21 Sep 04, detailing the receipt of the Category 1 request for assistance and the interview of [REDACTED].
17. Sworn statement of [REDACTED] dated 20 Sep 04, detailing his knowledge of the detainee abuse conducted by [REDACTED] and [REDACTED].
18. AIR of SA [REDACTED], dated 27 Oct 04, detailing an email from SA [REDACTED] wherein he could not locate [REDACTED] and the coordination with [REDACTED].
19. AIR of SA [REDACTED], dated 29 Nov 04, detailing the receipt of an email copy of the NCIS final report, the coordination with [REDACTED] and the receipt of the hard copy NCIS final report.
20. E-mailed copy of the final NCIS report, 9 Nov 04.
21. Record of Proceedings under Article 15, UCMJ pertaining to [REDACTED] dated 21 Sep 03.

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22. Copy of NCIS Final Information Report, detailing the attempts to locate [REDACTED] dated 25 Oct 04.

NOT ATTACHED:

None.

The originals of Exhibits 1, 3 through 12, 15, 18 through 20 are attached to the USACRC copy of this report. The originals of Exhibit 2 are retained in the files of the S-3 shop, 3rd Squadron, 3rd Armored Cavalry Regiment. The originals of 13 and 14 are retained in the files of the Fort Bliss Resident Agency, 11th MP BN, USACIDC, Fort Bliss, TX 79916. The originals of Exhibit 21 are retained in the files of L Troop, 3rd Squadron, 3rd Armored Cavalry Regiment. The originals of Exhibit 22 are located in the files of Naval Criminal Investigative Service Resident Agency, Al Asad, Iraq.

STATUS: This is a Final (c) report. This investigation is being terminated in accordance with Section V, paragraph 4-17(4), CIDR 195-1, in that the supported staff judge advocate or prosecutor is of the opinion that sufficient admissible evidence is available to prosecute the subject 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: therefore the following leads were not completed:

Locate and interview all victims.

Commander's Report of Disciplinary Action Taken (DA Form 4833) is pending.

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REPORT PREPARED BY

REPORT APPROVED BY

[REDACTED]  
SA  
Special Agent,

[REDACTED]  
SA  
Special Agent-in-Charge

**DISTRIBUTION:**

Dir, USACRC, Ft Belvoir, VA

FILE

Cdr, 22d MP Bn, Ft Lewis, WA

1 - CDR, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060

7TH ID PMO (ATTN: [REDACTED])

CHIEF OF STAFF, FT CARSON

CRIMINAL LAW, FORT CARSON, CO

GARRISON COMMANDER, FT CARSON

PMO, FORT CARSON, CO, MPR# 01985-04-MPC056

SAC, 48TH MP DET (CID)

SJA, Fort Carson, CO

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<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0284-04-CID056-76201
CID Regulation 195-1	PAGE 1 OF 4 PAGES

**DETAILS**  
**BASIS FOR INVESTIGATION:** About 0915, 15 Jul 04, this office was notified by [REDACTED] Trial Counsel, Office of the Staff Judge Advocate (OSJA), Fort Carson, CO 80913, of a 15-6 Investigation conducted in Jul 03 to investigate allegations of misconduct against [REDACTED] 3/362d Armor Regiment (Reg), 2/91<sup>st</sup> Armor Division (Div), FCC. [REDACTED] Regimental S-3, 3rd Armored Cavalry Regiment (ACR), FCC, conducted the investigation. At the time of the incidents and the subsequent investigation [REDACTED] was the commander of L Troop (Trp), 3/3 ACR, FCC, deployed to Iraq in support of Operation Iraqi Freedom (OIF). [REDACTED] requested that this office review the 15-6 Investigation to determine if any crimes within USACIDC purview were committed. A review of the 15-6 Investigation final report revealed numerous credible reports that [REDACTED] and [REDACTED], Headquarters and Headquarters Troop (HHT), 3<sup>rd</sup> ACR, FCC, committed the offenses of Aggravated Assault, Assault, Cruelty and Maltreatment, Failure to Obey a General Order, Unlawful Detainment, and Willfully Discharging a Firearm. The investigation also contained credible information that [REDACTED] Howitzer Battery (Btry), 3/3 ACR, FCC, committed the offenses of Cruelty and Maltreatment and Willfully Discharging a Firearm (see 15-6 Investigation Findings and attached exhibits for details). [REDACTED] also provided this office with a copy of an Administrative Letter of Reprimand given to [REDACTED] for his misconduct in Iraq, as well as a memorandum signed by [REDACTED] declining to submit matters on his behalf (see Letter of Reprimand and memorandum for details).

About 1330, 15 Jul 04, SA [REDACTED] coordinated with [REDACTED], Personnel Actions Clerk Supervisor, S-1 Office, 3/3 ACR, FCC, who provided SA [REDACTED] with current unit assignments for [REDACTED] and [REDACTED].

About 1350, 15 Jul 04, SA [REDACTED] coordinated with 1SG [REDACTED], First Sergeant, HHT, 3/3 ACR, FCC, who provided SA [REDACTED] with personal identifying data on [REDACTED]. [REDACTED] also provided SA [REDACTED] a copy of an Article 15 that [REDACTED] received in Oct 03 for willfully discharging his firearm near a detainee on 13 Jul 03 (see Article 15 for details). SA [REDACTED] also briefed [REDACTED], Commander, HHT, 3/3 ACR, FCC, and [REDACTED] on the initiation of this investigation. [REDACTED] related that many of the soldier interviewed during the 15-6 Investigation had likely changed stations or left the Army, but that his office would assist USACIDC in locating them.

About 1555, 15 Jul 04, SA [REDACTED] coordinated with [REDACTED], Human Resources Technician, S-1, 2/91<sup>st</sup> Armor Div, FCC, who provided personal identifying data on [REDACTED]. SA [REDACTED] also briefed [REDACTED], Rear Detachment (Rear-D) Commander/Brigade S-1, 2/91<sup>st</sup> Armor Div, FCC, on the initiation of this investigation. [REDACTED] related that [REDACTED] was currently serving as an Observer-Controller at Fort Bliss, TX 79916. [REDACTED] unit, 3/362d Armor Reg, was at Fort Bliss training the 116<sup>th</sup> Enhanced Brigade, Idaho National Guard, for deployment to Iraq. [REDACTED] related that [REDACTED] was not scheduled to return to FCC until 19 Dec 04, and that he may be extended by one month to attend a Joint Readiness Training Center exercise in Fort Polk, LA. [REDACTED] further related that [REDACTED] was scheduled for attachment back to 3/3 ACR if this investigation determined UCMJ action was warranted.

About 1155, 16 Jul 04, [REDACTED] provided SA [REDACTED] with personal identifying data on [REDACTED].

About 0933, 19 Jul 04, SA [REDACTED] coordinated with [REDACTED], Training Room Non-Commissioned Officer (NCO), and [REDACTED], First Sergeant, both of L Trp, 3/3 ACR, FCC.

TYPED AGENT'S NAME AND SEQUENCE NUMBER  SA [REDACTED]	ORGANIZATION 48 <sup>th</sup> MP Det (CID) (CASE) 6 <sup>th</sup> MP Grp (CID), USACIDC Fort Carson, CO 80913
SIGNATURE [REDACTED]	DATE 22 Jul 04
	EXHIBIT 1

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<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0284-04-CID056-76201
<i>CID Regulation 195-1</i>	<b>PAGE 2 OF 4 PAGES</b>

**DETAILS**  
Both soldiers provided information pertaining to the current locations of soldiers who had rendered statements during the 15-6 Investigation.

About 1035, 19 Jul 04, SA [REDACTED] coordinated with [REDACTED], Commander, Howitzer Btry, 3/3 ACR, FCC, and briefed him on all aspects of this investigation. [REDACTED] related that [REDACTED] was scheduled to PCS soon and that he would need to flag him.

About 1120, 19 Jul 04, SA [REDACTED] interviewed [REDACTED], L Trp, 3/3 ACR, FCC, who rendered a sworn statement clarifying details of his statement made during the 15-6 Investigation (see sworn statement of [REDACTED] 19 Jul 04, for details).

About 1320, 19 Jul 04, SA [REDACTED] coordinated with [REDACTED] who provided information pertaining to the current locations of soldiers who had rendered statements during the 15-6 Investigation. [REDACTED] related that three of the soldiers were currently assigned to his unit, and that he would send them to this office to be interviewed at 1400 hours.

About 1415, 19 Jul 04, Investigative Assistant (IA) [REDACTED], this office, interviewed [REDACTED] HHT, 3/3 ACR, FCC, who rendered a sworn statement clarifying details of his statement made during the 15-6 investigation (see sworn statement of [REDACTED] for details).

About 1440, 19 Jul 04, SA [REDACTED] interviewed [REDACTED], HHT, 3/3 ACR, FCC, who rendered a sworn statement relating that he never witnessed [REDACTED] or [REDACTED] hit any detainees or Iraqi nationals, and that they did not tell him how they hurt their hands (see sworn statement of [REDACTED] for details).

About 1600, 19 Jul 04, IA [REDACTED] interviewed [REDACTED], HHT, 3/3 ACR, FCC, who rendered a sworn statement clarifying details of his statement made during the 15-6 Investigation (see sworn statement of [REDACTED] for details).

About 1638, 19 Jul 04, SA [REDACTED] coordinated with [REDACTED] who related that witnesses in this investigation could not be ordered to cooperate because they may incriminate themselves.

About 0920, 20 Jul 04, IA [REDACTED] interviewed [REDACTED], S-2, 3/3 ACR, FCC, who related that his statement made on 12 Jul 03 for the 15-6 Investigation was correct, and that he had nothing more to add to it.

About 0920, 20 Jul 04, IA [REDACTED], this office, interviewed [REDACTED], who related that his original statement made on 20 Jul 03 for the 15-6 Investigation was correct. He also rendered a sworn statement relating that in early Jul 03, [REDACTED] reported to him that he fired his weapon to frighten a detainee on orders from [REDACTED] (see sworn statement of [REDACTED] for details).

About 0925, 20 Jul 04, SA [REDACTED], this office, interviewed [REDACTED] 1 Trp, 3/3 ACR, FCC, who related that he was [REDACTED] driver in Jul 03. He further related that though he was present during many of the incidents involved in this investigation, he did not witness any wrongdoing by [REDACTED] or [REDACTED] because it was his duty to act as security whenever his vehicle was stopped, and his attention was focused away from personnel in the unit.

