Counsel:
So nobody ever asked them at any time…did this ever happen?

Witness:
No.

Counsel:
And the EPWs, where they agreeing with everything they said?

Witness:
More or less, yes. Some things they would say no to, but most of it was like, they would talk back and forth to each other. The one guy would go yea that's what happened.

Counsel:
Thank you [redacted] (b)(6)-4

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-2
[redacted] asked you is it typical for an EPW to ask a guard for medical treatment, and your answer was yes, if they were hurt or if they wanted to get out of there. What do you mean by "if they wanted to get out of there"?

Witness:
Well, if they wanted the medical truck, they usually went to the hospital. In the hospital, they would get a bed to sleep on, air conditioned…it was like a little incentive for them to go on a little trip and get out of the compounds.

Counsel:
And with reference to the CID interview, you answered it would take the interpreter a little while to figure out what they were saying. What do you mean by that?

Witness:
I think he was Arabic, but I think the dialect was getting in the way. It would take him a little while to figure out what they were saying, and then he finally got it. He would tell the CID agents.

Counsel:
He got what he believed they were saying.

Witness:
Yea..

Counsel:
Thank you.

Questions by defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
[redacted] have you ever seen this soldier/interpreter before?

Witness:
No I've never seen him before.

Counsel:
Have you seen other interviews with CID?

Witness:
No.

Counsel:
Okay. But you've seen other interpreters there in the IF?

Witness:
Yes, the ones that we use.

Counsel:
Okay. Thanks

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
Follow-up on that. The ones that you normally use are who?

Witness:
Were other prisoners.

Counsel:
Okay. So they understood the language and the dialect?

Witness:
Yes.

Counsel:
Thank you.

I/O:
Anything else [redacted] (b)(6)-2

Counsel:
No sir.

I/O: [redacted] (6)(6)-2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (6)(6)-2

Counsel: (6)(6)-4 [redacted] what was your job that day that you overheard this conversation?

Witness:
I was to guard the segregation unit.

Counsel:
And the reason you listened in on this conversation was why?

Witness:
I was standing there to make sure they didn't give the prisoners any cigarettes or any reward because they're not allowed to have anything like that.

Counsel:
And during that process you decided it was okay for you to listen to CID agents conducting interviews?

Witness:
Yes.

Counsel:
You thought that was okay?

Witness:
Yes.

Counsel:
And what you heard was…you said the CID agents would ask questions?

Witness:
Yes.

Counsel: (6)(6)-2
And you said to [redacted] that they weren't asking any open-ended questions, right?

Witness:
Yes.

Counsel:
But your first question that came out of your mouth was you said that one of them said "did they hurt you", right?

Witness:
Yes.

Counsel:
And then there was some discussion, and there was an answer given, and then they said where did they hurt you?

Witness:
Yes.

Counsel:
The implication to that would be that the answer to the question "did they hurt you" would be yes.

Witness:
Yes.

Counsel:
Is that what they said, or do you not know?

Witness:
No, that's what they said, and then they went on asking specific questions.

Counsel:
So "did they hurt you" is kind of an open-ended question, isn't it?

Witness:
Yes.

Counsel:
Doesn't imply whether they were or were not, it just asks if somebody got hurt, right?

Witness:
Yes.

Counsel:
And wouldn't the logical questions for an investigator to ask, if after they were asked a question such as that, if after a question such as that was answered yes they hurt me, wouldn't the next question logically be where?

Witness: Yes.

Counsel:
And wasn't that the next question?

Witness:
Yes.

Counsel:
Okay. Thank you, no further questions.

I/O:
Defense counsel, anything further?

RECROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
[redacted] did they just ask them "where were you hurt?" and then they just gave off a whole litany of everywhere where they hurt?

Witness:
No.

Counsel:
How did they do it?

Witness:
They asked, after they asked them where they were hurt and they said, "yes we were hurt", they began saying well did they kick you here or did they punch you here, you know specific questions like that.

Counsel:
Okay, thanks [redacted] (b)(6)-4

I/O:
Anything else from the defense?

Defense counsel: No, sir.

I/O:
Government?

(b)(6)-2 [redacted] No, sir.

[The witness was duly warned, dismissed and left the room.]

(b)(6)-7
[redacted] **an interpreter, was sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

(b)(6)-4
[redacted] **a detainee at Camp Bucca, Iraq was called as a witness for the Government, was sworn and testified as follows:**

Counsel:
Do you remember the night you came to Camp Bucca?

Witness:
Yes I do.

Counsel:
Were you on the bus that came from An Nasariyah on May the 12th?

Witness:
Yes, sir.

Counsel:
Please tell us what happened to you after you got off the bus at Camp Bucca.

Witness:
I was mistreated on the bus. The American soldier used bad words to us while we were getting on the bus. They were using words like "fuck your mother, fuck your sister" something like that. After that they tied our hands and used normal processing. We understand that there's no problem with security processing. They didn't let us drink any water. And from time to time they told us to shut up and not talk to each other. One soldier pointed his rifle in my face two times and I didn't do anything. While on the road the bus broke down and stopped for some mechanical reason.
They were fixing the bus and we didn't do anything. As we arrived at Um Quasar, the used they used fists to push us out. One soldier came to me and pushed me badly and they let me sit up on the stairs of the bus. Another MP said to me "fucking police" and hit me on my head. When we got on the bus at An Nasariyah they didn't let me sit on the seats. They said that this place was for dogs, and they made me sit in that place.

Counsel:
Did you sit on the floor of the bus?

Witness:
Yes on the floor of the bus between the chairs. There was an empty chair, but they didn't let us sit there. We sat tied to each other, prisoners tied to each other. I had my lunch with me and he took it and threw it away. Three American soldiers came and pulled on me by force to the ground. Then 10 to 15 meters they pushed me to the floor again. One female soldier put her boot on my leg as I was laying on the floor.

I/O: Are we talking about incidents on the bus?

Counsel: I would like for you to tell me what happened to you after you got off the bus at Camp Bucca.

Witness:
Okay, they were pulling me on the floor for 15 meters, and after that they pushed me to lay the floor on the ground and they let my leg to get from each other and they put their boot on my leg. Another one he squeezed my head on the sand using his boot until my side face touches the sand. One American female beat me ten times on my ass with her boot.

Counsel:
Were these all American soldiers that did this to you?

Witness:
I don't know, it was night, but they were using English.

Counsel:
But you remember that one was female?

Witness:
Two females, I remember.

Counsel:
Did anyone else kick you, with their boot, between your legs?

Witness:
Yes, sir...around ten times.

Counsel:
Did it hurt to be kicked between the legs?

Witness:
Yes, it hurt.

Counsel:
Did you say anything when you were being kicked?

Witness:
No they didn't answer me anything so I didn't speak.

Counsel:
Did you cry out in pain?

Witness:
I screamed.

Counsel:
Besides being kicked between the legs, did the soldiers touch you anywhere else?

Witness:
Only they pushed my face to the sand, and this we consider in Iraq as big criminal, insult me.

Counsel:
How did they push your face into the sand?

Witness:
I was laying on the sand after they pushed me on the sand they put their boot on the side the other side was on the sand. And then he pushed and squeezed it. Some sand blew inside my ear, and my mouth the doctor use sticks to take the sand from my ear.

Counsel:
Were your hands bound with tape or handcuffs?

Witness:
It was but when they pushed me it take off

Counsel:
Which direction were you facing when you were on the ground? Were you on your back or were you on your stomach?

Witness:
I was on my stomach.

Counsel:
Did anything else happen to you after you got off the bus?

Witness:
After they took me to the holding area one guy pulled me from my waist my stomach with tough hands he used expression "big American I'm in higher rank" after that the treatment started to be better they treat me in better way in holding area.

Counsel:
Did you see any other prisoners when you got off the bus that night?

Witness:
Did I see any other prisoner they beat him?

Counsel:
Did you see any other prisoners being mistreated that night?

Witness:
I didn't see I only heard the screaming because they didn't allow me to raise my face. I only heard people suffering and screaming.

Counsel:
Did you resist the soldiers who were transporting you that night?

Witness:
Never, no.

Counsel:
Did you fight with the soldiers who were transporting you that night?

Witness:
No.

Counsel:
Did you obey the soldiers at all times?

Witness:
Yes.

Counsel:
Did anyone kick you in the stomach?

Witness:
No, how they kicked me in my stomach and my stomach directed to floor?

Counsel:
Did you talk to the lawyers that represent the soldiers yesterday?

Witness:
Yes.

Counsel:
Did they talk to you about going home?

Witness:
The lawyer told him through Iraqi Major if you change your testimony we can release you tomorrow. The major informed that he did hear that directly from the lawyer and they inform him maybe we delay this trial two months. And we have been here four months and this holding, it seems to me, is way of making pressure on me to change my story or not telling the truth.

Counsel:
Are you telling the truth today?

Witness:
Yes.

Counsel:
Thank you, I don't have any more questions for you. Please answer any questions that anyone else might have.

Defense counsel: [redacted] (b)(6) -2
Sir I would like to ask for an immediate closed session of this hearing.

I/O:
Okay, what is it. I thought you meant that you wanted a side bar. No?

Defense counsel: [redacted] (b)(6) - 2
I don't know if we can have a side bar out of the hearing of everybody, but I think we need to have a hearing out of the presence of the other-the spectators, the witnesses, the party.

I/O:
Okay.

I/O:
At this time due to the nature of the line of questioning for this particular individual, I'm going to order that all spectators and all members of the media please leave the hearing tent and we will have a ten minute recess to allow the defense to compare notes, and then we will resume with this individual.

I/O: (b)(6) -2
Defense counsel was concerned over perceived allegations of impropriety made by the government's question-last question. At first we cleared the courtroom of both media and spectators, [redacted] f PAO is advised that under the Freedom of Information Act since this is an open hearing the media does have access to the hearing and we will respect that and allow the media in on advice of the Legal Advisor. The spectators, because this is an open hearing, have the same standing as the media, so the hearing will continue to be open. Spectators and press will be allowed access and any remark Defense would like to add to that, you are invited to do so at this time.

I/O:
Any remarks the defense would like to add to that you're invited to do at this time.

Defense counsel: No, sir.

I/O:
Government?

[redacted] (b)(6)-2 No, sir.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
[redacted] when you were transported to Camp Bucca, you knew one of the other prisoners that was transported, correct?

Witness:
Yes I know one guy he is captain in Iraqi police.

Counsel:
And in the time that you have been here at Camp Bucca, you've come to know an Iraqi major named [redacted] (b)(6)-4

Witness:
No.

Counsel:
EPW number [redacted] (b)(6)-4

Witness: (b)(6)-4
His name [redacted], he is major in Iraqi army.

Counsel:
And his number is [redacted] (b)(6)-4

Witness:
I do not recognize the number.

Counsel:
And this is the same major that told you that a translator told him that a defense attorney told him that he would be released if he changed his story, right?

Witness:
Yes, in front of another witness in front of group of prisoners.

Counsel:
So he told the whole group of prisoners?
Witness:
He told the group of prisoners and I was listening. And then the major he thought that he is going to change his testimony …

Counsel: (b)(6)-4
[redacted]you've been interviewed several times in reference to this case, correct?

Witness:
Yes, I met CID, I met lawyer, I met--yes.

Counsel:
And the first time you were interviewed by CID, was when you were in segregation… you were in segregation area, correct?

Witness:
Yes, three days from arriving here.

Counsel:
And when they came to interview you what you wanted to talk to them about was about the conditions that you were living in at that time, correct?

Witness:
No, CID came and they told us that a group of American soldier has been witnessed that the bus arrived on 12th of May has been beaten-they beat them…

Counsel:
So at that time you did not say that, you did not complain about the fact that you were being held in a metal container surrounded by barbed wire?

Witness:
I didn't complain, but I explained to them how we lived. Even they checked me physical on my feet because I was walking in metal container, so the saw my feet, but I didn't complain just I was explain to them.

Counsel:
You told them that you needed to be released, correct?

Witness:
As I am police officer so I know the procedure, so I didn't ask them because they have to complete investigation.

Counsel:
And you're being held right now because you're being investigated for war crimes, correct?

Witness:
I don't know and I'm not war criminal.
Counsel:
CID is investigating you for war crimes, correct?

Witness:
No, but only the who I am I am police officer and I worked with American one month and after five days I received salary from American side, but the reason for holding me is nonsense.

Counsel: (b)(6)-4 you're not being held pending an investigation by CID for war crimes, is that your testimony?

Witness:
No I am not war criminal.

Counsel:
I did not ask if you're a war criminal. (b)(6)-4 I asked if you're being held here because you're being investigated for war crimes.

Witness:
Negative, no.

Counsel: (b)(6)-4 before you boarded the bus in An Nasariyah to come to Camp Bucca, you were not given a medical examination, correct?

Witness:
No.

Counsel:
And you remember that when you boarded the bus there were soldiers on the bus, correct?

Witness:
Beside the driver standing?

Counsel:
After the bus was boarded with EPWs then soldiers got on the bus, correct?

Witness:
Yes.

Counsel:
And those soldiers were on the bus for the trip to Camp Bucca?

Witness:
Yes.
Counsel:
And you were told to keep your head down, correct?

Witness:
Correct.

Counsel:
But from time-to-time you looked up at the soldiers, correct?

Witness:
Yes, it is difficult for three hours to keep your head for many hours down. Sometimes the prisoners ask for water he has to raise his head.

Counsel: (b)(6) 4
[redacted] the times that you looked up you could tell that there were four male soldiers on the bus, is that correct?

Witness:
No, as I believe only one female and the rest are male.

Counsel:
So you noticed that there were four male soldiers on the bus and one female?

Witness:
Yes, the exact number I don't know but I remember one female and the rest male.

Counsel:
And one of the soldiers was a tall soldier with a shotgun, correct?

Witness:
Yes.

Counsel:
And from time-to-time, if EPWs looked up or did not follow instructions, then he would yell at the EPWs?

Witness:
Yes.

Counsel:
And he pointed his weapon at the EPWs?

Witness:
Yes, he pointed his gun for me two times as soon as I raise my head.

Counsel:
And during the trip you were made to kneel down in the aisle, correct?
Witness:
Yes.

Counsel:
And while you were on the bus, soldiers yelled different things at you, obscenities at you?

Witness:
No.

Counsel:
That was before you got on the bus?

Witness:
Yes when we stand on the line he was yelling and using bad words at us.

Counsel:
And then when you arrived at Camp Bucca, the tall soldier with the shotgun was standing right outside the door of the bus, correct?

Witness:
Yes.

Counsel:
And when he picked you up and pulled you off the bus, he hit you with his head, correct?

Witness:
No, he let me sit down on the stair of the bus. There are these three stairs and he let me sit down until he take another prisoner to send him, and he yelled and using bad words.

Counsel:
And he said "fucking police"? And then he hit you in the head with his head?

Witness:
Yes he said "fucking police" and then he use his head, beat me by his head.

Counsel:
And that was the tall soldier with the shotgun, correct?

Witness:
Yes.

Counsel:
The same soldier that was on the bus?

Witness:
Yes.

Counsel:
You said that later on when you got outside the bus that you were kicked, and you said that only one person kicked you, correct?

Witness:
Yes, correct.

Counsel:
And you don't know if it was a male or female, correct?

Witness:
Yes I don't know, but I recognize from her voice that she's female. And the other soldier he was putting his boot on my face.

Counsel:
And there was no one else was touching you from behind, correct?

Witness:
Only one...this female beat me ten times.

Counsel:
And the female was not the same female you saw on the bus, correct?

Witness:
Not the same.

Counsel:
And this kicking that happened, this happened all at one time, correct?

Witness:
Only one time, it happened one time.

Counsel:
When CID came to interview you, that was three days after you arrived at Camp Bucca, correct?

Witness:
Yes, correct.

Counsel:
And at that time you did not seek any medical treatment, correct?

Witness:
Correct, yes.

Counsel:
And you didn't seek any medical treatment after you got off of the bus, the same night that you arrived at Camp Bucca?

Witness:
Medical assistance no I didn't receive anything.

Counsel:
And you didn't seek, when you talked to CID, you didn't seek any medical treatment because you were not injured, correct?

Witness:
Correct, but no. I ask for a doctor to check my ear, and they send me doctor next day after interview by CID. The CID promise me they will send me doctor, and they did that next day.

Counsel:
When you talked to CID you told them that you were beaten on more than one occasion, correct?

Witness:
Yes, correct.

Counsel:
You said the second time happened when you were being moved from the in processing area to the confinement compound, correct?

Witness:
Yes correct.

Counsel:
And you that during that second time that a loaded weapon was pointed at you head, correct?

Witness:
Correct, yes.

Counsel:
And you were told that you were going to be killed, correct?

Witness:
Yes correct.

Counsel:
And after you told CID that they never came back and questioned you about that incident again, did they?

Witness:
Yes correct.

Counsel:
That's correct they did not?

Witness:
Yes, but during the investigation they told me only speak about the bus accident only, so that's the reason I didn't open again the topic.

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel: (6)(6)-4
[redacted] do you remember speaking with me two weeks ago?

Witness:
Yes I remember.

Counsel:
And the first thing you said to me was "when am I going to be released", right?

Witness:
No.

Counsel:
You didn't ask me when you were going to be released?

Witness:
Yes, I did but your release is not related to us, but after the trial your release is not related to us we have to investigate another department like CID maybe they release you or no.

Counsel:
Right I said I have no control over whether or not you're going to be released, correct?

Witness:
Yes you and the lawyer also, you said that.

Counsel:
Remember I showed you my hat I said, "I'm a captain I can't control those things"?

Witness:
Yes.

Counsel:
Because you haven't been cleared by CID yet, have you?

Witness:
I don't know.

Counsel:
On the bus, on the inside, you were picked up with (b)(6)-4 [redacted] correct?

Witness:
Yes.

Counsel:
And he was with you on the bus as well, right?

Witness:
Yes.

Counsel:
In fact he was sitting right in front of you on the bus, right?

Witness:
Yes, right.

Counsel:
And you said that you've met another major since you've been held here, correct?

Witness:
Yes.

Counsel:
[redacted] (b)(6)-4

Witness:
Yes.

Counsel:
And right now all three of you are being held together in the same compound?

Witness:
No, in separate compounds, the other two people with officer compound and me I am in another compound.

Counsel:
Okay so the captain and the major there together and you're separate?

Witness:
No, me and the captain in one compound and the major in another compound because as we are police we are civilian the major is in army.

Counsel:
In the military?

Witness:
Yes in the military.

Counsel:
After you talked to CID they moved you from segregation, right?

Witness:
Yes.

Counsel:
They took you out of the segregation cell?

Witness:
Yes two days after I speak to CID, as I believe maybe they are going to release me or they finish my talking as I thought.

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
Do you recall talking to myself and the major last night?

Witness:
Yes.

Counsel:
And we asked you if you had been cleared for release?

Witness:
Yes but I answered you I don't know.

Counsel: And you told us you did not know, correct?

Witness:
Yes.

Counsel:
And that was all we discussed about your release, correct?

Witness:
Yes.

Counsel:
Thank you.

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
Sir how were you captured and brought into custody?

Witness:
I worked with Marines 45 days on [redacted].(the detainee was interrupted by Defense counsel and directed to answer the question) My commander police officer asked me "we have meeting and you have to report to police station" he informed me one day before I fought with my commander and he threaten me "I will make American arrested you and captured you tomorrow"...because me as police officer from the department of police officer I have more experience than my commander, because my commander is from fire department.

Counsel:
So your commander is from the fire department, commander told you you have a meeting the following day and your commander is going to make you go to the Americans? Do I understand correct?

Witness:
During a fight between me and my commander, he threatened me "I will let American arrest you".

Counsel:
And then what happened?

Witness:
After they informed us there is meeting on Marine's base I went to there... I left my home car on the main gate me and the [redacted] after we left our car beside main gate we arrive to the main gate to the American Marines stop us asked us to raise our hands capture us then transfer us directly to Nasariyah.

Counsel:
And went you, let's going to move on to Camp Bucca now, when you arrived at Camp Bucca?

Witness:
Yes the same day.

Counsel:
You lived in a metal container when you first got here, correct?

Witness:
Yes.

Counsel:
With barbed wire around it, correct?

Witness:
Yes they hold us for one week, almost one week in this metal container yes they hold us for one week.

Counsel:
Who is "us"?

Witness: [redacted] (b)(6)-4

Counsel:
Only you, from that bus load, only you and the captain were held in these metal containers?

Witness:
Yes.

Counsel:
And the other EPWs the other detainees from the bus, they went to the compound, correct?

Witness:
Yes.

Counsel:
And were you alone, in the metal container, or did you share it with the captain?

Witness:
We stayed with them three days, after that they separate (b)(6)-4 to another metal container.

Counsel:
Now the other EPWs in the compound, they were allowed to roam freely around the compound, they had tents to go into out of the shade, correct?

Witness:
Yes.

Counsel:
He said he--just a moment please. I have no further questions.

IO: (b)(6)-2

REDIRECT EXAMINATION

Questions by the trial counsel: (b)(6)-2

Counsel:
Sir, when the soldiers kicked you between the legs, your head was pressed into the sand, correct?

Witness:
Yes.

Counsel:
When your head was pressed into the sand, it was difficult to see wasn't it?

Witness:
Yes.

Counsel:
And it was--

Witness:
Yes, correct.

Counsel:
When your head was pressed into the sand, it was difficult to see, wasn't it?

Witness:
Yes, correct.

Counsel:
And it was impossible to see who was kicking you, right?

Witness:
Yes. Right.

Counsel:
And you recognized that it was a woman by the voice, correct?

Witness:
Yes, correct.

Counsel:
Now, you said that the person beat you between the legs with their boot, right?

Witness:
Yes.

Counsel:
And you were asked by (b)(6)-2 [redacted] if you had any injuries, is that right?

Witness:
Yes, correct.

Counsel:
Isn't it true that you urinated blood?

Witness:
Yes I was bleeding for one or two days and then it stopped.

I/O:
I'm sorry could you repeat that?

Witness:
Yes I was bleeding for one or two days, and as I bleed it is internal injured.

Counsel:
The last part was?

Witness:
Internal. Inside injured.

Counsel:
Internal injury.

Witness:
Yes.

Counsel:
Did he bleed when he went to the bathroom?

Witness:
Yes. Little drop and it stop.

I/O:
Say that again please.

Witness:
Little drop. I was bleeding little drop and it stop.

Counsel:
Was he bleeding before he was kicked by the soldiers?

Witness:
No.

Counsel:
Did you have any bruises?

Witness:
No, never.

Counsel:
Thank you.

I/O:
Anyone on the defense? Any questions?

RECROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel: (6)(6)-2
Does he recall talking to [redacted] and myself last night?

Witness:
Yes.

Counsel:
And does he recall saying that he did not ask for a doctor because he was not injured?

Witness:
Yes I told you that.

Counsel:
Thank you. I have no more questions.

I/O:
Anyone else?

Defense counsel:
No sir.

I/O:
[redacted] (b)(6)-2

[redacted] (b)(6)-2
No,sir.

[The witness was dismissed, and left the room.]

(b)(6)-7
[redacted] **an interpreter, previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6) 2

(b)(6) -4
[redacted] **a detainee at Camp Bucca, Iraq was called as a witness for the Government, was sworn and testified as follows:**

Counsel:
Thank you. Sir, did you come to Camp Bucca on a bus from Nasiriyah?

Witness:
Yes.

Counsel:
Do you remember the day that you came?

Witness:
Yes. Twelve of May.

Counsel:
Sir, I would like you to tell us what happened after you got off the bus here at Camp Bucca.

Witness:
One soldier push me. There was another soldier standing on the board, on the inside, soldier. He delivered me to the next soldier. In front of me was two prisoner. One of them, he was handicapped or using hand help.

Counsel:
Crutches?

Witness:
Yes.

Counsel:
Did you see what happened to the man on the crutches?

Witness:
Yes. Two soldier hold from his underarms and they were pulling him, and his leg was following on the sand. They did that around twenty to thirty meters. They holding his hand and ask him to keep his head down.

Counsel:
Are you now talking about what they did to you, sir?

Witness:
No I am not talking about what they did to me, but I am talking about what they did to the other man.

Counsel:
The man on crutches?

Witness:
Yes.

Counsel:
Okay, I'm sorry. Continue.

Witness:
Until we come close to the tent...and after that, they push him and let him lay on the floor. They order me to sit down. And then I sat down and put my head down.

Counsel:
When the man on crutches was being pulled along and his feet were following in the sand, was he making any sound?

Witness:
Yes. He was yelling.

Counsel:
He was yelling?

Witness: Yes.

Counsel:
Did he appear to be in pain?

Witness:
Yes.

Counsel:
What happened to his crutches?

Witness:
I don't remember. I don't remember.

Counsel:
Did you resist any of the soldiers that were escorting you that night?

Witness:
Never.

Counsel:
Did you try to fight with any of the soldier that escorted you that night?

Witness:
Never.

Counsel:
Did you obey all of the orders that the soldiers gave you?

Witness:
Yes.

Counsel:
Did you see any other prisoners being escorted that night?

Witness:
I saw only two people in front of me.

Counsel:
And that was the man on the crutches and one other man?

Witness: Yes.

Counsel:
Did you hear any of your fellow prisoners making any sounds that night besides the man on crutches?

Witness:
Yes.

Counsel:
And what were the other prisoners saying?

Witness:
I heard Yelling from pain. Prisoner object to soldier.

Counsel:
Yelling from pain?

Witness:
Yes.

Counsel:
The man that you saw that was on crutches, did he...did you see him resist the soldiers?

Witness:
No never.

Counsel:
Did he try to fight with the soldiers?

Witness:
No, he cannot walk. How he can fight?

Counsel:
Thank you sir. Please answer any questions that anyone else may have.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel:
You sat behind the Major on crutches on the bus from Tallil to Bucca, correct?

Witness:
Yes.

Counsel: And on that bus ride, no one was hit on the bus, correct?

Witness:
Yes, right.

Counsel:
The Major on crutches was never hit on the bus, correct?

Witness:
No one beat him.

Counsel:
No one took a half empty water bottle and hit him about the head, did they?

Witness:
No one beat him. The Major asked for water to drink, but the soldier, he said I will make pee pee in bottle and give it to you.
Counsel:
Okay.

I/O:
I'm sorry, repeat now. The last part...giving the water.