TYPED AGENT'S NAME AND SEQUENCE NUMBER  SA [REDACTED]	ORGANIZATION 48 <sup>th</sup> MP Det (CID) (CASE) 6 <sup>th</sup> MP Grp (CID), USACIDC Fort Carson, CO 80913
SIGNATURE [REDACTED]	DATE 22 Jul 04
	EXHIBIT 1

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<b>AGENT'S INVESTIGATION REPORT</b>		ROI NUMBER 0284-04-CID056-76201
CID Regulation 195-1		PAGE 3 OF 4 PAGES
<p><b>DETAILS</b>                  About 0925, 20 Jul 04, IA [REDACTED] re-interviewed [REDACTED] who rendered a sworn statement clarifying details of his statement made during the 15-6 Investigation (see sworn statement of [REDACTED] 20 Jul 04, for details).</p> <p>About 0940, 20 Jul 04, SA [REDACTED] coordinated with [REDACTED] Commander, 3/3 ACR, FCC, and briefed him on all aspects of this investigation. [REDACTED] related that he was going to coordinate with [REDACTED] and determine if charges would be preferred against the subjects of this investigation, and whether or not [REDACTED] would be attached to 3/3 ACR for UCMJ action.</p> <p>About 1030, 20 Jul 04, SA [REDACTED] coordinated with [REDACTED] who requested that this office locate all individuals involved in the 15-6 Investigation and determine if their statements were true and correct, as well as obtain current contact information on them.</p> <p>About 1710, 20 Jul 04, SA [REDACTED] interviewed [REDACTED], C Company (Co), 3/362d Armor Reg, 2/91<sup>st</sup> Armor Div, FCC, who related that he was attending the Advanced Non-Commissioned Officer Course (ANCOC) at Fort Knox, TN, until mid-Sep 04. [REDACTED] related that the statement he rendered in Jul 03 for the 15-6 Investigation was true and correct. SA [REDACTED] also interviewed [REDACTED], Fort Knox, KY (NFI), who related that he was currently on Permissive Temporary Duty (TDY) and did not know what his new unit was going to be. [REDACTED] also related that the statement he rendered in Jul 03 for the 15-6 Investigation was true and correct. [REDACTED] further related that he believed that [REDACTED], (NFI) was assigned to 2/81<sup>st</sup> Armor, Fort Knox, KY.</p> <p>About 1720, 20 Jul 04, SA [REDACTED] interviewed [REDACTED] (NFI), who related that the sworn statement he rendered in Jul 03 for the 15-6 Investigation was true and correct. [REDACTED] refused to provide his current address.</p> <p>About 0510, 21 Jul 04, SA [REDACTED] interviewed [REDACTED] who related that he was currently on PCS leave and had not signed into his new duty station at Fort Riley, KS, yet. [REDACTED] did not know to what unit he was going to be assigned. [REDACTED] related that the only incident he could provide information on was the one contained in his statement rendered during the 15-6 Investigation, and related that it was true and correct.</p> <p>About 1018, 21 Jul 04, SA [REDACTED] interviewed [REDACTED], L Trp, 3/3 ACR, FCC, who related that he was on perimeter guard with [REDACTED] during the interrogation of the welder, but did not see any illegal or unethical activities during the incident. He further related that he was interviewed during the 15-6 Investigation, but was not asked to provide a written statement.</p> <p>About 1028, 21 Jul 04, SA [REDACTED] interviewed [REDACTED], L Trp, 3/3 ACR, FCC, who related that he was on perimeter guard during the interrogation of the welder, and did not see any illegal or unethical activities during the incident. He further related that he was interviewed during the 15-6 Investigation, but it was determined that it was not necessary that he provide a written statement due to his lack of knowledge of the incident.</p> <p>About 1035, 21 Jul 04, SA [REDACTED] coordinated with [REDACTED] who provided a copy of PCS orders pertaining to [REDACTED] (NFI). [REDACTED] was scheduled to report to Headquarters, US Army Maneuver Support Center, Fort Leonard Wood, MO 65473, no later than 20 Jul 04.</p>		
TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION
SA [REDACTED]		48 <sup>th</sup> MP Det (CID) (CASE) 6 <sup>th</sup> MP Grp (CID), USACIDC Fort Carson, CO 80913
SIGNATURE	DATE	EXHIBIT
[REDACTED]	22 Jul 04	1

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Pages 22 to 92 referred to U.S. Army units, Fort Carson, Colorado

SWORN STATEMENT

FILE NUMBER : 0284-04-CID056-76201  
LOCATION : Fort Carson, CO  
DATE : 19 July 2004 TIME: 1320  
NAME :  
SSAN : Grade/Status: AD  
ORG/ADDRESS : L Troop, 3/3 Armored Cavalry Regiment, Fort Carson, CO 80913

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER

OATH:

Q: SA

A:

Q: These questions are to elaborate and clarify information contained in your statement dated 15 Jul 03. When did you arrive in Iraq?

A: Around the 28<sup>th</sup> of Apr, give or take a few days depending.

Q: What was your duty position while when the incidents you described in your statement occurred?

A: I was the commander's driver.

Q: Who was the commander?

A:

Q: When did you become the commander's driver?

A: I believe late May.

Q: Pertaining to the first incident, why were you chasing a white Nissan pickup?

A: It was believed to be a stolen government vehicle.

Q: Why was it believed stolen?

A: [REDACTED] briefed us that when the government had fallen, officials had sold their government vehicles for a quick profit.

Q: Were white Nissan pickups common Iraqi government vehicles?

A: From what we were briefed, that was the official vehicle.

Q: Who was the commander's interpreter?

A:

Q: Was he present during all the incidents described in your previous statement?

A: I don't believe he was there during the first one.

Q: Pertaining to the first incident, where did you stop the Nissan?

A: At the end of our AO, heading East towards Baghdad. I want to say we called it the 40 Split.

Q: Who else was present during this incident?

A: For sure, [REDACTED] and [REDACTED]

Q: Can you remember anyone else there?

A: Not for sure.

Q: When did this incident occur?

A: Best guess, mid-June.

Q: Which suspect did [REDACTED] strike with the bat [REDACTED]

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

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"Statement of [REDACTED], taken on 19 Jul 04, at Fort Carson, CO, continued."

- A: I believe the driver.  
Q: Was the driver cuffed?  
A: Initially. We cut him loose.  
Q: How many times did [REDACTED] hit him?  
A: 6-8.  
Q: Was he cuffed when he hit him?  
A: Probably about half of it.  
Q: He hit the suspect again after uncuffing him?  
A: Yes.  
Q: How hard did he hit him?  
A: Pretty good force. It was the blunt end of the bat, not a swing.  
Q: Do you think it did any physical damage?  
A: At a minimum, probably bruised ribs.  
Q: Where on the suspect's body did [REDACTED] hit him?  
A: Just below the arm, down towards the lower part of his abdomen.  
Q: You mean between those two areas?  
A: Yes.  
Q: Which arm?  
A: I do not know for sure.  
Q: What did [REDACTED] bat look like?  
A: It was aluminum, black handle. Like a normal softball bat.  
Q: Where did he get it?  
A: I don't know for sure.  
Q: What are the names of the suspects that were detained?  
A: I don't know.  
Q: What is the likelihood of finding the suspects?  
A: Not good.  
Q: Why?  
A: Rutba is a huge farming, I mean its open ground. Most of them live in tents. If they were even from Rutba.  
Q: Did the suspects resist?  
A: Not that I ever saw.  
Q: What was the demeanor of the suspects?  
A: They were scared.  
Q: How did you know?  
A: They were yelling and kind of balling up in the fetal position.  
Q: Why did [REDACTED] hit one of them with his bat?  
A: He was mad that we had to chase him so far.  
Q: How do you know he was mad?  
A: When he left the Humvee he was cussing.  
Q: Pertaining to the second incident described in your statement, the one where [REDACTED] fired his 9mm, when did that incident occur?  
A: Best guess, mid-late June. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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EXHIBIT 3

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"Statement of [REDACTED], taken on 19 Jul 04, at Fort Carson, CO, continued.

Q: Who else was present?

A: For sure [REDACTED] and [REDACTED]

Q: And the interpreter?

A: I can't remember.

Q: Where did the incident occur?

A: In Rutba.

Q: Where in Rutba?

A: A parking lot across from a little shop.

Q: Why were you there?

A: I believe we were buying sodas.

Q: Why did [REDACTED] try to stop the Nissan?

A: He believed it was a stolen vehicle.

Q: How did he try to stop it?

A: He got out of the vehicle and yelled, and when the Nissan didn't stop he fired two rounds at it.

Q: How many people were in the Nissan?

A: At least three.

Q: How far away was the Nissan from [REDACTED] when he fired?

A: 20-30 meters when the first round was fired.

Q: Did he hit the Nissan?

A: Not that I saw.

Q: Did you see where the rounds hit?

A: I did not.

Q: What did [REDACTED] weapon look like?

A: Standard issue M9.

Q: Do you think the driver heard him yelling?

A: Yes, when he came through the parking lot he sped up like he was running away.

Q: Pertaining to the third incident you described in your statement, at the Rutba Police Station, when did that incident occur?

A: Mid-late June.

Q: Why was the prisoner being questioned?

A: He was believed to be the one that attacked our Green Platoon.

Q: Does your unit conduct interrogations?

A: Not that I'm aware of.

Q: Who else was in the room with [REDACTED] and [REDACTED]?

A: Higher ranking Iraqi police.

Q: Any other soldiers?

A: No, not that I remember.

Q: How many other prisoners were in the room with [REDACTED] and [REDACTED]?

A: Just the one at the time.

Q: Which eye on the prisoner was cut?

A: Left eye, I believe.

Q: How big was the cut?

A: Inch, inch and a half laceration going up the meaty part above his eye [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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EXHIBIT 3

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"Statement of [REDACTED], taken on 19 Jul 04, at Fort Carson, CO, continued."

Q: What comments did [REDACTED] and [REDACTED] make about breaking their knuckles?

A: They were commenting to each about how their knuckles were swollen.

Q: Did they look swollen?

A: I saw [REDACTED] for sure, and he had a swollen knuckle. And [REDACTED] at one point had tape around his fingers.

Q: When did you hear them make the comments?

A: Immediately following the incident.

Q: Was the prisoner handcuffed?

A: No.