Witness:
He asked for water to drink and the soldier answered him I will pee pee in bottle and give it to you to drink.

I/O:
I will pee in the bottle and give it to you to drink?

Witness:
Yes.

I/O:
Okay.

Counsel:
Okay. You were one of the first people escorted off the bus, correct?

Witness:
I go first and then the Major, he come to the bus.

Counsel:
Okay. So you were right behind the Major on crutches?

Witness:
Yes.

Counsel:
You did not see the Major on the crutches get kicked, correct?

Witness:
Correct.

Counsel:
You never saw him get hit, correct?

Witness:
Correct.

Counsel:
You just saw two soldiers helping him along with their hands under his arms, correct?

Witness:
Yes, right, but he was in pain.

Counsel:
Okay. No one hit you that night, correct?

Witness:
Right.

Counsel:
And no one kicked you that night, right?

Witness:
Right.

Counsel:
CID came to talk to you a couple days after this incident, correct?

Witness:
Yes.

Counsel:
And you told them that you were handled roughly when you went from in-processing to the compound the next day, correct?

Witness:
Yes, right.

Counsel:
But nothing happened to you when you got off the bus?

Witness:
Yes, right.

Counsel:
Thank you.

I/O:
Any further questions?

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
When you were escorted off the bus, where was the final destination? Was it in the holding area by a tent?

Witness:
Near by tent.

Counsel:
So he was escorted from the bus through a lane that was lined with barbed-wire, and sat down by a tent?

Witness:
Yes.

Counsel:
And the Major on crutches was escorted right in front of you, correct?

Witness:
Right.

Counsel:
When he was escorted, there was nobody holding him under his arms, correct?

Witness:
Correct.

Counsel:
So he saw the Major, the Major on the crutches, he saw him from the time he got off the bus to the time he was brought to the holding area near the tent, right?

Witness:
Yes, correct.

Counsel: Thank you.

I/O:
Any other questions? [redacted] (6)(6) -2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (6) (6) -2

Counsel:
Yes sir, thank you. Sir were you told to keep your head down when you got off the bus?

Witness:
Yes.

Counsel:
The Major on crutches, was he being helped along or was he being dragged by the soldiers?

Witness:
I don't know if they were helping him or no, but what I know he was laying from pain.

Counsel:
I'm sorry.

Witness:
He was paining, but I don't know if they were helping him or only pulling him.

Counsel:
Thank you.

RECROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)-6-2

Counsel: (6)(6) -4
[redacted] the Major on the crutches was in front of you the whole way from the bus to the in-processing area, correct?

Witness:
Yes, correct.

Counsel:
And you walked in a group that entire way, correct?

Witness:
Yes, correct.

Counsel:
Thank you.

I/O:
Any further questions? No? Just two questions.

Questions by the Investigating Officer: [redacted] (6)(6)-2

I/O: (6)(6)-4
What was [redacted]s occupation before he came into custody of coalition forces?

Witness:
Police officer.

I/O:
Did he hold a specific rank in the police force?

Witness:
Captain.

I/O:
Where?

Witness:
Samawa.

I/O:
You stated that the man on crutches…that he observed…was pushed to the ground once he reached the holding area. Can he describe for me how he was pushed to the ground?

Witness:
Can I stand and show you?

I/O:
Sure.

Witness:
Okay they were holding him from under his arm, then they let go him…then he fell down like this.

I/O:
They just let go and he fell down?

Witness:
Yes sir.

I/O:
Okay. Any further questions? Please than[redacted] (b)(6)-4 for being here today and the MPs will escort him back to the area.

[The witness was dismissed, and left the room.]

[redacted] (b)(6)7 **an interpreter, was sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

[redacted] (b)(6)-4 **a detainee at Camp Bucca, Iraq was called as a witness for the Government, was sworn and testified as follows:**

Counsel:
Thank you. Sir, did you come to Camp Bucca on a bus from An Nasiriyah?

Witness:
Yes.

Counsel:
And what day did you come here to Camp Bucca?

Witness:
He's not sure it was May twelfth.

Counsel:
Now, would you please tell us what happened after you got off the bus here at Camp Bucca?

Witness:
They beated me when I get out of the bus.

Counsel
All right.

I/O:
Sorry I didn't hear.

Witness:
They beated me when I get out of the bus.

Counsel:
How did they beat you?

Witness:
One of the soldier, he carried me and throw me on the sand.

Counsel:
How did the soldier throw you on the sand?

Witness:
Some tall guy, he came and he carried me and he throw me on the ground.

Counsel:
Could you please stand up a show how the soldier threw you to the ground.

Witness:
I just came out from the bus. Another was talking to me in English. I didn't understand him. Then the tall guy came and he carried me. Somebody carried me like this.

Counsel:
Let the record reflect that you are grabbing his right arm and his right thigh with your two hands.

Witness:
Yes.

Counsel:
And then what did he do?

Witness:
He carried me and he throw me.

Counsel:
He carried him and he threw him to the ground?

Witness:
Yes.

Counsel:
Please sit down sir.

Witness:
What part of your body hit the ground first?

Witness:
My hands. I yelled "ouch" and he beated me also.

Counsel:
How did he beat you after you yelled?

Witness:
With his boot on my hand.

Counsel:
He used his feet to step on his hands?

Witness:
Yes. No he kicked me with his boot on my hand.

Counsel:
He kicked him with his boot on his hand. How did that feel?

Witness:
My hand was hurting me, but I didn't say any word after because I'm afraid he will beat me again.

Counsel:
Now the man, the soldier that beat you, was he on the bus from the ride down from An Nasiriyah to Camp Bucca?

Witness:
No.

Counsel:
He was a different soldier?

Witness:
Yes he wasn't inside the bus.

Counsel:
Was your brother on this bus ride with you?

Witness:
Yes.

Counsel:
Did anything happen to your brother when you got to Camp Bucca?

Witness:
Yes they beated him.

Counsel: Did you see your brother get beaten?

Witness:
I didn't see them when they beated him, but I saw he took his t-shirt and some blood was coming from his nose.

Counsel:
How do you know that your brother was beaten?

Witness:
From the blood.

Counsel:
Did he see the soldiers that were around his brother?

Witness:
No I didn't see.

Counsel:
Did you see any other prisoners get beaten that night?

Witness:
No, only my brother.

Counsel:
And your brother's name is [redacted] (6)(6)-4

Witness:
Yes.

Counsel:
Do you know your [redacted] (6)(6)-4

Witness:
[redacted] (6)(6)-4

Counsel:
The hand that the soldier kicked, which one was it?

Witness:
Right one.

Counsel:
Now, I noticed that your right arm appears to have an injury at the elbow, is that correct?

Witness:
Yes, this is the place I been beated.

Counsel:
Was your arm injured earlier in that manner?

Witness:
Yes it was broke.

Counsel:
It was broken before?

Witness:
Yes, before.

Counsel:
When the soldier kicked you with his boot, what did that do to your arm?

Witness:
It became hurting me.

Counsel:
Did you scream in pain when the soldier beat you or threw you to the ground?

Witness:
Yes, I yelled when he throw me and beated me as well.

Counsel:
Did you resist any of the soldiers that escorted you that night?

Witness:
No.

Counsel:
Did you try to fight with any of the soldiers at Camp Bucca?

Witness:
No. We were just sitting in the chairs and they were saying to us don't talk, don't eat.

Counsel:
Did you obey all the orders all the soldiers on the night you came to Camp Bucca?

Witness:
Yes I did.

Counsel:
Thank you sir. I don't have any questions. Please answer any questions the other lawyers might have.

I/O:
Defense, go ahead.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel:
You and your brother were picked up in Baghdad, correct?

Witness:
We are three brothers.

Counsel:
Okay. All three of you were picked up at the same time in Baghdad, right?

Witness:
Yes.

Counsel: (6)(6)-4
And your brother [redacted] was with you on the bus, right?

Witness:
Yes.

Counsel:
You were held for several days before you got on the bus, right?

Witness:
Yes.

Counsel:
To be questioned?

Witness:
Yes they investigate us in Baghdad and in Nasiriyah also.

Counsel:
In Baghdad and in Nasiriyah?

Witness:
Yes.

Counsel:
You were sitting near your brother on the bus, right?

Witness:
Yes.

Counsel:
This injury to your arm that you talked about, that happened a long time ago, right?

Witness:
Yes, in 1991.

Counsel:
Back in 1991 is when you first hurt your arm?

Witness:
Yes.

Counsel:
And you didn't receive any medical care for your arm in Baghdad or in Nasiriyah, right?

Witness:
Yes, correct.

Counsel:
And before they put you on the bus, they put your hands in handcuffs, right?

Witness:
Yes.

Counsel:
In handcuffs in front of you like this?

Witness:
No like this way.

Counsel:
Just like all the other prisoners, right?

Witness:
Yes, correct.

Counsel:
Can you remember getting off the bus?

Witness:
Yes.

Counsel:
And people were shouting at you in English?

Witness:
They were shouting at the people who are sitting in the middle and they were saying shut up and fuck you.

Counsel:
They were saying shut up and fuck you?

Witness:
Yes.

Counsel:
When you were getting off the bus, there was yelling too, right?

Witness:
I didn't hear any shouting when I get out of the bus.

Counsel:
People were talking to you in English, weren't they?

Witness:
Yes.

Counsel:
And you said back no, no, no.

Witness:
I said yes.

Counsel:
Do you remember talking to me two weeks ago?

Witness:
Yes.

Counsel:
And telling me when you got off the bus, you were saying no, no, no.

Witness:
What I told you was the guy, he talk to me in English and I don't understand him and I said yes, yes, yes.

Counsel:
And when you got off the bus, you wanted to find your brother, right?

Witness:
Yes.

Counsel:
You wanted to wait for him?

Witness:
Three of them were sitting in the same chair. I was the second one of my brothers getting off the bus.

Counsel:
When you got off the bus, you were looking for your brother, right?

Witness:
Yes.

Counsel:
And when you were on the ground, the tall soldier put his hands on your legs, right?

Witness:
No he put my legs with my back together.

Counsel:
And put his hands on your leg, right?

Witness:
No.

Counsel:
Where were his hands?

Witness:
He captured my legs and put them to my back.

Counsel:
With his hands?

Witness:
Yes.

Counsel:
He was talking to you in English, correct?

Witness:
Yes.

Counsel:
He was trying to talk to you in English?

Witness:
Yes, and I didn't understand what he saying.

Counsel:
And at the same time, your brother was laying there too, right?

Witness:
Yes he was near me.

Counsel:
You didn't actually see what happened to your brother, right?

Witness:
When we just get out from the bus, I didn't see him. I saw him after he was bleeding from his nose.

Counsel:
Right. But you didn't see how that happened?

Witness:
I saw them, they were beating him with the legs, but I didn't see the faces.

Counsel:
Do you remember talking to CID?

Witness:
Yes.

Counsel:
About three days after this happened?

Witness:
I did not talk after three days to the CID. I just talk on the first day to the interpreter.

Counsel:
So you never talked to CID?

Witness:
Yes they came and take us all to camp number six.

Counsel:
So you did talk to them, right?

Witness:
Yes.

Counsel:
And you told them that while all this was happening, your face was in the ground, right?

Witness:
Yes.

Counsel:
Thank you.

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel:
Sir, you said, when the prosecutor asked you…he said you obeyed every order that the soldiers gave you that night…you said yes. Is that correct?

Witness:
Yes.

Counsel:
But you don't speak English, do you?

Witness:
No I don't understand English.

Counsel:
So you really don't know if you were doing what the soldiers wanted you to do.

Witness:
Yes.

Counsel:
Thank you.

I/O: (6)(6)-2
Anyone else? [redacted] do you have any questions?

Counsel:
No sir.

I/O: [redacted] (6)(6) - 2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (6)(6) 2

Counsel:
Yes sir, thank you. Were your arms handcuffed the entire time after you got off the bus 'til you went to the tent?

Witness:
Yes, until we get near the tent…they open it.

Counsel:
When the soldier threw you to the ground, did your face hit the ground?

Witness:
Yes it was in the sand.

Counsel:
How did it hit the ground?

Witness:
From the front of my face.

Counsel:
Face first into the sand?

Witness:
First my hand and then my face.

Counsel:
Okay. First your hand then your face, but your face hit the sand face…straight into the sand, is that right?

Witness:
Yes, and the sand entered into my mouth.

Counsel:
Thank you, no further questions.

I/O:
Any other questions from the defense?

RECROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
Can you please describe the soldier that threw you to the ground?

Witness:
He is tall, and he has…this one is big.

Counsel:
Pointing to your chin, correct?

Witness:
Yes, it's big.

Counsel:
Thank you.

I/O:
Anything else? [redacted] (b)(6)-2

[redacted] (b)(6)-2
No, sir.

Questions by the Investigating Officer: [redacted] (b)(6)-2

I/O:
Could you please ask [redacted] (b)(6)-4 how many times he was kicked…his right hand was kicked when he hit the ground?

Witness:
Twice.

I/O:
And he said that he saw…he mentioned that when he saw his brother, he saw blood from his nose and he took off his t-shirt, did he see any obvious signs of injury to his brother's body when he took off his t-shirt?

Witness:
Only the blood on his nose.

I/O:
I don't have any further questions. Please thank [redacted] (b)(6)-4 and he'll be escorted back to the holding area.