Q: Which medic did [REDACTED] see about his hand?

A: I believe [REDACTED]

Q: Pertaining to the incident described in your statement, the incident with the welder, why did [REDACTED] suspect the welder as being involved in the mine incident?

A: Another person that was detained told [REDACTED] his name.

Q: What was the welder's name?

A: I don't know.

Q: Why did [REDACTED] lie to him about needed a tank welded?

A: To get him in the vehicle.

Q: Why didn't [REDACTED] just detain him and question him?

A: He did in the end, he waited until we left the parking lot of the welder's shop. He zippered-stripped him and put a bag over his head.

Q: When did this incident occur?

A: Late June-early July. I approached one of our lieutenants after this incident to ask advice about what to do.

Q: Who fired the shots at the welder?

A: [REDACTED] and I think someone else did too. [REDACTED]

Q: Were they fired from M-4s or M9s?

A: Both. [REDACTED] fired the M9, and SGT [REDACTED] fired the M-4.

Q: Two shots altogether?

A: No, [REDACTED] fired 3-4 shots at his feet.

Q: How many did [REDACTED] fire?

A: He fired one because [REDACTED] told him to shoot.

Q: Did you hear [REDACTED] tell him to shoot?

A: Yes.

Q: Where did [REDACTED] fire?

A: Over the prisoner's head up in the air.

Q: Who else was present?

A: [REDACTED] and [REDACTED]

Q: When [REDACTED] fired a shot to scare the passengers of the Nissan, could they see him?

A: No, only the one he was questioning.

Q: After you got [REDACTED] his bat and gloves, what did he do?

A: He struck one in the same fashion with the end of the bat.

Q: You mean the same the fashion as the first incident you described [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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"Statement of [REDACTED], taken on 19 Jul 04, at Fort Carson, CO, continued:"

A: Yes. But I also think he kicked and hit the guy. He kicked him first and then had me get the bat.

Q: Was he cuffed?

A: Yes. He was actually duct taped.

Q: Was he resisting?

A: We had to chase him across the desert while he was driving the Nissan, but he didn't resist once we stopped the vehicle.

Q: How many times did [REDACTED] kick him?

A: At least once. I didn't watch after that.

Q: How many times did he hit him with the bat?

A: Unsure. I could hear him groaning and see [REDACTED] making jabbing motions with the bat, but I couldn't see him actually striking him. They were in a hole in the desert.

Q: Did you see any physical damage or marks on the driver afterwards?

A: Other than his actions, no. He was balled up and moaning.

Q: Was the interpreter [REDACTED] present at this incident?

A: Yes.

Q: How long was the welder detained?

A: Four hours, maybe a little more.

Q: How long was the driver of the Nissan detained?

A: Overnight.

Q: What did the driver say that led you to the house in Northwest Rutba?

A: I don't know specifically.

Q: What did you mean when you raided the house and found nothing?

A: No weapons, nothing of significance.

Q: Who was the man you detained for questioning after the raid?

A: He was the owner of the house.

Q: What kind of pistol did [REDACTED] give to the detainees?

A: A small automatic.

Q: Do you know the model or caliber?

A: I didn't get a close look at it. Caliber was probably between .25-.38. It was not smaller than a .25

Q: Was the pistol loaded when [REDACTED] gave it to the man from the house?

A: It was loaded when [REDACTED] got out of the Humvee, with at least one round. [REDACTED] fired it to show that it worked.

Q: In your statement you said that [REDACTED] told a detainee to say goodbye to his family. Which detainee was it?

A: The detainee from the raid that morning, not the driver.

Q: Did he say this through the interpreter?

A: Yes.

Q: The point of the raid was to ID personnel involved in the mine attack?

A: That's what I was told.

Q: When did the last incident you described in your statement occur?

A: In the June timeframe before the welder incident.

Q: How soon after the mine did the welder incident occur [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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"Statement of [REDACTED] taken on 19 Jul 04, at Fort Carson, CO, continued:"

A: I'd say within the same week.

Q: Did you see [REDACTED] kick the detainee the night of the mine attack?

A: I saw him standing over the detainee, and the detainee was balled up.

Q: Who else was around the detainee?

A: No one in the general area. There were tons of people around, we were recovering a vehicle that had just blown up.

Q: Was anyone in sight of [REDACTED]?

A: Yes. [REDACTED] from civil affairs. I'm sure there were more, but I can't remember who.

Q: What is the probability of locating and identifying the Iraqis involved in these incidents?

A: The guys that were part of civil defense, the firefighters, would probably still be there. Same with the welder. They paid this guy \$50 after they scared him, for his time.

Q: Who paid him?

A: [REDACTED] He tried get him a job on FOB Buzz tearing apart buildings after this incident.

Q: Describe the welder.

A: Short, slightly heavy set. Tan skin. No glasses. He had a decent amount of hair. Short beard. Best guess, in his 30's. They all look the same.

Q: The civil defense guys, they were the ones there the night of the mine attack?

A: Yes, they were there helping us.

Q: And you believe [REDACTED] kicked one of them?

A: Yes.

Q: What did he look like?

A: I don't know. He was laying on his face when I saw him.

Q: Were any of the detainees, suspects, or prisoners described in your statement official detainees of the US Government?

A: No.

Q: Did they receive detainee numbers?

A: No.

Q: Did you lie on any portion of this statement?

A: Nope, everything is what I remember.

Q: Do you have anything to add to this statement?

A: No.///End of Statement [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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"Statement of [REDACTED] taken on 19 Jul 04, at Fort Carson, CO, continued:"

**AFFIDAVIT**

I, [REDACTED], HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED]  
*(Signature of Person Making Statement)*

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19<sup>th</sup> day of July, 2004 at Fort Carson, CO

[REDACTED]  
*(Signature of Person Administering Oath)*

ORGANIZATION AND ADDRESS

[REDACTED]  
*(Typed Name of Person Administering Oath)*

Article 136, UCMJ

*(Authority to Administer Oath)*

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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EXHIBIT 3

SWORN STATEMENT

FILE NUMBER : 0284-04-CID056 - 76201  
LOCATION : Fort Carson, CO  
DATE : 19 July 2004 TIME: 1510  
NAME : [REDACTED]  
SSAN : [REDACTED] Grade/Status: [REDACTED]  
ORG/ADDRESS : HHT, 3/3 ACR, Ft Carson, CO. 80913

I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
In July 2003 I was assigned to L Troop 3/3 ACR at FOB Sting. When we had got word that an IED was tripped by a humvee while on patrol. We were called out to provide security. About 30 minutes of pulling guard I herd yelling behind me when I looked back I saw [REDACTED] pointing a pistol at a detained Iraqi then herd him say that he was going to kill him. After I herd that I turned back around and continued to pull guard.

- Q: IA [REDACTED]
- A: [REDACTED]
- Q: Did you type the above narrative?
- A: Yes.
- Q: What time of day did the explosion occur?
- A: About 2200 hours.
- Q: Do you know how the detainee came to the site of the explosion?
- A: He drove up in a vehicle.
- Q: Do you know why he went to the site?
- A: Based on our relations with the people in that area, I think he was coming to help. He may have been just curious too.
- Q: When you heard the yelling, what exactly did you see?
- A: [REDACTED] with his pistol pointed at the detainee.
- Q: Did you hear [REDACTED] say anything to the detainee?
- A: "I'm going to kill you", or words to that effect.
- Q: Was [REDACTED] pistol pointed at the detainee when he said that?
- A: Yes.
- Q: How was the detainee positioned during the incident?
- A: He was on his stomach. It appeared that his hands were tied behind his back.
- Q: Where was [REDACTED] standing in relation to the detainee?
- A: He was standing a couple of feet from the detainee and was in front of his head.
- Q: Did you witness any violence against the detainee?
- A: Not to my recollection.
- Q: Have you ever witnessed [REDACTED] physically or mentally mistreat any detainees?
- A: Not other than this incident.
- Q: Could you recognize the detainee that [REDACTED] threatened?
- A: No. I did not get a good look at him.
- Q: Why did you turn away after you saw [REDACTED] threaten the detainee?

INITIALS OF PERSON MAKING STATEMENT [REDACTED] Page 1 of 7 Pages

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EXHIBIT 4

19  
"Statement of [redacted] taken on Jul 04, at Fort Carson, CO, continued:"

A: I thought it was another stupid thing I've seen in the Army and I just went pack to pulling security.

Q: Do you know what happened to the detainee after you quit watching?

A: No.

Q: How long was it before [redacted] left the scene?

A: He left when the security team left the scene, probably about 2 hours.

Q: Do you know a [redacted]?

A: Yes.

Q: Was he at the scene that night?

A: Yes, the whole maintenance section was out there to tow away the humvee.

Q: Did [redacted] have any contact with the detainee that night.

A: No.

Q: Have you ever witnessed [redacted] physically or mentally mistreat any detainee?

A: No.

Q: Why was [redacted] threatening the detainee?

A: I have no clue. It could have been because he had something to do with it.

Q: What was the detainee driving?

A: A truck, I'm pretty sure it was a firetruck because of the lights on top of it.

Q: Was the detainee resisting in any way?

A: I do not know.

Q: Do you have anything to add to your statement at this time?

A: No.//END OF STATEMENT// [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

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19

Case No 0284-04-CID056-76201

"Statement of [redacted] taken on Jul 04, at Fort Carson, CO, continued:"

AFFIDAVIT

I, [redacted] HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[redacted signature]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19<sup>th</sup> day of July, 2004 at Fort Carson,

[redacted signature]  
(Signature of Person Administering Oath)

ORGANIZATION AND ADDRESS

Special Agent [redacted]  
(Typed Name of Person Administering Oath)

Article 136, UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

Page 3 of 7 Pages

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EXHIBIT 4

SWORN STATEMENT

FILE NUMBER : 0284-04-CID056-76201  
LOCATION : Fort Carson, CO  
DATE : 19 [redacted] TIME: 15/19 [redacted]  
NAME [redacted]  
SSAN [redacted] Grade/Status: [redacted] AD  
ORG/ADDRESS : HHT, 3/3 Armored Cavalry Regiment, Fort Carson, CO 80913

[redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [redacted]

A: [redacted]

Q: These questions pertain to your statements dated 16 Jul 03 and 19 Jul 03. Have you ever seen CPT [redacted] hit a detainee?

A: No [redacted]

Q: Did you ever see him hit an Iraqi national?