[The witness was dismissed, and left the room.]

(6)(6)-7
[redacted] **an interpreter, was previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (6)(6)-2

(6)(6)-4
[redacted] **a detainee at Camp Bucca, Iraq was called as a witness for the Government, was sworn and testified as follows:**

Counsel:
Was that your brother that just testified earlier?

Witness:
Yes.

Counsel:
Were you on the bus with your brother when you came to Camp Bucca?

Witness:
Yes.

Would you please tell us what happened to you when the bus got to Camp Bucca?

Witness:
When I was inside the bus or outside the bus?

Counsel:
Please tell us what happened when you got outside the bus.

Witness:
We just get out of the bus, some tall soldier, he catch my hand and throw me on the ground.

Counsel:
And which hand did he catch?

Witness:
Both of them because I was captured.

Counsel:
Handcuffed?

Witness:
Both of them.

Counsel:
His hands were tied together?

Witness:
Yes, they were tied.

Counsel:
The soldier that grabbed your hands and threw you, did he ride on the bus with you from Nasiriyah?

Witness:
He was in the vehicle which is coming guarding the bus, behind the bus.

Counsel:
So he was not riding in the bus? He was in a vehicle guarding the bus?

Witness:
Yes.

Counsel:
Would you please show us how the soldier grabbed your hand and threw you to the ground. Let the record reflect that the interpreter grabbed the hands of the witness, with both of his hands. That he stood immediately behind the witness. He placed his left leg in between the two legs of the witness and then in a pulling motion, pulled the witness backwards over the leg, over the upper-thigh of the interpreter. Thank you. When the soldier did this to you, how did your body hit the ground?

Witness:
I fell on my head.

Counsel:
How did that feel?

Witness:
I don't know what was my feeling because I am tired; what can I do?

Counsel:
Did you feel pain?

Witness:
Yes.

Counsel:
Did any other soldiers do anything to you?

Witness:
Yes. One female…the female catched my hand and head and run away with me to the place where they check them there. But two guys who wait in the searching place, they beated me. They beated me while they were coming back.

Counsel:
Let's talk about the female soldier that grabbed your arm. How did she grab your arm? Let the record reflect that the interpreter has grabbed the two arms of the witness and pulled them to his right side with his right hand, and has taken his left hand and he has placed that on the top of the witness's head, pushing the witness's head down. Thank you. When the female soldier did this to you, did you feel pain?

Witness:
Yes there was pain.

Counsel:
Did she pull his hair?

Witness:
Yes.

Counsel:
How about his arms? Did pulling his arms back in that motion, did that cause you pain?

Witness:
No. There was no pain from this.

Counsel:
No pain from the arms?

Witness:
No.

Counsel:
Where was the pain coming from?

Witness:
Only my head.

Counsel:
You said the other soldiers beat you as you were moving to the tent?

Witness: Yes. Two of them.

Counsel:
How did they beat you?

Witness:
They beat me on my leg using their legs.

Counsel:
So they kicked him?

Witness:
Yes.

Counsel:
Did that hurt?

Witness:
That time I couldn't feel the pain because all my body was paining me.

Counsel:
Were you scared?

Witness:
Yes.

Counsel:
At any time after you got to Camp Bucca on the bus, did you ever resist any of the soldiers that were carrying you?

Witness:
No.

Counsel:
Did you ever try to fight with any of the soldiers?

Witness:
No.

Counsel:
Did you obey all of the soldiers orders?

Witness:
Yes.

Counsel:
Did you see any other prisoners that night being beaten?

Witness:
I was putting my head down. I was hearing the voices.

Counsel:
What were you hearing the other prisoners saying?

Witness:
Ouch and no mister…things like this.

Counsel:
When they said ouch, were they saying it loudly?

Witness:
Yes.

Counsel:
Was it as if they were in pain?

Witness:
Yes.

Counsel:
Thank you very much. I don't have any further questions for you but please answer any questions that the other attorneys may have.

CROSS- EXAMINATION

Questions by the defense counsel: [redacted] (6)(6) - 2

Counsel:
Sir, you are from Baghdad?

Witness:
Yes.

Counsel:
And you claim that you sold make-up there?

Witness:
Yes.

Counsel:
Now you were captured by U.S. soldiers because there were weapons in your house, correct?

Witness:
Yes, just one weapon.

Counsel:
And you spent five days in Baghdad being investigated, correct?

Witness:
Yes five days, but they investigate me for one time only.

Counsel:
And then you spent five days in Nasiriyah before you came here.

Witness:
Yes.

Counsel:
How tall are you?

Witness:
I don't know.

Counsel:
You have no idea how tall you are?

Witness:
No I don't. What kind of question you are asking?

Counsel:
Now, when you got off the bus from Nasiriyah, there was a large male soldier standing at the door of the bus, correct?

Witness:
Yes.

Counsel:
And this soldier was one of the soldiers that was actually on the bus, correct?

Witness:
No.

Counsel:
There was not one soldier from on the bus, standing at the door, and another soldier that was not on the bus, standing there that escorted you?

Witness: Yes there was one standing outside. He was with us in the bus.

Counsel:
And he spoke to you in English?

Witness:
Yes.

Counsel:
And you said to him no, no, no.

Witness:
Yes.

Counsel:
And then he raised his hand to punch you, correct?

Witness:
Yes.

Counsel:
And so you said yes.

Witness:
Yes.

Counsel:
And it was after that that the other soldier escorted you?

Witness:
Yes.

Counsel:
You did not want to have to make a statement about this today, correct?

Witness:
No it was from the first day. They came to me. I agree to come here.

Counsel:
Do you remember talking to me last night?

Witness: Yes.

Counsel:
Do you remember telling me you did not want to talk about this, but the other EPWs told you that you had to?

Witness:
No I did not say that.

Counsel:
Thank you.

I/O:
Other questions? [redacted] (b)(6)-2

[redacted] (b)(6)-2
No sir, thank you.

Questions by the Investigating Officer: [redacted] (b)(6)-2

I/O:
The two other soldiers that beat you on the leg as you moved to the tent, were they kicking you with their legs, or were they trying to trip you at any time?

Witness:
They were kicking me.

I/O:
Kicking him with their legs?

Witness:
Yes.

I/O:
Okay. Can he describe those soldiers?

Witness:
My head was down. I didn't see the faces.

I/O:
Could he tell if they were male or female?

Witness:
From the voice, they are males.

I/O: (b)(6)-4
Okay. Thank [redacted] for his testimony and he'll be escorted back to the holding area.

[The witness was dismissed, and left the room.]

(b)(6)-7
[redacted] **an interpreter, was previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

(b)(6)-4
[redacted] **a detainee at Camp Bucca, Iraq was called as a witness for the Government, was sworn and testified as follows:**

Counsel:
Did you come to Camp Bucca on a bus from Nasiriyah?

Witness:
Yes.

Counsel:
Did you come here on the twelfth of May?

Witness:
Yes.

Counsel:
Would you please tell us what happened after the bus got to Camp Bucca?

Witness:
When we arrived to Umm Qasr, they said you get out of the bus one by one. They were treating us very bad. When they get someone from the bus, they take him, pull him outside on the ground. They pull him. They don't throw him on the ground. They just pull him.
I was sitting in the middle of the bus on the ground. When it was my turn, he was looking at me and he told me sit down. I was one-meter far away from the bus and I sit down. After five minutes, I am hearing people yelling. After, a big soldier, he's tall man, and he catch me from behind and he let me sit down because I was sick and I just come from the hospital.

Counsel:
When you went to the hospital, what was wrong with him?

Witness:
In the beginning of the war, I was a soldier and an accident I was thrown out of the car.

Counsel:
So the big soldier…is that the person that took him off the bus?

Witness:
Yes. After I get out of the bus, they order me to sit down. It was not before I get off the bus. After I get off the bus, they told me to sit down. And then the tall guy took me and...he catch my hand and was holding my hands and was running with me.

Counsel:
Did anything happen to him?

Witness:
And while we were running together he hit me in my leg and I came down on my face. I was yelling hey mister. You know, I cannot speak English. After, he called somebody else and he came...he who came look like Philippino or Japanese. So after he came they were both catching me. One from the left and one from the right.

Counsel:
Let the record reflect that the witness lifted both of his arms up in a crook fashion such that his elbows were up about the height of his shoulders, and his arms were pointing downward. Did that hurt when the soldiers did that to you?

Witness:
Yes it hurt and I was yelling from the pain.

Counsel:
When the soldier tripped him, did he fall down?

Witness:
Yes. After I fell down they carry me forward and they also throw me again on my face and you can see my face. This is my face when I came here. This is my face when I cam here. The blood was coming from my nose.

Counsel:
Was that caused from falling down?

Witness:
Yes.

Counsel:
And you fell down because you were tripped?

Witness:
This is not from the first time; it is from the second time. Both of them throw me. After the second time the blood was coming.

Counsel:
So this was after the two soldiers picked him up and threw him to the ground? That was when you got the bloody nose?

Witness:
Yes.

Counsel:
Did he see any other prisoners being hurt that night?

Witness:
I didn't see with my eyes but I was hearing about some people from pain.

Counsel:
So where some of the other prisoners yelling because they were hurt?

Witness:
I meet one of them. His name is [redacted] (b)(6)-4 I saw his nose was bleeding so I ask him what happened. He told me that they beated him on his nose.

Counsel:
So [redacted] (b)(6)-4 s nose was bleeding. Did [redacted] (b)(6)-4 have a brother on the bus?
Witness:
Yes. Two brothers.

Counsel:
Did you see what happened to [redacted] (b)(6)-4

Witness:
No.

Counsel:
Did you resist any of the American soldiers that night?

Witness:
No.

Counsel:
Did you try to fight with any of the soldiers that night?

Witness:
No. The last time they throw me on my face, I shouted at him and I was going to beat him, but I didn't.

Counsel:
So you did not fight with any of the soldiers?

Witness:
No.

Counsel:
Did you obey the soldiers orders that night?

Witness:
Yes.

Counsel:
Thank you sir. I don't have any further questions but please answer the questions that these lawyers may have.

CROSS- EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel:
You have something in your hand. Is that your wristband for identification?

Witness:
This is my number.

Counsel:
And your able to take it on and off, correct?

Witness:
Yes.

Counsel:
Now on the bus, were your hands taped?

Witness:
Yes, like this.

Counsel:
And when you got off the bus, your hands were no longer taped, correct?

Witness:
Yes. When I get off the bus, they cut it and put it in my hand.

Counsel:
Who did that?

Witness:
The soldier who looked like Japanese or Philippino.

Counsel: What did he use to cut it?

Witness:
He use a knife.

Counsel:
Scissors or a knife, which one was it?

Witness:
I don't know.

Counsel:
He didn't take the tape off himself on the bus?

Witness:
No, but it was not tight.

Counsel:
You said at one point that you wanted to hit the soldier?

Witness:
Yes.

Counsel:
Can you show us what you did?

Witness:
After they beated me and I was on the ground, he was holding my hand like this. I shouted at him and I get up to him.

Counsel:
Let the record reflect that the witness made a fist with his right hand and drew his arm back as if to throw a punch. Thank you. You may sit down. Now the soldier who came after him the first time, what did he look like?

Witness:
He is tall and he is big. He is wide. He was wearing the same clothes you are wearing.

Counsel:
And the two soldiers that threw him, what did they look like? Was it the same tall soldier?

Witness:
One short guy. He look like Philippino or Korean. The other one is the same guy in the first time.

Counsel:

The one that looked Philippino, was he riding the bus?

Witness:
Yes he's the same guy.

Counsel:
He was on the bus ride?

Witness:
No he was not inside the bus.

Counsel:
And he only had a little bit of blood on his nose?

Witness:
No.

Counsel:
He said that he was thrown and that his nose bled, correct?

Witness:
Just a little blood.

Counsel:
How much blood did he notice on (b)(6)-4 [redacted] nose?

Witness:
I cannot say if it is a lot or it's a little, but I saw him he was catching his nose with his hand, and the blood in his hands.

Counsel:
Does he recall talking to myself and (b)(6) 2 [redacted] last night?

Witness:
Yes I remember you.

Counsel:
Do you remember telling us there was only a little bit of blood on (b)(6)-4 [redacted] nose?

Witness:
Yes I said that.

Counsel:
You didn't receive medical attention that night?

Witness:

No.

Counsel:
And at some point he went to the Spanish hospital later, right?

Witness:
Yes. It was after two or three days.

Counsel:
He did not ask them to look at his nose?

Witness:
No. I did not tell them because my nose was good at that time.

Counsel:
On the bus, when he left Tallil, had he been told at Tallil that he was going to Camp Bucca to be released?

Witness:
Yes. An Iraqi interpreter was there. He told us that we are going to Umm Quasar and we will stay for one or two days and the Red Cross will release us.

Counsel:
So all the EPWs on the bus believed that they were going to Bucca for a couple of days and then they were going to be released?

Witness:
We were about nine persons. He told us about this.

Counsel:
Who else did he tell? Do you know the names of the people who believed they were going to...?

Witness:
I know some guy, his name is [redacted] (b)(6)-4

Counsel:
Can you please spell that for me.

Witness:
[redacted] (b)(6)-4

Counsel:
And who else?

Witness:

[redacted] (b)(6)-4

Counsel: (b)(6)-4
Did [redacted] have a last name?

Witness:
I don't know his family name.

Counsel:
Who else? Anybody else?

Witness:
(b)(6)-4 [redacted] And a [redacted] (b)(6)-4

Counsel:
Anybody else?

(b)(6)-4 Witness:
[redacted] The others, I just know the face. I don't know the name.

Counsel:
Thank you. The rough treatment on the bus surprised him?

Witness:
Yes. It was good in the hospital, but I didn't expect this kind of treatment here.

Counsel:
You say the hospital. Are you talking about the Comfort? The U.S. ship called the Comfort.

Witness:
Yes.

Counsel:
Okay, let's talk about how you got to the Comfort. You're originally from Basra, correct?

Witness:
Yes.

Counsel:
And you've been a soldier in the Iraqi Army since 1988, correct?

Witness:
Yes.

Counsel:
What was his highest rank?

Witness:
Just a soldier.

Counsel:
What were his duties in the Iraqi Army?

Witness:
I was guarding inside the unit.

Counsel:
Where?

Witness:
Zubair. I was in the first Division. I was in Brigade number two.

Counsel:
For his entire career, he was in this town called Zubair?

Witness:
No. I've been around all Iraq. My last location was Zubair.

Counsel:
Did he ever work in Baghdad?

Witness:
No, but I worked north of Baghdad.

Counsel:
And how did he come to be captured by the Coalition forces?

Witness:
I was in a vehicle. There was a car accident and I fell down from the pick-up.

Counsel:
Let's back up a little bit. Was he guarding oil fields in the south of Iraq?

Witness:
Yes. We knew the U.S. Army was coming so we left the place and we go back.

Counsel:
Where did he go?

Witness:

We changed our clothes and we run away.

Counsel:
So you threw down your weapons and put on civilian clothes, got into civilian vehicles and drove to Basra?

Witness:
I was wearing a white t-shirt and white pants and I went to Basra.

Counsel:
He did not surrender to the Coalition forces?

Witness:
No I didn't surrender.

Counsel:
Where in Basra was he going? Who was he going to see?

Witness:
Going to my family.

Counsel:
And what happened in Basra?

Witness:
When the car get to Basra, the driver stopped the car suddenly because of the war. I was thrown from the pick-up truck. I was in a coma or something. I don't know what happened.

Counsel:
And when he woke up he was on the Comfort?

Witness:
Yes.

Counsel:
The treatment on the Comfort was very good, correct?

Witness:
Yes, very good.

Counsel:
Good place to be?

Witness:
Yes. I wish you would take me there now.

Counsel:
You'd rather go there than home, correct?

Witness:
The hospital is better than the house. This will be a favor from you. I will never forget it. Never forget it if you do this to me.

Counsel:
I have no further questions.

I/O:
Anyone else?

Questions from the defense counsel: [redacted] (b)(6)-2

Counsel:
Where were you sitting on the bus?

Witness:
In the middle of the bus.

Counsel:
Thank you.

I/O:
Any other questions?

Defense Counsel:
No sir.

I/O:
[redacted] (b)(6)-2

[redacted] (b)(6)-2
No sir, thank you.

I/O: (b)(6)-4
Thank [redacted] and tell him he can return to the holding area with the MP.

[The witness was dismissed, and left the room.]

(b)(6)-7
[redacted], **an interpreter, was previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2
(b)(6)-4
[redacted], **a detainee at Camp Bucca, Iraq was called as a witness for the Government, was sworn and testified as follows:**

Counsel:
Sir do you remember the night that you came to Camp Bucca?

Witness:
Yes. Thirteenth of May.

Counsel:
Thirteenth of May?

Witness:
Yes. At night.

Counsel:
It was the night?

Witness:
Yes.

Counsel:
Did you come on the bus from An Nasiriyah?

Witness:
Yes.

Counsel:
Did you come with the other men who testified here today?

Witness:
Yes.

Counsel:
Now, can you tell us what happened when you got to Camp Bucca?

Witness:

When we reach the camp?

Counsel:
Yes sir.

Witness:
We came to Bucca in the night. We didn't know what time it was. Our hands were tied. We were forty-four persons in the bus. Some people were sitting on the right and some on the left and some on the middle. I was with the people in the middle. I was the fifth in the middle. And I was the interpreter on the bus.

Counsel:
And you were the interpreter because you speak English?

Witness:
A few, not very good.

Counsel:
You speak some English?

Witness:
Yes some.

Counsel:
So when you got to Camp Bucca, what happened?

Witness:
They began to get us out of the bus one by one. And they began with the people that was sitting on the ground. And when somebody go out we were hearing yelling, but we don't see because the bus was closed.

Counsel:
Were people yelling like they were angry or were they yelling like they were in pain?

Witness:
From pain.

Counsel:
And when my turn came, I get out the bus. One soldier cut me from my right hand. He's taller than me. He has tall neck and beard. He does not have a beard, just tall.

Counsel:
Tall? No beard?

Witness:
Yes. And another short soldier, he catch me from the ribs. And they began beating me when I get out from the bus. The one on the right, he beated me in this place.

Counsel:
How did he beat you?
Witness:
With his hands.

Counsel:
With a fist?

Witness:
Yes. The one to the left, he beated me on my eyes with his hands. And I became cannot see. While I am walking my pants came down. I wanted to take it off, but I was afraid they beat me again. So, I lift my pants and run away. They chase me and some woman kick me between my legs. I couldn't see her because my eyes was hurting me. They catch me and they throw me in the air and I fell down on my face. And somebody put his boot on my neck. After, I know from my friends that the female is the one who was putting her leg on my neck.

Counsel:
You said you were kicked between the legs?

Witness:
Yes.

Counsel:
Did you see the soldier that kick you between the legs?

(b)(6)-7

Witness:
I didn't see her but I heard her voice that she is female. And she told him this is for [redacted] because I am from Nasiriyah.

Counsel:
You said that one soldier who punched you, who was on your right, was a tall soldier?

Witness:
Yes.

Counsel:
And the other soldier who was on your left, was short.

Witness:
Yes.

Counsel:
Was there anything about the short soldier that you remember? What he looked like?

Witness:
He is shorter than me and he is young man, like twenty-five years old. He is not fat, not thin.

Counsel:
Now, you said that your pants fell down?

Witness:
Yes. I couldn't move because it came down. And I know that if I didn't throw it off me, they will beat me more. So I throw it outside.
Counsel:
You took off your pants?

Witness:
Yes.

Counsel:
And after you took off your pants, what happened?

Witness:
They took us inside the tent. There were about four persons in front of me. Some of them was yelling from pain. And then the others came to the tent.

Counsel:
Were you ever dragged across the ground?

Witness:
No. Only they pull me from the bus.

Counsel:
Were your hands tied together the whole time?

Witness:
Like this. From Nasiriyah until the next day.

Counsel:
Did you see any of the other prisoners getting off the bus?

Witness:
No I didn't see.

Counsel: Did you hear any of the prisoners?

Witness:
Yes. When I found them inside the tent, some of them were yelling. Some of them are bleeding.

Counsel:
Some of them were bleeding?

Witness:
Yes, bloody nose.

Counsel:
Did you resist any of the soldiers at Camp Bucca?

Witness:
No.

Counsel:
Did you try to fight with any of them?

Witness:
No.

Counsel:
Did you obey all of their orders?

Witness:
Yes, all of them.

Counsel:
After you were thrown to the ground and kicked between your legs, what happened after that?

Defense counsel: [redacted] (b)(6)-2
I'm sorry, did he actually say that he was thrown to the ground and kicked between the legs?

Counsel:
Strike that. Sir, how did you get to the ground?

Witness:
They throw me in the air and I fell down on my face.

Counsel:
Which soldiers threw you on your face?

Witness:
The two guys. The tall one and the short one.

Counsel:
Once you got to the ground, what happened?

Witness:
The female, she put her boot on my head, and I hear my friends say come inside the tent. So I enter the tent.

Counsel:
When did you get kicked between the legs?

Witness:
Before they throw me in the air, she kick me.

Counsel:
When she kicked you between the legs, were you standing or were you on the ground?

Witness:
I am standing and walking.

Counsel:
And when she did this, was she in front of you or behind you?

Witness:
She was in front of me. My eye was hurting and I didn't see her very well.

Counsel:
Why was your eye hurting you?

Witness:
Because the short guy hit me on my eye.

Counsel:
Thank you sir. I don't have any further questions for you but please answer questions that the lawyers over at this table may have.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel:
Sir, the tall soldier, was he wearing glasses?

Witness: Yes.

Counsel:
And they were not sunglasses?

Witness:
Yes.

Counsel:
Thank you, no further questions.

I/O:
Any other questions from the defense?

Defense counsel:
No sir.

I/O: [redacted] (b)(6)-2 do you have anything?

Counsel:
Just one moment, sir. No sir, thank you.

I/O:
Anything further [redacted]? (b)(6)-2

[redacted] (b)(6)-2
No sir, thank you.

Questions by the Investigating Officer: [redacted] (b)(6) 2

I/O:
I just want to make sure I have the sequence correct. He says he was grabbed off the bus

Witness:
Yes.

I/O:
There was a tall soldier on his right and a shorter soldier on his left who took control of him.

Witness:
Yes, but the one who pull me out from the bus is different from those two.

I/O:
Okay. He said that the soldier on his right struck him in his right side with his fist?

Witness:
Yes.

I/O:
How many times? Does he know?

Witness:
Once.

I/O:
And the soldier on his left hit him in his eye?

Witness:
Right eye.

I/O:
How many times was he struck?

Witness:
One time.

I/O:
And at that point, his pants came down, is that correct?

Witness:
When the tall soldier beat me on the right, the pants come down. My pants was without belt.

I/O:
And the escorts would not let him take his pants off?

Witness:
They were beating me so I couldn't stop. I got to go. I got to run. So I stay in the shorts. I throw it outside.

I/O:
And then after that point, was he thrown to the ground, or did the female soldier at that kick him between the legs?

Witness:
After the pants came down, the female kicked me and then the two guys they throw me.

I/O:
And then after he was thrown to the ground by the two soldiers, a female put her boot on his head?

Witness:
I just feel some boot was on my neck, but after, my friends tell me that she's a female. Because I swear on the Holy Koran that I would tell the truth. I didn't see her, I didn't hear her voice but my friends told me that she is the female.

I/O:
Was there any further behavior like that between that point, and when he was taken to the processing tent?

Witness:
It was from here to the tent.

I/O:
When he was brought up from the ground, how was that done?

Witness:
I saw my friends, they were before me, and they shout come here, come here, come quickly inside the tent. The two soldiers left me inside this place and they went to bring another one.

I/O:
So he just got up and went to the tent on his own?

Witness:
Yes.

I/O:
Okay. I don't have any further questions. Does anyone else?

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
When did your friends tell you that the female soldier was stepping on your neck?

Witness:
When I just enter the tent.

Counsel:
Just now when you entered the tent?

Witness:
When I entered the tent the same night.

Counsel:
The same night when you entered the tent, that's when your friends told you?

Witness:
Yes.

Counsel:
So you spoke with your friends that night about what had happened?

Witness:
Yes.

Counsel:
Okay. Thank you.

Witness:
They saw me in the shorts. They were asking me where's your pants.

I/O:
Any other questions?

Questions by the trial counsel: [redacted] (b)(6) 2

Counsel:
I have a couple sir. Do you remember telling me that one of the soldiers had a tattoo on his arm?

Witness:
Yes. This is who was inside the car.

Counsel:
Inside the car?

Witness:
Yes, but he did not kick us.

Counsel:
Now, your testimony here today, is it what happened to you or is it what people told...

Witness:
This is who watch us inside the car, but he did not kick us

Counsel:
Now your testimony here today is it what happened to you or is it what people told you what happened to you?

Witness:
That's what happened to me and I swear it with the Holy Quran about it.

Counsel:
Thank you.

I/O:
Any other questions?

Defense counsel:
No, sir.

[The witness was dismissed, and withdrew from the room.]

(6)(6)7 **an interpreter, was previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: (6)(6)-2 (6)(6)-4 **a detainee at Camp Bucca, Iraq was sworn and testified as follows:**

Counsel:
Sir, did you come to Camp Bucca on a bus from An Nasaria?

Witness:
Yes.

Counsel:
And did you come here on the 12th of May?

Witness:
Yes.

Counsel:
Sir, would you please tell us what happened when the bus got to Camp Bucca?

Witness:
We arrived night, they let us get out of the bus one-by-one as we get down off the bus two soldier hold me one short guy the other one is tall guy and short female soldier white color and they hold both of my hand behind my back. I feel pain on my hand because they used to be broken and the is steel inside my hands and the female soldier she beat me by boots in my stomach by putting her boot or her leg in front of my leg and when she beat me on my leg I fell down to the floor on the sand...after that they pull me on the sand to holding area and I feel my blood pressure beat up because I used to complain from blood pressure.

Counsel:
Now, sir, were you on crutches when you got to Camp Bucca?

Witness:
No, I didn't use myself.

Counsel:
The female soldier, what did she--do you remember what she looked like?

Witness:
She's short, white, now even if I saw her I wouldn't recognize her.

Counsel:
But she was short and white?

Witness:
Yes, sir

Counsel:
Do you remember anything about the soldiers that grabbed your arms?