A: No [redacted]

Q: Did you ever see [redacted] hit a detainee?

A: No, not that I remember [redacted]

Q: Did you ever see [redacted] hit an Iraqi national?

A: No [redacted]

Q: Why did you refuse to identify other soldier in your unit you saw hitting detainees?

A: I probably couldn't remember who it was [redacted]

Q: Can you remember now?

A: No sir. [redacted]

Q: Did [redacted] tell you how he hurt his hand?

A: No. [redacted]

Q: Did [redacted] tell you how he hurt his hand?

A: No. [redacted]

Q: Pertaining to your 19 Jul 03 statement, what is an example of rightful force you saw [redacted] and [redacted] use?

A: Probably something like when we were going into someone's house or something, like doing a raid. [redacted]

Q: Did you lie on any portion of this statement?

A: To the best of my knowledge, no. [redacted]

Q: Do you have anything to add to this statement?

A: No.///End of Statement//[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

Page 1 of 2 Pages

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EXHIBIT

667c

"Statement of [REDACTED] taken on 19 Jul 04, at Fort Carson, CO, continued:"

AFFIDAVIT

I, [REDACTED] HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
*(Signature of Person Making Statement)*

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19<sup>th</sup> day of July, 2004, at Fort Carson, CO.

[REDACTED]

ORGANIZATION AND ADDRESS

Special Agent [REDACTED]  
*(Typed Name of Person Administering Oath)*

Article 136, UCMJ  
*(Authority to Administer Oath)*

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 2 of 2 Pages

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EXHIBITS

667c

SWORN STATEMENT

FILE NUMBER : 0284-04-CID056-76201  
LOCATION : Fort Carson, CO  
DATE : 19 July 2004 TIME: 1711  
NAME :  
SSAN : Grade/Status: SPC/E-4  
ORG/ADDRESS : HHT 3/3 ACR, Ft Carson, CO 80913

I, want to make the following statement under oath:

Q: IA

A:

Q: These questions are in reference to your sworn statement dated 13 July 2003. What type of truck were the Iraqi's taken from?

A: Some kind of a pickup truck.

Q: Who threw the Iraqi's to the ground?

A: grabbed them by their arms and pushed them down.

Q: Why were they thrown down?

A: Just out of anger. suspected them of setting up the IED.

Q: What type of assault did you witness by

A: kicked one of the Iraqi's in the head as he (the Iraqi) was lying on the ground.

Q: Was the Iraqi restrained in any way?

A: His hands were tied behind his back.

Q: Did verbally threaten the Iraqis?

A: He was yelling, but I couldn't tell what he was saying.

Q: Did the Iraqis sustain any injuries?

A: Just cuts, nothing severe.

Q: Who sustained the injury, the driver or the passenger?

A: When I got there both guys were already out of the truck.

Q: Was anyone else involved in the incident?

A: was the only one that I remember.

Q: In your statement dated 13 Jul 03, you stated said to the Iraqi, "What do you know about this?" and "I'll kill you". Do you remember him saying that?

A: Yes. Its been over a year since my first statement so its been awhile since it happened.

Q: How did these Iraqi's end up with

A: The two guys were already in custody when and I got there. I don't know how they were picked up.

Q: Do you know what happened to the two Iraqi's?

A: They were still being detained when I left with the casualty from the IED explosion.

Q: Did you have a chance to review your sworn statement dated 15 July 2003?

A: Yes.

Q: Do you have anything that you would like to add to the statement regarding that incident?

A: Yes

INITIALS OF PERSON MAKING STATEMENT

Page 1 of 2 Pages

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EXHIBIT C

667c

"Statement of [REDACTED] taken on 19 July 04, at Fort Carson, CO, Continued:"

Q: What would you like to add?

A: When [REDACTED] came to my tent on 15 July 03 to tell me not to say anything about what I had seen, he also requested a bandage for his hand. At that time I had no idea what the bandage was for. About a month later, [REDACTED] told me that [REDACTED] had needed the bandage for injuries he had occurred while punching an Iraqi detainee. [REDACTED] was the medic who treated soldiers from L Troop and Iraqi detainees. [REDACTED] treated [REDACTED]

[REDACTED] for his hand before [REDACTED] came to me a few days later.

Q: Did [REDACTED] tell you he witnessed [REDACTED] punch a detainee?

A: I'm sure [REDACTED] told me how it happened, but I don't remember. I'm not sure if he witnessed the incident or if [REDACTED] told him he hurt his hand punching a detainee.

Q: Did you ever see the injury on [REDACTED]?

A; No.

Q: Regarding your statement on 15 Jul 03, do you know who the interpreter was that was present during the incident?

A: We just called him [REDACTED]

Q: Do you know where he was from?

A: All he ever told us was that he was from [REDACTED]

Q: Who else was in the vehicle at that time?

A; SSG [REDACTED], and [REDACTED]

Q: Did you see [REDACTED] assault the detainee?

A: No.

Q: Did [REDACTED] question the detainee through the interpreter?

A: Yes, but I was busy and did not hear the line of questioning.

Q: When [REDACTED] came to your tent, did he threaten you in any way?

A: No.

Q: Did he make it clear you were not to tell anyone what you saw?

A: Yes.

Q: How did he make it clear?

A: Something to the effect that he did not want stuff to come back to get him into trouble, even if people had taken the events wrong.

Q: Do you know what he meant by that?

A: No, and I did not ask him what it meant.

Q: Did you feel threatened by [REDACTED]?

A: Not really, it just seemed that he didn't want me to tell anybody what had happened.

Q: Did you feel intimidated by [REDACTED]?

A: Yes.

Q: How so?

A: Just by a CPT coming into my room at 0100 and asking questions and telling me not to say anything.

Q: Did you witness any other assaults or maltreatment by [REDACTED]?

A: No.

Q: Did you lie on any portion of your statement?

A: No.

Q: Do you have anything else to add to your statement at this time? [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 2 of 3 Pages

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EXHIBIT 6

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"Statement of [REDACTED] taken on 19 July 04, at Fort Carson, CO, Continued:"

A: No.//END OF STATEMENT// [REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED]  
*(Signature of Person Making Statement)*

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of July 2004 at Fort Carson, CO 80913.

ORGANIZATION AND ADDRESS

[REDACTED]

Special Agent [REDACTED]

*(Typed Name of Person Administering Oath)*

Art 136, UCMJ

*(Authority to Administer Oath)*

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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EXHIBIT 6

SWORN STATEMENT

FILE NUMBER : 0284-04-CID056 - 76201  
LOCATION : Fort Carson, CO  
DATE : 20 Jul 04 [REDACTED] TIME: 1015 [REDACTED]  
NAME [REDACTED]  
SSAN [REDACTED] Grade/Status: [REDACTED]  
ORG/ADDRESS : HHT, 3/3 Armored Cavalry Regiment, Fort Carson, CO 80913

[REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: To the best of my recollection, around early July, 2003 I was approached by [REDACTED]. He informed of an incident that he was involved in near the town of AR Rutba with [REDACTED]. He described to me how he witnessed [REDACTED] force an Iraqi national to dig what he called "his own grave". While he was made to dig this "grave" he was questioned about a recent mine attack on one of L Troop, 3/3 ACR's patrols. During the questioning he told me that [REDACTED] threatened to kill the Iraqi if he did not provide the information that he was seeking. Upon completion, the man was blindfolded and the questioning continued and the threats increased. [REDACTED] told me that [REDACTED] ordered him to fire a shot from his rifle near the man's head to convince him of their sincerity. [REDACTED] did as ordered, but did not shoot the man. I do not recall exactly if he told me the man was kicked or punched, but seem to remember that this happened. Following this incident, the man was taken back to town, having given no information of value. [REDACTED] and his NCOIC approached me about this incident within a day or two of happening, expressing his concern for the matter. I asked him why he obeyed an illegal order and he said that he wasn't sure if it was illegal. He said that he was intimidated and ordered to do so by [REDACTED] and felt compelled to do so. I can honestly state that [REDACTED] is one of the best NCOs that I have ever worked with and understand the pressure that he was under. Upon hearing this information I immediately took steps to inform my chain of command of the incident. The response was immediate from them and [REDACTED] was relieved of command within a week or two.

Q: IA [REDACTED]  
A: [REDACTED]  
Q: Did you write the above narrative?  
A: Yes.  
Q: What was the name of the man forced to dig his grave?  
A: I do not know.  
Q: Did you lie on any portion of this statement?  
A: No.  
Q: Do you have anything further to add to this statement?  
A: I recommend that you speak to the Ar Rutba Iraqi Police Department. They probably know who the individual was, because he was pretty well known in the city, and they witnessed several things.  
Q: Do you have anything else to add to this statement? [REDACTED]

INITIALS OF PERSON MAKING STATEMENT: [REDACTED] Page 1 of 2 Pages

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EXHIBIT  
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"Statement of [REDACTED] taken on 20 Jul 04, at Fort Carson, CO, continued:"

A: No I do not.////End of Statement//// [REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
*(Signature of Person Making Statement)*

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION AND ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20<sup>th</sup> day of July, 2004, at Fort Carson, CO.

[REDACTED]  
*(Signature of Person Administering Oath)*

Special Agent [REDACTED]  
*(Typed Name of Person Administering Oath)*

Article 136, UCMJ  
*(Authority to Administer Oath)*

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

Page 2 of 2 Pages

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SWORN STATEMENT

FILE NUMBER : 0284-04-CID056-76201

0284-04-CID056 - 76201

LOCATION : Fort Carson, CO

DATE : 20 July, 2004

TIME: 1022

NAME

SSAN

Grade/Status:

ORG/ADDRESS : L Ttp, 3/3 ACR, Ft Carson, Co 80913

[REDACTED] want to make the following statement under oath:

Q: IA

A:

Q: In regards to your sworn statement dated 15 July 2003, what kind of truck did you observe stopped along the highway?

A: It was a blue Kamaz, flatbed truck. It was identified as a government vehicle, belonging to the Iraqi government.

Q: Why did your humvees stop at the truck?

A: We stopped because it was a blue government truck that could have been stolen. At that time we had been tasked with recovering all of the government vehicles.

Q: Were you in the humvee with [REDACTED]

A: Yes.

Q: Where were you and where was [REDACTED] seated?

A: I was driving and [REDACTED] was in the TC seat.

Q: Did [REDACTED] say anything before firing upon the blue truck?

A: I think he was yelling for the truck to stop as we were pulling up.

Q: When did [REDACTED] fire at the blue truck?

A: He fired as we were coming to a stop and the blue truck was just starting to pull away.

Q: Did [REDACTED] fire across you or was it out of his window?

A: It was out of his window and across the median.

Q: Did the blue truck stop after being fired upon?

A: Yes, after the first shot.

Q: Do you know if the shot hit the blue truck?

A: Yes, it sounded like it hit the boxed side.

Q: Did [REDACTED] say anything before firing again?

A: No. He got out of the humvee and fired again.

Q: Did that shot hit the truck?

A: I don't know for sure.

Q: What happened after he fired the second shot?

A: [REDACTED] and a few maintenance guys from our unit ran to the truck and pulled the Iraqis out of their truck.

Q: How many Iraqis were in the blue truck?

A: Two that I remember.

Q: Do you know if any of the Iraqis were hit by the shots fired by [REDACTED]?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

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EXHIBIT 8

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"Statement of [REDACTED] taken on 20 July 04, at Fort Carson, CO, Continued:"

0284-04-CID056 - 76201

A: No one was hit.

Q: What happened to the two Iraqis after being pulled from their truck?

A: They were questioned through our interpreter and were released. They were instructed to walk wherever they were going.

Q: Do you remember what happened to the blue truck?

A: I don't remember if we could get the truck started or not. We may have left it by the road.

Q: Did you see [REDACTED] physically abuse the two Iraqis who were pulled from the truck?

A: No.

Q: Who else was present during this incident?

A: [REDACTED] and [REDACTED]

Q: Did you lie on any portion of your statement?

A: No.

Q: Do you have anything you would like to add to your statement?

A: No.///////END OF STATEMENT////////////////////////////////////

AFFIDAVIT

I, [REDACTED] HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July 2004 at Fort Carson, CO 80913.

ORGANIZATION AND ADDRESS

Special Agent [REDACTED]

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 2 of 2 Pages

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EXHIBIT 8

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)  
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.  
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

0284-04-CID056-76201

1. LOCATION FORT CARSON, CO 80913	2. DATE 22 July 04	3. TIME 0940	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS HHT, 3/3 ACR FORT CARSON, CO 80913		
6. GRADE/STATUS [REDACTED] / AD			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected: AGGRAVATED ASSAULT, CRUELTY AND MALTREATMENT, WILLFULLY DISCHARGING A FIREARM,

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: FAILURE TO OBEY A GENERAL ORDER # [REDACTED]

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- If for personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

If for civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

SUSPECT REQUESTED LAWYER APPROXIMATELY 15 YRS AGO IN BOSTON, MA [REDACTED]

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 48 <sup>TH</sup> MP DET (CID) FORT CARSON, CO 80913

Section C. Non-waiver

- I do not want to give up my rights  
 I want a lawyer  
 I do not want to be questioned or say anything

2. [REDACTED]

AGENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0284-04-CID056-76201
CID Regulation 195-1	PAGE 1 OF 1 PAGES

DETAILS

INVESTIGATIVE ACTIVITY: About 0920, 28 Jul 04, Special Agent (SA) [REDACTED] interviewed [REDACTED], Headquarters and Headquarters Company (HHC), 1/81<sup>st</sup> Armor Regiment, Fort Knox, KY 40121, who related that the statement he made during the 15-6 investigation was true and correct, and that he had nothing further to add.

About 0800, 28 Jul 04, SA [REDACTED] briefed [REDACTED] Trial Counsel, Office of the Staff Judge Advocate (OSJA), Fort Carson, CO 80913 (FCC) on all aspects of this investigation.

About 1030, 28 Jul 04, SA [REDACTED] coordinated with [REDACTED] who requested that this office locate, fully identify, and interview all the Iraqi national victims in this investigation.

A name check of the Defense Criminal Information Index conducted through the US Army Crime Records Center, Fort Belvoir, VA, revealed no derogatory information pertaining to [REDACTED]

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED]	ORGANIZATION 48 <sup>th</sup> MP Det (CID) (CASE) 6 <sup>th</sup> MP Grp (CID), USACIDC Fort Carson, CO 80913	
SI [REDACTED]	DATE 28 Jul 04	EXHIBIT

CID FORM 94

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EXHIBIT 10

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<b>AGENT'S INVESTIGATION REPORT</b>		ROI NUMBER 0284-04-CID056-76201
CID Regulation 195-1		PAGE 1 OF 1 PAGES
DETAILS		
INVESTIGATIVE ACTIVITY: At 0957, 12 Aug 04, Special Agent (SA) [REDACTED] advised [REDACTED] Howitzer Battery (Btry), 3/3 Armored Cavalry Regiment (ACR), Fort Carson, CO 80913 (FCC), of his legal rights, which he waived and rendered a sworn statement admitting that he knowingly obeyed an unlawful order to discharge his weapon near a detainee in Iraq in order to frighten him during an interrogation. [REDACTED] related that [REDACTED] 2/91 <sup>st</sup> Armor Division, 3/362d Armor Regiment, FCC, ordered him to fire his weapon near the detainee. [REDACTED] related that he refused at first, but that [REDACTED] behaved in a threatening manner towards him and again ordered him to fire his weapon. [REDACTED] then pointed his weapon away from the detainee and fired one round (see Waiver Certificate and Sworn Statement of [REDACTED] for details).		
About 1210, 26 Aug 04, SA [REDACTED] coordinated with [REDACTED] Corporate Director of Human Resources, Titan Corporation, San Diego, CA (NFI), who related that she could not find any records pertaining to [REDACTED] Interpreter, Titan Corporation, Iraq (NFI), and speculated that he may be a sub-contractor of Titan. She related that she was forwarding this office's request for information to [REDACTED] Human Resources Director, Titan Corporation, MI (NFI), who may be able to assist USACIDC in locating [REDACTED]		
At 1125, 31 Aug 04, Investigative Assistant (IA) [REDACTED] this office, coordinated with [REDACTED] who related that he would call overseas to locate [REDACTED]		
About 1305, 31 Aug 04, SA [REDACTED] coordinated with [REDACTED] Associate, Williams and Connolly Limited Liability Partnership (LLP), 725 12th Street, N.W., Washington, D.C. 20005, who related that [REDACTED] was located in Iraq, but his exact location and the unit he was assisting was unknown. [REDACTED] related that he would contact [REDACTED] and arrange to have him transported to Washington, D.C., to be interviewed by USACIDC. [REDACTED] requested that [REDACTED] have a lawyer present with him during the interview, because Titan was being sued by a human rights organization for allegedly conspiring with the US Government to profit off of human rights abuses.///LAST ENTRY///		
TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [REDACTED]	48 <sup>th</sup> MP Det (CID) (CASE) 6 <sup>th</sup> MP Grp (CID), USACIDC Fort Carson, CO 80913	
SIGNATURE	DATE	EXHIBIT
[REDACTED]	31 Aug 04	

CID FORM 94

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LAW ENFORCEMENT SENSITIVE

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EXHIBIT 11

**FOR OFFICIAL USE ONLY  
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**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary. **0284-04-CID056-76201**

1. LOCATION <b>FORT LARSON, CO 80913</b>	2. DATE <b>12 AUG 04</b>	3. TIME <b>0957</b>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <b>HOWITZER BTRY, 3/3 ACR</b>		
6. SSN [REDACTED]	7. GRADE/STATUS <b>1AD</b>		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION  
COMMAND AS A SPECIAL AGENT and wanted to question me about the following (offense(s)) of which I am  
suspected/accused: CRUELTY AND MALTREATMENT, WILLARDISCHARGING A FIREARM

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above, I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me [REDACTED]

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

5. TYPED NAME OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

**48TH MP DET (CID)  
FORT LARSON, CO. 80913**

**Section C. Non-waiver**

- I do not want to give up my rights  
 I want a lawyer  I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

**62 6676**

## SWORN STATEMENT

FILE NUMBER : 0284-04-CID056 - 76201  
 LOCATION : Fort Carson, CO  
 DATE : 12 August 2004 TIME: 1223  
 NAME :  
 SSAN : Status: AD  
 ORG/ADDRESS : Howitzer Battery, 3/3 Armored Cavalry Regiment, Fort Carson, CO 80913

I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I was part of a PSD team that was made of a group soldiers picked by [REDACTED] [REDACTED] used us to for any missions we had that were very important or required a quick reaction. Around July 13, 2003, [REDACTED] took us to a welding shop or a metal shop of some sort to pick up a man that was suspect to setting landmines with the intent to destroy coalition forces. We went to this shop around 1200 hours to pick up the suspect. The suspect was not at the shop, so [REDACTED] told his workmates that he would be back at 1300 to pick him up for a job. He had also informed the group of guys that he was going to pay this man a lot of money for the job. We came back at 1300 and the man was there and he was also very eager to work for us and make a lot of money. We picked the detainee up and drove him about four or five miles out of town. [REDACTED] stopped the humvee and got of the vehicle with the detainee. He then told the detainee that he was in a lot of trouble and that he hoped that he kissed his wife and kids goodbye. [REDACTED] Started questioning the detainee. [REDACTED] did not like the answers that he was, hearing so he came back to the humvee put on his gloves and grabbed a Maddox handle. He went back to the detainee started poking him the chest with it and really being nothing but a bully to the guy. After about ten or fifteen minutes [REDACTED] loaded the guys and the detainee back into the vehicles and we left. I had no idea where we were going except, west out of AH Rutbah. We went about fifteen miles west out of the town and turned south on a dirt road. There was a bunch of hills around and very secluded. We parked in a draw, it was actually just flat ground between three hills, and pulled the detainee out of the vehicle. When we pulled him out of the humvee [REDACTED] came to me and told me to get him a shovel. So I got him the shovel and he threw it at the detainee and told him to start digging. He then informed the Iraqi that, "your digging your fucking grave". [REDACTED] then came to me and told me to guard him while he was digging his grave and point my weapon at him. I told him that I am not going to point my weapon but that I will guard him. [REDACTED] then said no, "point your fucking weapon at him". So I pointed my weapon in his general direction. The interpreter that was with us walked up to me and told me that [REDACTED] wanted me to shoot a bullet next to his body. I told the interpreter no, but he insisted that [REDACTED] orders it. I still said no. [REDACTED] then comes up to me and tells me to fire my fucking weapon. At the same time he is point his M-9, not like he wants to shoot but enough to scare me. He was looking very unstable. Very scrappy eyes twitching like he is losing his cool, [REDACTED] that is. When [REDACTED] turns around I fire my weapon in the air and away from the victim. The interpreter then grabs my weapon, like he is trying to keep me from shooting the detainee. It was an act in efforts to scare the detainee. The victim, yes victim, turns around and looks at me crying telling me that he has wife and kids, not in very good English. To me that hit home, I then turned around and said that I was done.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 1 of 5 Pages

EXHIBIT 12

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"Statement of [REDACTED], taken on 12 Aug 04, at Fort Carson, CO, continued."