Witness:
Only I remember one he was short the other one was tall because of my blood pressure I don't remember.

Counsel:
Now, you said that they hurt your arms?

Witness:
Yes.

Counsel:
How did they hurt your arms?

Witness:
By squeeze my arm and then put behind my back pushing it up and I was screaming.

Counsel:
You were screaming?

Witness:
Yes.

Counsel:
Why were you screaming?

Witness:
Because of pain and I was afraid my hand was going to break.

Defense counsel: [redacted] (b)(6) 2
Excuse me I'd like to point out, for the record, that the witness is touching his left arm not his hand. And the interpreter is saying hand I'd like some clarification on that.

Witness: On his upper arm.

Defense counsel: [redacted] (b)(6) 2
Let the record reflect that it is his upper right-upper left arm where his previous injury is.

Witness: Until now it is still painful.

Counsel: And it is still hurting you?

Witness:
Yes a little but, but almost good.

Counsel:
Did you ever resist the soldiers who were holding you?

Witness:
No, sir.

Counsel:
Did you ever try to fight the soldiers at Camp Bucca?

Witness:
No.

Counsel:
Did you obey all of the soldier's commands to you that night when you came to Camp Bucca?

Witness:
Yes, sir.

Counsel:
The short white female soldier how did she hit you in the stomach?

Witness:
By boxing.

Counsel: By boxing, with her hand?

Witness:
Yeah, she hold me from my clothes from her and from other hand boxing me by her fist on my stomach.

Counsel: Let the record reflect that the witness grabbed the top of his shirt indicating she held him there. And then formed his hand into a fist and punched himself in the stomach indicating that's how she hit him.

Counsel: Did you see any of the other prisoners being hurt that evening?

Witness:
Yes, I saw (b)(6)4 [redacted] he has been beaten and laying on the floor and paining.

Counsel:
Did you see the major being beaten?

Witness:
No I didn't see it by my eye but I heard him yelling and screaming.

Counsel:
Was he yelling and screaming because he was angry?

Witness:
No from pain.

Counsel:
Did you hear any of the other prisoners screaming that night?

Witness:
Yes I did.

Counsel:
Was there anything around your hands when you got to Camp Bucca?

Witness:
In Nasarya the tied my hands in plastic, but it was easy to release my hand from it. After I get down and they hold me it get out.

Counsel:
So, when the two male soldiers pulled your arms back were your hand free from the restraints?

Witness:
Yes, there was nothing in my hand.

Counsel:
Thank you, sir I don't have further questions, but please answer any questions that the other lawyers may have for you.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)(6) 2

Counsel: (6)(6)-4
[redacted], the soldiers in Nasarya didn't tell you where you were being taken, did they?

Witness:
No.

Counsel:
But you knew you were coming to Um Quasr, correct?

Witness:
Yes.

Counsel:
And most of the people up there knew that Um Quasr is an EPW camp, right?

Witness:
Yes.

Counsel:
When you got on the bus everybody was sitting pretty close together, right?

Witness:
Yes, the place taken two, three sit on it.

Counsel:
So where two should sit there were three?

Witness:
Yes, and they also on the passage floor.

Counsel:
And there were people sitting in the aisle way as well?

Witness:
Yes.

Counsel:
And the soldiers on the bus they were yelling, right?

Witness:
Yes.

Counsel:
And screaming, too?

Witness:
Yes, and using bad word for us.

Counsel:
They looked tense to you, didn't they?

Witness:
No, I was felling sick I have blood pressure

Counsel:
I'm sorry, they looked uptight--they looked tense?

Witness:
Yes.

Counsel:
The curtains were pulled down on the bus, right?

Witness:
Yes.

Counsel:
And they stayed down for the entire trip, right?

Witness:
Yes.

Counsel:
And when the bus stopped they were still down, right?

Witness:
Yes everyone in his place.

Counsel:
I am talking about the curtains on the bus...the curtains were closed, right?

Witness: Yes, you're right.

Counsel:
When you got to Camp Bucca they weren't opened up were they?

Witness:
Yes.

Counsel:
Yes they weren't opened up or no they were closed?

Witness:
They were closed.

Counsel:
Now, your arm it was injured about four years ago, right?

Witness:
Yes, in the generator.

Counsel:
It was hurt by a generator?

Witness:
Yes.

Counsel:
Four years ago, right?

Witness:
Yes.

Counsel:
And before you got on the bus it would sometimes bother you, correct?

Witness:
No I was normal.

Counsel:
You don't get treatment for it, right?

Witness:
No I didn't get any treatment because I didn't complain from it.

Counsel:
And when you got on the bus you didn't have a bandage on your arm, right?

Witness:
No.

Counsel:
You were wearing a white robe like you're wearing tonight, right?

Witness:
Yes, but almost yellow, not white.

Counsel:
So you can't see the scar through the robe, right?

Witness:
Yes.

Counsel:
After the bus ride, the 44 people from the bus were held together, right?

Witness:
Yes, in holding area.

Counsel:
In a holding area?

Witness:
Only one general they keep him on another tent.

Counsel:
But everybody else from the bus was staying together, correct?

Witness:
Yes.

Counsel:
The major that you talked about before, what was his name?

Witness: [redacted] (b)(6)-4

Counsel: (b)(6)-4
Since that night, you've talked to [redacted] several times, right?

Witness:
You mean since this night until now?

Counsel: Yes.

Witness:
Yes.

Counsel:
And you've talked about the bus ride several times, right?

Witness:
Normal talking.

Counsel:
You talked about what happened after you got off the bus, right?

Witness:
Yes.

(b)(6)-4

Counsel:
[redacted], the night that you got off of the bus, they took all of you, you said, to one holding area, correct?

Witness:
Yes.

Counsel:
And you stayed there until morning, correct?

Witness:
Yes correct.

Counsel:
And you all talked that night about what had happened when you got off the bus, correct?

Witness:
Yes, correct.

Counsel:
And you all told your stories, correct?

Witness:
Yes.

Counsel:
Thank you.

I/O:
Anyone else?

Questions by the defense counsel: [redacted] (b)(6) 2

Counsel:
Was there a man on the bus with a rifle or a shotgun? Was there a man-a soldier-on the bus carrying a rifle or a shotgun?

Witness:
They have rifle I didn't notice a shotgun--I didn't notice..

Counsel:
Was it a large gun? Was it a long gun?

Witness:
The rifle was biggest.

Counsel:
And was he pointing it at the EPWs?

Witness:
Yes.

Counsel:
Thank you. I have no further questions, sir.

I/O:
[redacted] (b)(6) 2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6) - 2

Counsel:
Sir, what you have told us tonight is the truth, correct?

Witness:
Yes, correct.

Counsel:
And no one told this story to you, did they?

Witness:
Yes I swear.

Counsel:

So when you talked to your other prisoners about what happened that didn't change your story did it?

Witness:
I did not change my story.

Counsel:
Thank you.

Questions by the Investigating Officer:

I/O:
Would you describe for me again where you were hit, when you were taken off the bus?

Witness:
After I get out of the bus two holding me one short on right side the tall man on the left side. They pulled my hand to my back I Feel that my other arm that is jerk forth she tied my shirt and beating my stomach by boxing and she put her leg in front of my leg which cause me falling on sand after that the sand cover full my face then I stand up screaming and yelling. After that they pull me to holding area directly my blood pressure is up. When we go to holding are they let us sit down.

I/O:
About how many times were you hit in the stomach?

Witness:
Several times I don't remember the number but several times.

I/O:
Were you kicked?

Witness:
Yes, sir when I fell down.

I/O:
So the kick caused you to fall down?

Witness:
Yes sir confirmed.

I/O:
Any further questions?

Defense counsel:
No, sir

[redacted] (b)(6)-2
No, sir.

[The witness was dismissed, and withdrew from the room.]

[redacted] (b)(6)-7 **an interpreter, was previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6) 2

[redacted] (b)(6) 4 **a detainee at Camp Bucca, was sworn and testified as follows:**

Counsel:
Sir, did you come to Camp Bucca on a bus on the 12th of May?

Witness:
Yes.

Counsel:
And, did you come from An Nasaria?

Witness:
Yes.

Counsel:
Sir, would you please tell us what happened when the bus got to Camp Bucca?

Witness:
Yes, we arrived around 10 pm night to Camp Bucca around--I was sitting on the bus there was two people coming and taking the people handcuff--they taking them by pulling them off...and first also, but after they taking them out of the bus I don't see them--until my turn come...as I believe the soldiers be tired and my wit is heavy, so those soldier they take me out of the bus by gentle way it was very quiet leaving the bus for me it was very quiet and the best form--until I reach the floor one female soldier came holding me from my right arm and she deal with me very nice she asking me, "excuse me would you like to sit here" --after I sit down on the floor they ask me to put my head down. The female she was in front of me and the soldier beside me he kicked me by his boot it was not a very strong beating. After that they transferred me around one hundred meter by running.

Counsel: Okay, sir, when you were kicked by the soldier with his boot, what were you doing?

Witness:
I was sit down on the floor and looking to the floor with my head down.

Counsel:
Was that because you were told to sit and look down on the floor?

Witness:
No, it was not the reason, I was sitting on the floor looking down because I was afraid.

Counsel:
The soldier that kicked you with his boot, did you see that soldier?

Witness:
No I didn't see his face--the soldier he was looking to the other side and he kicked me by the back of his boot.

Counsel:
So he kicked with the heel of his boot?

Witness:
Yes.

Counsel:
And where did he kick you?

Witness:
On my side here, on my side.

Counsel:
On your left side?

Witness:
Left side, because I was sitting like this direction, and he was near to the door of the bus.

Counsel:
The--now, you said that after that you were made to run a hundred meters?

Witness:
Yes, like running or walking very fast and they yelling to let us walk fast or running.

Counsel:
And did a soldier tell you to run fast?

Defense counsel: [redacted] (b)(6) 2
Objection, he said walking very fast.

Interpreter:
He said both ma'am.

Defense counsel: [redacted] (6)(6) 2
He used both?

Interpreter:
He said running or walking very fast he used both of those expressions.

Witness:
No they did not order me to run.

Counsel:
Why did you--move fast?

Witness:
As they were pulling me and they were moving fast I was following them.

Counsel:
So were the soldiers or the sol--.how many soldiers were with you when you were moving fast?

Witness:
Two soldiers.

Counsel:
And were they moving fast?

Witness:
No, they were not moving fast maybe because they were tired.

Counsel:
So why were you moving fast?

Witness:
As I said or as I believe because they wanted to move prisoner faster from bus to holding area.

Counsel:
Did you see any of the other prisoners being kicked or hit that night?

Witness:
After we arrived to holding area----

Counsel: I wonder if you saw any other prisoners that were with you on the bus, being kicked or hit that night?

Witness:
As I witnessed no I did not see.

Counsel:
Did you hear other prisoners making noise or sounds that night?

Witness:
Yes I heard.

Counsel:
What kinds of sounds were they making?

Witness:
Begging they were begging, screaming from pain, and crying this is what I heard.

Counsel:
Now, when you were in the holding tent, after you got off the bus, did you see anyone that had blood on their face?

Witness:
Yes I saw.

Counsel:
Do you know the person that you saw?

Witness:
Yes I know.

Counsel:
Who was he?

Witness:
When I saw them I don't know their names, but after that I come to know their names like [redacted] and another prisoner his name [redacted] and the third man I heard only I didn't see. (b)(6)-4 (b)(6)-4

I/O:
What was the name again, please?

Witness:
[redacted] the third person--the other two person I am sure that I saw them by my own eye. (b)(6)-4

Counsel:
And the two people that you saw, what did you see about them?

Witness: (b)(6)-4
All the night it was not allowed to raise your head up, so I didn't see them during the night until next morning when the light come I saw [redacted] laying on the floor, I saw [redacted] blood on his nose and it is looking as broken nose and scratching on front of his face. (b)(6)-4

Counsel:
Did the major have any physical marks on his body?

Witness:
No, I saw him laying and his face on sand I thought he died already.

Counsel:
Were you surprised at the way you and your fellow prisoners were treated that night?

Witness:
Yes, I will tell you the truth it was shock.

I/O:
I'm sorry what was that?

Witness:
It was like shock it was surprised me.

Counsel:
Why?

Witness:
I expect from your side to deal with us as human being. I expect American side not to deal with us like ex BAATH Party. As the way they treat us it does not represent the standard of USA.

Counsel:
Sir, at any point in the evening did you resist any of the soldiers at Camp Bucca?

Witness:
No, and you can check with the soldier I didn't resist any soldier on this night.

Counsel:
Did you try to fight with any of the soldiers on this night?

Witness:
No.

Counsel:
Did you obey the soldiers this night?

Witness:
Yes, I obeyed all order as I was afraid of getting beaten.

Counsel:
Thank you. I have no further questions for you, but please answer any questions from the other lawyers.

CROSS- EXAMINATION

Questions by the defense counsel: [redacted] (b)(6) 2

Counsel: (b)(6)-4
[redacted] you believed that you were picked up by the Coalition forced because you were trying to contact your brother, right?

Witness:
Yes, right.

Counsel:
So you were trying to contact your brother and that's when you were apprehended?

Witness:
Yes I was trying to contact this woman to give her telephone number and address of my brother in USA.

Counsel:
This woman was an interpreter?

Witness:
Yes.