[REDACTED] with this and that I don't want any part of it. So I turned around and walked back to the humvee. This pissed [REDACTED] off. He still didn't do anything about it though. Eventually he finds out that the victim was innocent and indeed a victim and let him go. As we were sitting there assessing the situation a 2400 series Nissan pickup truck came strolling by. [REDACTED] order the men to go chase it down and bring it back. So they did, there was, I think, three Iraqis in the vehicle. They had an AK-47 in the vehicle with them as well. [REDACTED] pulled them out of the vehicle zip stripped them and started harassing them. The men were talking so [REDACTED] pulled out his M-9 put it right next to one of the detainee head and pulled the trigger. The detainee was still not talking to him though so held the gun to his head and told him talk. The man still didn't talk so we just loaded them and came on home. As soon as I got back I informed my Platoon Sergeant of everything that went on. He then immediately took me to the Squadron [REDACTED] told me to fill out a sworn statement and that I would not get in trouble because told him of the incident right away. At the time I didn't think that I was wrong for doing what I did. I was also scared for my well being. He was not very stable and had mind control on everyone. Much like Saddam hussien led his troops, with fear. I saw [REDACTED] slap a couple of Iraqis. On a couple of occasions he would point his weapon at them and tell them to talk or that he would kill them. I don't remember exactly, but I know that we had got a call that there was some Iraqis driving a 2400 series Nissan outside of Ah Rutbah. We got to the scene and they were three Iraqis who were shieks or mayors, or someone of importance. [REDACTED] walks up to the one head guy slaps him and tells him to start talking. The man didn't know what he was talking about and was very nervous. So [REDACTED] pulls out his M-9 points at the guys head and tells him to start talking or he is going to blow off his head. The man was crying didn't know what to do or what he even wanted. [REDACTED] told him that he had one minute to start talking or he was going to kill him. Then 30 seconds. Then 15, of course after the time was up he just gave the man more threats. He was hitting him on the chest with his open hand. [REDACTED] felt they were innocent and let them go, but he took their truck.

Q: SA [REDACTED]

A: [REDACTED]

Q: Did you type the above narrative?

A: Yes I did.

Q: What does PSD stand for?

A: Personnel Security Detachment.

Q: What was the name of the man at the welding shop?

A: I don't know.

Q: Why did [REDACTED] believe the man was setting up mines?

A: He was told by [REDACTED]

Q: What was the name of the interpreter?

A: I don't remember.

Q: Was he a soldier or civilian?

A: Civilian.

Q: Did you know that [REDACTED] gave you an unlawful order?

A: Yes.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 2 of 5 Pages

667c

"Statement of [REDACTED] taken on 12 Aug 04, at Fort Carson, CO, continued:"

- Q: Where was your weapon pointed when you fired it?  
A: Approximately at a 45 degree angle up to the far left of the detainee. [REDACTED]  
Q: Was the detainee in danger of being hit by your round when you fired your weapon?  
A: No. [REDACTED]  
Q: Was anyone else in danger of being hit by your round when you fired your weapon?  
A: No. [REDACTED]  
Q: How many rounds did you fire?  
A: One. [REDACTED]  
Q: Did you intend to shoot the detainee?  
A: No way. [REDACTED]  
Q: Were you afraid of [REDACTED]  
A: Yes. [REDACTED]  
Q: Did you fear for your life if you didn't obey him?  
A: Of my well being, yes. [REDACTED]  
Q: What do you mean?  
A: Like he was very capable of hurting me. [REDACTED]  
Q: Who else witnessed the incident with the welder?  
A: [REDACTED] and there was a medic there but I don't remember who he was. And there was about 4 or 5 other people there but I don't remember who they were. [REDACTED]  
Q: They all witnessed what happened?  
A: Yes. [REDACTED]  
Q: Why did you walk away after you fired your weapon?  
A: I was just fed up with it, it was bullcrap. Everything that he was doing and making other people do was wrong. And I just felt that I putting myself in a bad position either. Either way I would have been wrong, not to listen to [REDACTED] or to shoot at the detainee. I was just stressed out and walked off. [REDACTED]  
Q: How did [REDACTED] find out the detainee was innocent?  
A: He found out by questioning him. He determined whether he was innocent or guilty. He did that with all his suspects. [REDACTED]  
Q: Are you certain there were three Iraqis in the Nissan?  
A: No I am not. [REDACTED]  
Q: What do you mean that [REDACTED] had mind control on everyone?  
A: He had everybody scared. Everybody knew that he was little bit crazy. If he told somebody to do it, they would do it out fear rather than wanting to do it, right or wrong. [REDACTED]  
Q: Why did [REDACTED] order you to fire your weapon?  
A: To scare the detainee. [REDACTED]  
Q: Did you think it would scare him?  
A: Yes. [REDACTED]  
Q: Do you think it was ethical the way the detainee was treated?  
A: No. [REDACTED]  
Q: Did it violate any regulations?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

Page 3 of 5 Pages

b6 7c

"Statement of [REDACTED], taken on 12 Aug 04, at Fort Carson, CO, continued:"

A: Yes.

Q: Which ones?

A: ROE is one of them, I guess. ROE and Law of Land Warfare

Q: Where did the interpreter grab your weapon?

A: I think he grabbed my M-4 by the barrel and pulled it towards his body and up, looking at the detainee the whole time.

Q: Did the interpreter's action end with your weapon pointed at the interpreter?

A: No.

Q: What did you do after he grabbed your weapon?

A: I really don't remember.

Q: Did he say anything to you or the detainee?

A: I think he was saying don't do it, and then he said something to the detainee in Arabic

Q: Did you say anything?

A: No, not that I remember. I might have though

Q: Who was in the immediate vicinity when this incident occurred?

A: The interpreter and [REDACTED] Everybody else was 25-30 meters away with the humvees

Q: Could the others hear your conversation with [REDACTED]

A: I'm not too sure

Q: Did anyone else fire their weapon during this incident?

A: [REDACTED]

Q: Where was he when he fired his weapon?

A: Sitting down in the humvee, about 25-30 meters away

Q: Why did he fire it?

A: Unclear. I don't know

Q: Did he say anything after he fired it?

A: He did, but I don't want to say what he said because I don't remember. I thought he said something about target practice.

Q: Do you know where his round hit?

A: Yes.

Q: Where?

A: About 100-200 meters past the detainee and about 40-50 meters to the left of him.

Q: Do you think [REDACTED] was trying to hit the detainee?

A: No.

Q: Do you think he was trying to fire near him?

A: No.

Q: Do you recall anything else about these incidents?

A: No.

Q: Did you lie on any portion of this statement?

A: No.

Q: Do you feel you were treated well today?

A: Yes.

INITIALS OF PERSON MAKING STATEMENT

Page 4 of 5 Pages

b67c

EXHIBIT 12

Case No.

"Statement of [REDACTED] taken on 12 Aug 04, at Fort Carson, CO, continued:"

Q: Do you have anything to add to this statement?

A: I feel that the things were wrong that happened, and all I want to do is try to help the situation and the investigation [REDACTED]

Q: Do you have anything else to add to this statement?

A: No.///End of Statement/// [REDACTED]

AFFIDAVIT

I [REDACTED] HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION AND ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12<sup>th</sup> day of August, 2004, at Fort Carson, CO

[REDACTED]  
*(Signature of Person Administering Oath)*

Special Agent [REDACTED]  
*(Typed Name of Person Administering Oath)*

Article 136, UCMJ  
*(Authority to Administer Oath)*

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 5 of 5 Pages

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EXHIBIT 12

0284-04-CID056-76201

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0319-04-CID014

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR INVESTIGATION: About 1629, 21 Jul 04, this office received a Request for Assistance (RFA) from the Fort Carson Resident Agency (CID), Fort Carson, CO 80913 (FCCO), requesting this office locate, fully identify, interview, and obtain major case fingerprints of [REDACTED] 3/362<sup>nd</sup> Armor Regiment, 2/91<sup>st</sup> Armor Division, FCCO, regarding his misconduct while deployed to Iraq in support of Operation Iraqi Freedom.

About 0835, 22 Jul 04, SA [REDACTED] advised [REDACTED] of his legal rights, which he invoked and requested to seek legal counsel. (See Non-Waiver Certificate for details)///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]  
SIGN [REDACTED]

ORGANIZATION  
Ft Bliss Resident Agency (CID)  
11<sup>th</sup> MP Bn, USACIDC  
FT Bliss, TX 79916

DATE  
22 Jul 04

EXHIBIT

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EXHIBIT 13

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

Version of this form is AD 100-20; the previous version is ODCSORS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary. 0284-04-CID056-76201

1. LOCATION: BLDG 13, Fort Bliss, TX 79916
2. DATE: 22 July 04
3. TIME: 0835
4. FILE NO.: 0319-04-CID014
5. NAME (Last, First, MI): [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: AD
8. ORGANIZATION OR ADDRESS: 3/362nd Armor Regiment, 2/91st Armor Div. Fort Carson, CO 80913

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Aggravated Assault, Assault, Cruelty and Maltreatment, Unlawful Detention, Willfully Discharging a Firearm, Failure to obey a General Order. Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being read your rights in the past 30 days? No

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
5. FULL NAME OF INVESTIGATOR SA
6. ORGANIZATION OF INVESTIGATOR Fort Bliss Resident Agency (CID) Fort Bliss, TX 79916

Section C. Non-Waiver

1. I do not want to give up my rights:

[X] I want a lawyer

[ ] I do not want to be questioned or say anything.

2. SIGNATURE

DATE THIS WAIVER CERTIFICATE WAS EXECUTED BY THE SUSPECT/ACCUSED: 28 JUL 04

DA FORM 2001 NOV 00

LAW ENFORCEMENT SENSITIVE

EXHIBIT 14

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**LAW ENFORCEMENT SENSITIVE**

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0284-04-CID056-76201
<i>CID Regulation 195-1</i>	<b>PAGE 1 OF 1 PAGES</b>

**DETAILS**  
On 16 Sep 04, this office dispatched a Request For Assistance (RFA) to the Washington Resident Agency, 3<sup>rd</sup> Military Police Group (CID), USACIDC, 105 Fenton Circle, Fort Myer, VA 22211, requesting that the office interview [REDACTED] [REDACTED] Interpreter/Linguist, Titan Corporation, 1900 Campus Road (Rd), Reston, VA, (currently assigned to the 1<sup>st</sup> Marine Expeditionary Force, Fallujah, Iraq) (NFI), pertaining to his knowledge of alleged misconduct committed by [REDACTED], 2/91<sup>st</sup> Armor Division, 3/362d Armor Regiment, Fort Carson, CO 80913 (FCC), [REDACTED] Howitzer Battery (Btry), 3/3 Armored Cavalry Regiment (ACR), FCC, and [REDACTED] Headquarters and Headquarters Troop (HHT), 3/3 ACR, FCC. The RFA was subsequently forwarded from the Washington Resident Agency to the 75<sup>th</sup> Military Police Detachment (Det) (CID), 3<sup>rd</sup> Military Police Group (CID), USACIDC, 6104 3<sup>rd</sup> Street, Building 1457, Fort Belvoir, VA 22060-5592, for completion.

On 29 Sep 04, SA [REDACTED] received the final information report from the 75<sup>th</sup> MP Det (CID), pertaining to the interview of [REDACTED] (see Agent's Investigation Report of SA [REDACTED] for details). ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER  SA [REDACTED]	ORGANIZATION 48 <sup>th</sup> MP Det (CID) (CASE) 6 <sup>th</sup> MP Grp (CID), USACIDC Fort Carson, CO 80913
SIGNATURE [REDACTED]	DATE 29 Sep 04
	EXHIBIT

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**EXHIBIT 15**

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0284-04-CID056-76201

AGENT'S INVESTIGATION REPORT <i>CID Regulation 195-1</i>		ROI NUMBER 0104-04-CID041
		PAGE 1 OF 1 PAGE
DETAILS:  About 1435, 16 Sep 04, this office received a Category 1, Request For Assistance (RFA) from the 48 <sup>th</sup> MP Detachment (CID), Fort Carson, CO 80913 to interview Mr [REDACTED], Titan Corporation, 1900 Campus Road, Reston, VA. The RFA requested [REDACTED], a contract linguist be interviewed as witness for incidents of abuse committed by members of L Troop 3/3 Armored Calvary Regiment (ACR), Rutba, Iraq (IZ).  Between 1500 and 1915, 20 Sep 04, SA [REDACTED] interviewed [REDACTED]. [REDACTED] provided a sworn statement, which detailed his knowledge of Iraqi detainee abuse committed by [REDACTED] and [REDACTED], both assigned to L Troop 3/3 ACR, Rutba, IZ.  AGENT'S COMMENT: [REDACTED] did not remember a third person listed in the RFA, [REDACTED] L Troop 3/3 ACR Rutba, IZ. Additionally, during the course of interview, [REDACTED] was accompanied by attorneys [REDACTED] and [REDACTED], Williams & Connolly LLP, 725 12 <sup>th</sup> Street NW Washington, DC 20005. Their law firm is representing Titan Corporation. ///LAST ENTRY///		
TYPED AGENT'S NAME AND SEQUENCE NUMBER: SA J [REDACTED]	ORGANIZATION: 75 <sup>th</sup> Military Police Detachment (CID) Fort Belvoir, VA 22060	
SIGNATURE: [REDACTED]	DATE: 21 Sep 04	EXHIBIT:

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EXHIBIT 16

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SWORN STATEMENT

0284-04-CID056 76201

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Fort Belvoir, VA 22060	2. DATE (YYYYMMDD) 2004/09/20	3. TIME 1932 18:49	4. FILE NUMBER 0104-2004-CID041
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS Titan Corporation, 1900 Campus Road Reston, VA			0284-04-CID056 - 76201

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I arrived to my unit of assignment with L Troop 3/3 Armored Cavalry Regiment in Rutba, Iraq, which is approximately 100 kilometers east of the Jordanian border on 23 Jun 03. From the time of my arrival, on 23 Jul 03 thru 15 Jul 03, I witnessed a variety of incidents involving [REDACTED] the CDR of L Troop 3/3 ACR.

Incident #1, which occurred at the Police Station: We were going on a mission. We were fired at by two truck loads of Iraqi civilians. The first truck was not able to be stopped. However, the second truck was stopped and there were about 6 people that were captured. The six people were taken to the police station in Rubta. We went back to the police station [REDACTED] and I with about seven members from the unit. We had two Humvees. While at the police station, the passengers in the vehicle identified the driver, an Iraqi National (NFI). The driver was taken back into a private interview room, by [REDACTED] and [REDACTED]. I was not physically present. [REDACTED] and [REDACTED] walked into the room and closed the door. [REDACTED] then stood outside the door. The Iraqi driver and [REDACTED] were in the room for about three minutes. When they came out of the interview room, I noticed that the Iraqi driver had broken nose and a cut eye. Later, I noticed that [REDACTED] hand was injured. I believe that it was his right hand that he had injured. He had broken his knuckle and one of his fingers. While, the driver was in room with [REDACTED] I could not hear any noise due to the fact that the walls were concrete, along with the steel door. I was standing about 10-15 feet from the entrance of the interview room. However, after they came out of the room, as I mentioned the Iraqi Driver had a broken nose and cut eye. I looked inside the room and noticed the table was turned over and there was blood on the floor. After they came out, [REDACTED] made a comment that those guys were trying to kill his boys, meaning his soldiers. [REDACTED] did not say anything to condone what happened, but he did not say anything against the actions of [REDACTED]. After this was all over, they took him back to the cell within a couple of days, the Iraqi Police took this driver to the hospital for treatment for his injuries. I was informed about this by the police at the Rutba Station. We would go there everyday for information that was for criminal intelligence purposes. Examples would be thieves, who may be stealing supplies and equipment from United States Forces.

Incident #2, involved a fire truck. There was a Improvised Explosive Device that had gone off along the roadside. The Army had blocked the road with two Bradleys. A firetruck with two Iraqi Firemen was pulled over. It had apparently failed to stop after being flagged down to stop by US Army personnel at the Bradley. [REDACTED] and [REDACTED] were informed about this and we hurried to the scene. I sat in the vehicle for about five minutes and was called to come over to the scene. I spoke with the two firemen, who stated that they had driven by and did not notice that they were being flagged to stop. I told [REDACTED] about what they told me. He said why didn't they tell me that in the first place. He had them stood up and the cuffs removed and they were let go. It was kind of dark outside, I did not notice any injuries to them such as blood or cuts. They were just covered in dust from being placed on the ground. This was all I was aware of regarding this incident.

Incident #3, involved [REDACTED] a welder. We went to his shop in the city of Rutba and asked him to come with us regarding a welding job at the base. I asked [REDACTED] what was going on with this. [REDACTED] stated that he had information that there was intelligence about [REDACTED] being a bad guy. He was alleged to have been organizing meeting at local mosques to plan and organize attacks against coalition forces. This was told to me by [REDACTED]. We met [REDACTED] had him get in the vehicle started driving. We drove for about one kilometer. We stopped had him taken out of the vehicle. He was handcuffed with a bag put over his head and placed in another Humvee. I remained in the 1st vehicle with [REDACTED]. [REDACTED] was in a vehicle with [REDACTED]. After he was placed in the second vehicle, I was told by [REDACTED] to tell [REDACTED] that he was detained because he had knowledge of a weapon that was buried in the desert. [REDACTED] did not say anything, he just sat there.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Fort Belvoir, VA DATED 2004/09/20

9. STATEMENT (Continued)

I got back in the vehicle with [REDACTED] and we drove for about 30 minutes into the desert the opposite direction of our base. We went around some hills and then came up on an area where there was a depression. I asked [REDACTED] about what we were doing. [REDACTED] stated that [REDACTED] was going to show us where the weapons were. [REDACTED] was taken out of the vehicle the bag was removed from his head and the handcuffs were removed. [REDACTED] reached in the back of the Humvee and pulled out a shovel that was about two feet in length. [REDACTED] handed the shovel [REDACTED] and told me to tell him that he was going to start digging for weapons and that if he [REDACTED] dug about four feet and found no weapons, this was going to be his grave. [REDACTED] started digging, and he was crying. He stated I don't know anything. [REDACTED] told him to shut up and keep digging. He continued to dig for about a half hour. [REDACTED] continued crying that he did not know anything about weapons. I told [REDACTED] about this. He was standing about fifty feet away at the humvee and called [REDACTED] to come over there. He had [REDACTED] sit down by him and offered him water. He gave [REDACTED] water and had him walk to the rear of the Humvee. We loaded up into the Humvees and drove back to the base. After arriving back at the base, [REDACTED] went and briefed the MAJ (NFI) as to what had transpired. [REDACTED] returned apologized, offered him \$50.00, which he refused, but [REDACTED] forced him to take it. [REDACTED] told [REDACTED] that we would like for you to come back and do some welding work for us tomorrow. We drove [REDACTED] back to his shop. [REDACTED] ended up coming back the next day, but we were out on a mission. I never saw him again after the incident.

Q. Regarding incident #1, was the Iraqi driver injured or show any signs of trauma, prior to going into the room with [REDACTED]?

A. No.

Q. What was the overall mission of the L Troop 3/3 ACR?

A. When I first arrived, I was assigned to [REDACTED] for a period of about three weeks. Our primary mission was to go out and collect stolen 2002 and 2003 Nissan Pick up trucks, 4 doors that were stolen from the Iraqi Government. There were many of them. [REDACTED] would take on other missions, but the primary mission was the confiscating the stolen vehicles.

Q. Describe [REDACTED]

A. Black male about 6'3" thin built with black hair and black eyes, he was probably in his [REDACTED] He had a mustache. He did not wear glasses.

Q. Describe [REDACTED]

A. About 6'2" good built, with a gold tooth on the front right side. He had no glasses or mustache. He was probably in his [REDACTED]

Q. Regarding incident #3, with [REDACTED] were there any shots fired at him while he was digging?

A. Nothing was fired at him. One shot was fired in the air, I am not sure who it was.

Q. What was the weapon that was fired in the air?

A. It was an M16 rifle.

Q. Regarding additional incidents that you have not previously addressed, do recall an incident with Iraqis who were detained in a confiscated white Nissan pick up truck?