Counsel:
You weren't picked up because you're a member of the BAATH party?

Witness:
No.

Counsel:
You weren't held at Nasaria for three days because you're a member of the BAATH party?

Witness:
No.

Counsel: Many of the people on the bus with you were held at Nasaria, right?

Witness:
From all states no only from An Nasaria, from many city and states.

Counsel:
Some of the people that were on the bus with you were held with you at Nasaria, too, right?

Witness:
Yes, correct.

Counsel:
And you knew you were coming to Um Quasr, right?

Witness:
Yes, right.

Counsel:
And you knew from other Iraqis that there was an EPW camp here, right?

Witness:
Yes.

Counsel:
Let's talk about the bus a little bit. The people on the bus were very close together, right?

Witness:
Yes.

Counsel:
So people tried to talk to each other, right?

Witness:
Yes a little talking like "can you move little bit give me space" some talking like that.

Counsel:
Even though talking was against the rules there was some talking going on the bus?

Witness:
Yes right.

Counsel:
And if someone talked a soldier would point a weapon at you and say "you talk I'm going to kill you"?

Witness:

No, there's no threat I didn't hear threaten by kill from American soldier. No I didn't see point gun on head any prisoners.

Counsel:
I'm not saying that it was on your head, I'm just saying that those words were used, "if you talk I will kill you".

Witness:
No, I did not hear that.

Counsel:
Did you see anybody get hit on the bus?

Witness:
No, as my head down I didn't see anything.

Counsel:
You know [redacted] correct? (6)(6)-4

Witness:
No, I know him only from the bus.

Counsel:
You met him on the bus? Is that what you're saying?

Witness:
I met him on the bus.

Counsel:
You know who I'm talking about? You know who he is, right?

Witness:
Yes.

Counsel:
Did you see him get hit on the bus?

Witness:
No I did not see.

Counsel:
You were sitting in the middle of the bus, is that right?

Witness:
No I was sitting on chair.

Counsel:
In the middle of the people?

Witness:
Yes in the middle of the people.

Counsel:
And there was a short soldier who was taking prisoners off the bus, right?

Witness:
Yes.

Counsel:
And you saw him take the prisoners and run them down the aisle, right?

Witness:
Yes.

Counsel:
And then he got to you?

Witness:
Yes, right.

Counsel:
And you kind of sat back, right?

Witness:
No.

Counsel:
You put your weight back?

Witness:
Yes, when he come to pick me I put my weight back.

Counsel:
You wanted to make it difficult for him to move you, right?

Witness:
Because I was afraid that he going to beat me.

Counsel:
You made it difficult for him to move you with your weight, right?

Witness: No.

Counsel:
By the time the soldier got to the end of the aisle you thought he was tired from trying to move you, didn't you?

Counsel:
Yes.

Counsel:
He was tired because he was trying to pull you down the aisle, right?

Witness:
He was tired because he already get 15 prisoner out of the bus before me.

Counsel:
When you were sitting down you talked about being kicked, right?

Witness:
Yes.

Counsel:
Off the bus? You're off the bus, right?

Witness:
Yes.

Counsel:
Sitting down?

Witness:
Yes, right.

Counsel:
And it was the soldier's heel that touched you, right?

Witness:
Correct.

Counsel:
It wasn't a hard kick, right?

Witness:
Right.

Counsel:
It was like a tap like he was trying to move you, right?

Witness:
No it was strong kick, but I move my body away from it …if I was sitting in same place it was going to hurt me.

Counsel:
Do you remember speaking with two attorneys last night? (b)(6)-2 [redacted] and (b)(6)-2 [redacted]

Witness:
Yes.

Counsel:
You remember telling them that the soldier hit you with the side of his heel?

Witness:
No I said his back …back of his boot not side of his boot.

Counsel:
Okay, back of his heel and that you were tapped, correct?

Witness:
Yes right.

Counsel:
So you didn't see (b)(6) 4 [redacted] a come off the bus, right? He was in front of you.

Witness:
No I didn't see him because my head was down.

Counsel:
And you didn't see (b)(6)-4 [redacted] come off the bus either, did you?

Witness:
Correct I did not see him.

Counsel:
Thank you.

Questions by the defense counsel: [redacted] (b)(6) 2

Counsel:
You said there was a short young soldier escorting the people off the bus. Taking from their seat to the door of the bus, correct?

Witness: Correct.

Counsel:
And you watched him run these prisoners off of the bus?

Witness:
Yes.

Counsel:
You did not want to run off the bus, correct?

Witness:
No is not correct.

Counsel:
Do you recall talk--you remember talking to (b)(6)-2 [redacted] and myself last night, correct?

Witness:
Yes I remember you.

Counsel:
And do you remember saying that that soldier was very tired by the time he got to take you off the bus?

Witness:
Not very tired, but tired.

Counsel:
You said to us "and I am big, bigger than him so I--" and you put your arms up you flexed your shoulders back and made a motion as if you were grounding in and said you did that when he came to get you.

Witness:
Yes.

Counsel:
And when we asked you if you got beat, you said, "I don't get beat, I beat", is that correct?

Witness:
It was joke. I was joking with interpreter.

Counsel:
You did not know the major at the t--on the bus--but you did not know him by name but now you know him by name, correct?

Witness:
Correct.

Counsel:
And you have talked to him since that night, correct?

Witness:
Correct.

Counsel:
Thank you, I have no further questions.

I/O: [redacted] (b)(6)-2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel:
Sir, have you told us the truth tonight?

Witness:
Yes God willing I told you the truth.

Counsel:
And just because you know this major, now, you haven't changed your story have you?

Witness:
I told you the truth and I swear by Koran.

Counsel: Thank you, sir. I have no further questions.

[The witness was dismissed and withdrew from the room.]

[redacted] (b)(6)-7 **was previously sworn and interpreted the following witnesses testimony.**

DIRECT EXAMINATION

[redacted] (b)(6)-4 **a detainee at Camp Bucca, was sworn and testified as follows:**

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel:
Sir, I noticed that you walk with a limp?

Witness:
Yes, I've been hurt in the war.

Counsel:
Were you hurt in this war?

Witness:
Yes. It was April eight.

Counsel:
And how were you hurt?

Witness:
I was in Baghdad. I was in the Rasheed camp. I was going to the U.S. Army to give myself up. There was a checkpoint for the Fedahyeen Saddam. We didn't stop for them. We passed them. They open fire on us. Three of us were injured.

Counsel:
Were you shot with a gun?

Witness:
With a rifle.

Counsel:
Did you lose your leg?

Witness:
No. They left us after they fired. They thought we are dead. Before the car get explosion, we get out of it. The American troops came to us. The Fedahyeen run away. When the American soldiers came to us, I put my hand up to them and they carried us away from the car. They gave me first-aid because I was injured in my head.

Counsel:
You were injured in your head and in your right arm, and in your right leg, is that right?

Witness:
Right hand and my leg. And also my left leg.

Counsel:
In both of your legs, you were injured?

Witness:
Yes. A bullet here and a bullet here. And, even in my back.

Counsel: So your left foot, your right foot, your right knee, your back, your right arm and your head?

Witness:
Yes.

Counsel:
But you still have both of your legs, right?

Witness:
Yes.

Counsel:
Did you come to Camp Bucca on the bus on the twelfth of May?

Witness:
Yes.

Counsel:
Please tell us what happened when you got here to Camp Bucca?

Witness:
I was the first one sitting on the floor. A soldier ask me to go out. At that time I couldn't walk and I was on crutches. On that same day I just get out of the hospital to the Nasiriyah base. So I began moving on my ass, from the back of the bus to the door. When I came near the door, the soldier that was sitting in the back, he throw on me the crutches. My hands were tied. Another soldier was on the ground and near the door of the bus. I think what he said was he's telling me to get up. So I show him my hands were tied and I cannot stand up. He took a knife from his belt, and he told me to do like this.

Counsel:
So you held up your hands in front of your face?

Witness:
Yes.

Counsel:
And what did the soldier do?

Witness:
He cut the wire.

Counsel:
Okay. He cut the wire and your hands were free?

Witness:
Yes.

Counsel:
Then what happened?

Witness:
There was an interpreter. He said to us to stay in one line. And we stand in one line near the fence. The two fence is like an arrow. I was the first one and I went in the open of the fence and I stand up. And the interpreter told me to get inside this narrow.

Counsel:
And were you using your crutches to walk?

Witness:
Yes. Even with the crutches, I was walking slowly.

Counsel:
And is that because you have been wounded in so many places?

Witness:
Yes. Here is the most pain.

Counsel:
Your knee-wound was the most serious?

Witness:
Yes. This one and my foot.

Counsel:
Okay.

Witness:
So I walked inside the narrow. I looked at the interpreter and I said please, my Arabic brother, I can't walk. He said I'm sorry, I am ordered not to talk to you or to help you. I began walking. Two American soldiers were behind me. They shouted at me go, go, go. I was walking slowly.

Counsel:
Sir, were you moving as fast as you could?

Witness:
Yes.

Counsel:
What happened next?

Witness:
After they were shouting at me, one of them push me with his hand on the ground. I am with my crutches and I come down on the ground on my face.

Counsel:
Did the soldier push you from behind?

Witness:
Yes., in my back.

Counsel:
How hard did the soldier push you?

Witness:
Hard.

Counsel:
Did you see the soldier that pushed you?

Witness:
No I didn't.

Counsel:
Then what happened?

Witness:
One of them put his hand on my hand and he put it this way. And the other one took my left hand.

Counsel:
Let the record reflect that the witness is holding his hands out, away from his body, with his arms pointed downward and moving his arms backward, as if his arms were being swept towards his back. What did the soldiers do next?

Witness:
I was laying down on the floor and after they did this to me, they were pulling me in front of me.

Counsel:
Were they pulling you by your arms?

Witness:
No from my hands.

Counsel:
They were pulling you by your hands?

Witness:
Yes.

Counsel:
And your hands were behind your back?

Witness:
Yes.

Counsel:
Were you standing?

Witness:
No I was on my face.

Counsel:
Was your face touching the ground?

Witness:
No my face was off the ground but this area and down was on the ground.

Counsel:
Okay, from the waist down. And the soldiers held his hands behind his back?

Witness:
Yes.

Counsel:
Did that hurt?

Witness:
Yes.

I/O:
Excuse me. I'm having a hard time visualizing how he was on the ground. If he can kind of demonstrate?

Counsel:
Let the record reflect that the witness is bending over and his arms are extended backwards to their full extent, moving up and away from his body, but going backwards. Did you see the soldiers that had a hold of your hands?

Witness:
No, because it was dark and I was sick.

Counsel:
How far did they pull you along like this?

Witness:
About a hundred meters.

Counsel:
Did you say anything while this was happening?

Witness:
Yes. Please mister, please.

Counsel:
What happened to your crutches?

Witness:
I don't know what happened to them, but later one soldier bring it to me.

Counsel:
Did you resist the American soldiers that night?

Witness:
No.

Counsel:
Did you obey the orders of the American soldiers?

Witness:
Yes.

Counsel:
Did you try to fight with any of the soldiers?

Witness:
No.

Counsel:
You were a Major in the police force?

Witness:
No I am Major in the military.

Counsel:
In the military?

Witness: In the Iraqi Army.

Counsel:
I don't have any further questions. Please answer any questions of these people.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel:
You said that you are a Major in the Iraqi Army?

Witness:
Yes.

Counsel:
And you've been in the Iraqi Army for eighteen years?

Witness:
Yes.

Counsel:
Eighteen years he's been in the Army?

Witness:
Yes.

Counsel:
The day that they loaded the bus at Nasiriyah, you were placed in two lines, correct?

Witness:
Yes.

Counsel:
And you started off in the line with everyone else, but then you had to be isolated, correct?

Witness:
He used crutches to get to the door, and then he tried to get in.

Counsel:
When you were standing in line, they removed you away from the other prisoners, correct?

Witness:
I was in the last four and some short soldier came and took me and put me the last one.

Counsel:
So you were the forty-fourth person to get on the bus, correct?

Witness:
Yes.

Counsel:
And you sat in the aisle way of the bus, correct?

Witness:
I was the last one to get in the bus so I am in the beginning now.

Counsel:
So he was at the beginning of the bus in the aisle?

Witness:
Yes.

Counsel:
When they told you to sit in the aisle, you said I can't I have a back problem?

Witness:
I told him I am sick. This is the only word I know. He told me to sit down on the ground.

Counsel:
He actually pointed a shotgun at you and told you to sit down, correct?

Witness:
Yes.

Counsel:
And the soldier with the shotgun is big and has a red face, correct?

Witness:
Yes.

Counsel:
Now once the bus started moving, that soldier with the shotgun sat near you on the bus, correct?

Witness:
Yes, very near to me.

Counsel:
And you claim that he continued to point the gun at you?

Witness:
Yes.

Counsel:
And you claimed that he continued to yell at you, correct?

Witness:
Yes.

Counsel:
You claim that he kicked you in the leg on the bus, correct?

Witness:
Yes. I cannot move my leg inside, so he kicked me on it.

Counsel:
That soldier left something inside you that you just can't forget, correct?

Witness:
Yes.

Counsel:
Then they switched the shotgun off to a small soldier, correct?

Witness:
Yes.

Counsel:
And you claim he said if anyone talks I'll hit you with a water bottle?