A. Yes.

Q. The two men were inside of a stolen white Nissan pick up truck and this was the reason they were pulled over?

A. Yes.

Q. What did you observe as to what took place?

A. [REDACTED] who was driving a Chevy Suburban caught up with them prior to us. We were about 20 minutes behind. We caught up with them and [REDACTED] had them detained, but they were not handcuffed. [REDACTED] was angry about the time issue. We informed them that the Nissan was stolen. We also informed them that we had been pursuing after them for about 90 minutes. They did not have any papers on them for identification purposes or papers to support they purchased the vehicle. They stated they just got purchased it about an hour ago. However, it appeared to be stolen because there was no keys in the ignition. The car was "hot-wired". [REDACTED] had pulled out a baseball bat and struck their Nissan. However, he did not strike them. [REDACTED] let them go.

Q. Could you provide details about a shooting incident in Rutba with another Nissan pick up truck?

A. Rutba was a small town and all of the towns people knew that [REDACTED] mission was to confiscate the stolen pick up trucks. Our two vehicles pulled and surrounded it (Nissan pick up truck). The Nissan fled the scene and drove into an alley way. [REDACTED] and [REDACTED] ran after them. One of the people in the truck fired a shot at them. [REDACTED] fired two shots into the air. The Nissan got away. Afterwards I heard [REDACTED] say that he only fired warning shots, because he did not want to hurt or injure anyone who was in the area.

Q. Provide details of an incident that took place in conjunction with [REDACTED] detention, where a group of Iraqi Nationals were chased down in a stolen vehicle?

A. While [REDACTED] was digging, someone noticed one of the stolen Nissan pick ups drive by. The other Humvee that was with us drove after it. They chased it for only about 200-300 feet. The truck was brought back to our location to where [REDACTED] was digging. There was about 6 guys total in the truck. Five of them were former border patrol guards, who had been fired by the Coalition authorities. We observed an AK 47 in the vehicle. The driver claimed not to be aware

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT [REDACTED] TAKEN AT Fort Belvoir, VA DATED 2004/09/20

9. STATEMENT (Continued)

of who the AK 47 belonged to. After questioning them, we let the five passengers go, but the driver was taken back to the base. This was the same guy who told us about another man who had an apparent weapon in his house, which turned out to be negative.

Q. During this incident, did you see [REDACTED] do anything that was inappropriate Give a pistol to the Iraqis to let them settle this incident among themselves?

A. No. He never gave them a weapon, he just mentioned that he was thinking about doing this. This was conversation among ourselves. He eventually let them go. He originally threatened the driver of the pick up truck with the baseball bat for information and he told us about the guy with weapons in the house which turned out to be false.

Q. Do you recall any incident where [REDACTED] fired shots into a truck near the Akashot exit?

A. Earlier in the day we had pulled over a truck, which was carrying stolen cable. We detained the driver, and took him to the police station. The truck was left unattended along the road. After dropping this man off at the police box, we were on our way back to our base going in the opposite direction. As we drove by the truck that we had pulled over earlier, we saw it begin to pull away. There was a metal barrier in the road. We came to a complete stop and [REDACTED] fired a couple of warning shots in the air over the top of the truck. The truck never stopped and drove off. Because of the metal barrier, we were not able to turn around and chase after it.

Q. How long did you serve as [REDACTED] translator?

A. For 21 days about three weeks.

Q. What happened to [REDACTED] during this time frame that caused him to leave early?

A. He was relieved of duty?

Q. Were you ever told why he was relieved?

A. I was told that it was do to the [REDACTED] incident.

Q. Can you provide anymore information about [REDACTED] physical description address etc?

A. His business was near the German base, which helped with the reconstruction of the highways. He had a signout in front of his shop, which showed the business was in his name. This was maybe about 1 kilometer outside the German base. [REDACTED] was about [REDACTED] years old, he was chubby with black hair and mustache. He wore shirt and pants. He did not wear the dish dasha (traditional robe).

Q. Do you wish to add anything to your statement?

A. No. /// End of Statement ///

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of September, 2004 at Fort Belvoir, VA 22060

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

[REDACTED], Special Agent  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Article 136 (b) (4) UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

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EXHIBIT 17

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# AGENT'S INVESTIGATION REPORT

ROI NUMBER 0284-04-CID056

CID Regulation 195-1

PAGE 1 OF 1

**DETAILS**

About 1020, 25 Oct 04, SA [REDACTED] received an E-mail from SA [REDACTED] NCIS, Iraq, stating he was unable to locate [REDACTED] and was closing out this offices Request For Assistance and would be forwarding his report to this office.

About 1556, 27 Oct 04, SA [REDACTED] coordinated with [REDACTED] and briefed him on the results of the Request for Assistance. [REDACTED] stated no further investigative activity was required of this office. [REDACTED] further stated he was charging [REDACTED] and [REDACTED] with several counts of Aggravated Assault, and was not charging [REDACTED] ///Last Item///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA S [REDACTED]

ORGANIZATION

48<sup>th</sup> Military Police Detachment (CID) (CASE),  
Fort Carson, CO 80913-5041

SIGNATURE [REDACTED]

DATE

27 Oct 04

EXHIBIT

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CID FORM 94

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# AGENT'S INVESTIGATION REPORT

ROI NUMBER 0284-04-CID056

CID Regulation 195-1

PAGE 1 OF 1

## DETAILS

About 1259, 9 Nov 04, SA [REDACTED] received an E-mail copy of the NCIS Final Information Report from SA [REDACTED] NCIS, which detailed the attempts to locate and interview [REDACTED]. All efforts met with negative results.

AGENTS COMMENTS: This office is pending receipt of the hardcopy of the Final Information Report which was mailed from Al Asad Airbase, Iraq, on 30 Oct 04.

About 1542, 9 Nov 04 SA [REDACTED] coordinated with [REDACTED] who opined there was probable cause to believe [REDACTED] committed the offenses of Aggravated Assault, Unlawful Detention, Failure to Obey a General Order, Cruelty and Maltreatment, Willful Discharging of a Firearm, and Assault, when he took [REDACTED] under false pretenses, into the desert outside of Ar Rutba, where [REDACTED] was told he was digging his own grave. Also when [REDACTED] fired his weapon in the proximity of a detainee, and struck several detainees. [REDACTED] also opined there was probable cause to believe [REDACTED] committed the offenses of Aggravated Assault, Failure to Obey a General Order, Cruelty and Maltreatment, Willful Discharging of a Firearm, and Assault when he fired his weapon in close proximity to [REDACTED] after [REDACTED] had been told he was digging his own grave. [REDACTED] further opined there was not probable cause to believe [REDACTED] had committed the offenses of Cruelty and Maltreatment, and Willful Discharging of a Weapon as he was under duress when he fired his weapon in the proximity of [REDACTED].

About 0956, 29 Nov 04, SA [REDACTED] received the hard copy Final Information Report from NCIS, which detailed the attempts to locate [REDACTED] (see Final Information Report of SA [REDACTED])///Last Item///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED]		ORGANIZATION 48 <sup>th</sup> Military Police Detachment (CID) (CASE), Fort Carson, CO 80913-5041	
SIGNATURE [REDACTED]		DATE 29 Nov 04	EXHIBIT 19

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Page 130 referred to Naval Criminal Investigative Service

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LAW ENFORCEMENT SENSITIVE

For use of this form, see AR 27-10; the proponent agency is...  
See Notes on Reverse Before Completing Form

NAME: [REDACTED] GRADE: [REDACTED] SSN: [REDACTED] UNIT: L Trp. 3/3d ACR Hit, Iraq PAY (Basic & Sea/Foreign): \$2,477.40

I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: that you, who should have known of your duties at or near the Ar Rutbah police station, on or about 9 July 2003, were derelict in the performance of those duties in that you willfully failed to properly handle detainees, which conduct was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces, as it was your duty to do. This is in violation of Article 92, UCMJ.

(SEE CONTINUATION SHEET) 0284-04-CID056-76201

You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense. You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of mitigation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. In deciding what you want to do you have the right to consult with legal counsel. You now have 48 hours to decide what you want to do.

TDS, Al Asid, 302-539-0717

NAME, GRADE, AND ORGANIZATION OF COMMANDER: [REDACTED] SIGNATURE: [REDACTED]

I have been afforded the opportunity to consult with counsel, my decision are as follows: I demand trial by court-martial. I do not demand trial by court-martial and in the Article 15 proceedings I request the hearing be Open. Matters in defense, mitigation, and/or extenuation: [REDACTED]

NAME AND GRADE OF SERVICE MEMBER: [REDACTED] SIGNATURE: [REDACTED]

I have considered the appeal and it is my opinion that... Punishment is effective immediately unless otherwise stated.

NAME, GRADE, AND ORGANIZATION OF COMMANDER: [REDACTED] SIGNATURE: [REDACTED]

I have considered the appeal and it is my opinion that... I do not appeal. I appeal and do not submit additional matters.

NAME AND GRADE OF JUDGE ADJUDICATE: [REDACTED] SIGNATURE: [REDACTED]

I have considered the appeal and it is my opinion that... I appeal and do not submit additional matters.

NAME AND GRADE OF JUDGE ADJUDICATE: [REDACTED] SIGNATURE: [REDACTED]

I have considered the appeal and it is my opinion that... I appeal and do not submit additional matters.

NAME, GRADE, AND ORGANIZATION OF COMMANDER: [REDACTED] SIGNATURE: [REDACTED]

I have considered the appeal and it is my opinion that... I appeal and do not submit additional matters.

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EXHIBIT 21

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DA Form 2627 pertaining to [REDACTED]  
9320

L Trp, [REDACTED], FOB Eden, Iraq

Item 1 (con't):

**FOR OFFICIAL USE ONLY** 0284-04-CID056-76201  
**LAW ENFORCEMENT SENSITIVE**

that you, did, at or near FS 06 East-West route, South of FOB Buzz, on or between 13 July 2003, wrongfully and willfully discharge a firearm, to wit: in the vicinity of a detainee, under circumstances such as to endanger human life. This is in violation of Article 134, UCMJ.

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**LAW ENFORCEMENT SENSITIVE**

**EXHIBIT 21**

Pages 133 and 134 referred to Naval Criminal Investigative Service