Witness:
No. Not that exactly. The short soldier has a water bottle he was drinking from and would say don't talk and was beating them like this.

Counsel:
Beating them with the water bottle?

Witness:
Yes.

Counsel:
And you claim he beat you ten times on the head with the water bottle, correct?

Witness:
Yes, about ten times.

Counsel:
And that water bottle, you claim, was half full of water, correct?

Witness:
Yes.

Counsel:
You recall that the bus broke down on the way to Camp Bucca, correct?

Witness:
Yes. It was like a flat tire so the bus stop.

Counsel:
And the soldiers on the bus, they were terrified, correct?

Witness:
They were scared and they put the guns on us.

Counsel:
And they kept shouting at you to keep quiet?

Witness:
Yes they were shouting at us not to move, not to talk?

Counsel:
You were the first person off of the bus, correct?

Witness:
Yes.

Counsel:
And there was a group of five of you that were taken off the bus, correct?

Witness:
I don't know how many people came after me.

Counsel:
There was a couple of people behind you, correct?

Witness:
Yes I heard them.

Counsel:
You claim that two soldiers drug you across the ground?

Witness:
Yes.

Counsel:
The prosecutor stopped you, but there's more to your claim, correct?

Witness:
Yes.

Counsel:
You claim that three different soldiers were kicking you that night, correct?

Witness:
No only two. The third one bring crutches to me and throw it on me.

Counsel:
And you claim another soldier was beating his gun into your chest, correct?

Witness:
Yes, the back of the rifle in this area.

Counsel:
Do you know prisoner [redacted] (b)(6)-4

Witness:
I want his full name.

Counsel:
[redacted] (b)(6)-4

Witness:
There is a prisoner in the camp who is a [redacted] (b)(6) 4, is that what you mean?

Counsel:
Yes.

Witness:
Yes I know him.

Counsel:
Two days after this happened; you were called in by CID, correct?

Witness:
Yes.

Counsel: And they asked you if you had been beaten.

Witness:
Yes and I told them no.

Counsel:
No further questions.

I/O:
Any other questions? [redacted] (b)(6)-2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel:
Why didn't you tell the CID about this story when they first talked to you?

Witness:
Because I was sick and I know that this will get a lot of investigation and this will be a long time and I was wishing to go out of this camp.

Counsel:
Are you telling us the truth tonight, sir?

Witness:
Yes. All the truth. And I swear on the Holy Koran.

Counsel:
Thank you, sir.

RECROSS-EXAMINIATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
When you gave your statement to CID, you had been cleared to leave Camp Bucca, to be released, correct?

Witness:
Yes. The interrogator talk to me three times. The last time, he tell me that he does not need anything from me and I will write a report for my boss to release you in the end of June.

Counsel:
It was after that when he came forward with his story about being hit.

Witness:
It was before this. Like around June twenty, they bring the people of the bus and on that day I tell my story.

Counsel:
And he was told that other American soldiers saw these beatings and all he had to do was give a statement and did not have to stay for the trial, correct?

Witness:
Yes.

Counsel:
Thank you, no further questions.

I/O:
Any further questions?

Defense counsel: No, sir.

I/O:
[redacted] (b)(6)-2

[redacted] (b)(6)-2
No, sir.

I/O:
Okay, just a couple of things.

Questions by the Investigating Officer:

I/O:
Am I to understand that this individual was kicked on the leg while he was on the bus on the ride to Camp Bucca?

Witness:
Yes.

I/O:
And the circumstances for that kick was what, I was not clear on that?

Witness:
The soldier was ordering me to put my leg back, but I cannot because it was injured. That's why he kick me.

I/O:
Was this the larger soldier or the shorter one?

Witness:
The tall one.

I/O:
The one who had the shotgun, or the large rifle originally?

Witness:
Yes.

I/O:
And is it also true that he was hit with the water bottle by the shorter soldier, approximately ten times, is that correct?

Witness:
Yes.

I/O:
And am I also to understand that after the bus arrived and he had been taken off the bus, that there was a third soldier who beat him with the butt of a gun, is that correct?

Witness:
Only the two soldiers beated him, but the third one throw my crutches on me.

I/O:
So there was no soldier that beat him with a gun?

Witness:
I don't recognize who is the one that beated me on my chest with the back of the rifle.

I/O:
But that did happen?

Witness:
Yes.

I/O:
Did you provide a description, other than tall and short, of the soldiers who drug him across the ground? Can you provide anymore of a description of the soldiers who drug him across the ground?

Witness:
The tall one has a green eye and he has a tall face.
The other one, his face look like Japanese or Philippi no. And the third one is American, but he is short. I don't know the people who dragged me, but I think it's one of those people that was on the bus.

I/O:
Can he positively identify either of those two soldiers today?

Witness:
No because I was sick and I just get out of the hospital at that time.

I/O:
And what was his description of the third soldier who threw the crutches at him?

Witness:
I didn't see him.

I/O:
Was anything said to him when he was initially pushed to the ground?

Witness:
They were saying fucking and fuck you. I didn't understand what they were saying but later I know it was not a good word.

I/O:
Any further questions? Please thank him for his testimony. He'll be escorted back to the holding area.

[The witness was dismissed and withdrew from the room.]

(b)(6)-4 **U.S. National Guard, was recalled as a witness for the government, was reminded of her previous oath, and testified as follows:**

DIRECT EXAMINATION

Questions by the defense counsel: (b)(6)-2

Counsel: (b)(6)-4 (b)(6)-4 you are the same that testified earlier in this hearing?

Witness:
Yes.

Counsel:
I want to remind you that you are still under oath from your previous testimony, do you understand?

Witness:
Yes sir.

Counsel: (b)(6)-4
[redacted] do you remember the day that the CID came and searched certain areas of the 320th Company's living quarters?

Witness:
I remember the day. I don't remember the date.

Counsel:
What were you doing when CID came that day.

Witness:
I was actually in the shower area taking a shower.

Counsel:
Where did you live at that time?

Witness:
1ST Platoon's tent, which was on the other side of the living compound.

Counsel: (b)(6)-5
Where did [redacted] live?

Witness:
In the same tent.

Counsel:
In relation to where your living are was, where was hers?

Witness:
We were side by side, probably four foot apart.

Counsel:
Now, you say you were at the shower trailer when CID came?

Witness:
At the showers, yes sir.

Counsel:
Did you come back from the showers?

Witness:
Yes. I was on my way back from the showers when I noticed that CID was in the area.

Counsel:
Okay. What did you do?

Witness:
I continued on to my tent. They were...I had to walk passed 4TH Platoon's tent to go back to my tent. That's when I noticed CID was there. I didn't think anything of it. I kept on going. [redacted] stopped me on the way in because I was going to head in. She said you can't go in there right now. She explained that CID was in there searching.

(b)(6)-4

Counsel:
Okay. At any time during this period, did you see [redacted]

(b)(6)-5

Witness:
No, not until after the search had been completed.

Counsel:
Did you see her after the search had been completed?

Witness:
Yes. I went into the tent and she was in there.

Counsel:
What was she doing?

Witness:
Sitting on the floor crying.

Counsel:
Did she say anything?

Witness:
She said that she was really upset that they searched her stuff. She felt like a common criminal. And it wasn't fair.

Counsel:
Did she tell you anything?

Witness:
The exact conversation, I don't remember. She was voicing her concerns about what was going to happen and things like that. Then she started to pick up her stuff and put it back together. At that point in time is when she let me know that I had her journal in my stuff.

Counsel:
Do you remember specifically what she said to you?

Witness:
She told me that she put her journal on my bookshelf so that CID wouldn't get it because was worried about what they might find in it.

Counsel:
All right. Did you give her permission to put her journal in your bookshelf?

Witness:
No.

Counsel:
Did you know that she was going to do that before she did it?

Witness:
No.

Counsel:
What did she do with the journal after CID left?

Witness:
She put it back in with her stuff.

Counsel:
Do you remember what the journal looked like?

Witness:
It was about that big.

Counsel:
About ten inches by…

Witness:
About that wide.

Counsel:
…six inches.

Witness:
Roughly. It was blue. It had line pages on the inside and it had a design on the cover, but I can't remember what the design was.

Counsel:
Okay. Did you ever see her writing in it?

Witness:
Yes.

Counsel:
How often did she write in it?

Witness:
Quite frequently, but I can't say every single day.

Counsel:
Since the CID came and searched the tent and she put the journal in your bookshelf, have you seen that journal since then?

Witness:
Yes. I did see it before she moved out of the tent because…we had a table in between our two bunks. It had a little top-shelf to it and it would usually sit in the corner by her bed, on the top shelf.

Counsel:
Besides telling she didn't want CID to see what was in it, did she articulate anything more than that?

Witness:
No.

Counsel:
I don't have any further questions, thank you.

I/O:
Defense?

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
You don't know what CID was searching for on that day?

Witness:
I just know what we were told after they had left, and it was by what others had said.

Counsel:
So you don't know who gave the search authorization, correct?

Witness:
No I don't.

Counsel:
You don't know what the scope of the authorization was, correct?

Witness:
What do you mean by that, sir?

Counsel:
You don't know what CID was allowed to search for?

Witness:
No.

Counsel:
You don't know if they were allowed to look for anything and everything or if they were looking for something very specific?

Witness:
All I know, sir, is that I was told that they were looking for...this is what I was told afterwards...
any blood, in relation to clothing, and anything pertinent to the investigation.

Counsel:
Who told you that?

Witness:
To be honest with you, I don't know. Rumors fly around that unit. And it's been awhile.

Counsel:
When you took this journal off your bookshelf, you didn't turn it in to CID, correct?

Witness:
No, I gave it back to [redacted] (b)(6)5

Counsel:
Were you concerned that there were things in that journal that pertained to you that might be incriminating to CID?

Witness:
What do you mean by that, sir?

Counsel:
She was one of your roommates, correct?

Witness:
Correct.

Counsel:
Were you least bit concerned that anything she had written in her journal would incriminate you in any way, if it was turned into CID?

Witness: Incriminate me in what way, sir? I wasn't under investigation.

Counsel: (b)(6)-4
I'm asking you [redacted], were you concerned that there was anything in her journal that might incriminate you?

Witness:
I still don't understand. In what respect are you asking?

Counsel:
You did not turn in the journal to CID?

Witness:
No I didn't.

Counsel: (b)(6)-5
When you came in, you said [redacted] was upset and she was crying?

Witness:
Yes sir.

Counsel:
And you said that she felt that she'd been treated like a common criminal?

Witness:
Yes sir.

Counsel:
You said that she felt like privacy had been invaded?

Witness:
Yes sir.

Counsel:
You knew Sergeant [redacted] wrote personal things in her journal, correct?

Witness:
Yes sir.

Counsel:
She wrote things about her relationship with her husband?

Witness:
Yes sir.

Counsel: And she wrote other personal things that were private to her, correct?

Witness:
Yes sir.

Counsel:
And you stated before that you had no idea what CID was allowed to search for, correct?

Witness:
No, that was above my rank.

Counsel:
And you have no idea if they were even authorized to search for documents, correct?

Witness:
It wasn't my concern, sir.

Counsel: (b)(6)-4
Thank you [redacted] I have no further questions.

I/O:
Any follow-ups [redacted] (b)(6)-2

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
Yes sir. [redacted] why didn't you turn the journal over to CID?

Witness:
Sir, I didn't want to get involved in this. It wasn't my problem. I wasn't directly involved in it. It wasn't anything that concerned me and I just didn't want to get involved in it.

Counsel:
Thank you.

RECROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
I have one follow-up question, sir. You said, [redacted] that you did not want to get involved in this situation, and that's why you didn't turn it in?

Witness: At that point in time, no sir I didn't.

Counsel:
But last night you sought out [redacted] (b)(6)-2 and volunteered this information, correct?

Witness:
I asked him about it.

Counsel:
You told him this unsolicited, correct?

Witness:
Yes sir.

Counsel:
Nothing further sir.

I/O:
Anything [redacted] (b)(6)-2

Counsel:
No sir, thank you. Actually I do have one more.

REDIRECT EXAMINATION

Questions by the trial counsel:

Counsel: [redacted] (b)(6)-2 why did you come and talk to me last night?

Witness:
It's been a very hard time for me the past couple of months dealing with this, knowing that I had information that might help or hinder numerous people in my platoon and in my unit. It's been very hard for me and certain things I've had to just remember and it's been over the course of time. I thought I already mentioned it to you. That's why I sought you out with it.

Counsel:
Thank you, no further questions.

I/O:
Do you have anything, [redacted] (b)(6)-2

Counsel:
No sir.

Questions by the Investigating Officer:

I/O: (b)(6)-4 (b)(6)-5 is there anything contained in journal that would be incriminating or implicate you in this investigation?

Witness: (b)(6)-5
In this investigation? No I wasn't there. I don't have anything to do with it. I know everything that I know from what told me after the fact. After everything has occurred, that's is when I know about it.

I/O:
Are there other personal details in that journal that you would have preferred CID not to have known about?

Witness:
About me?

I/O:
Yes.

Witness: (b)(6)-5
Sir, if there is, if it needs to come out, it needs to come out. There might be there might not. I don't know what wrote in her journal. I know I've been through a very difficult time since I've come to the unit and been deployed to Iraq. And I've shared a lot of that with . And there have been instances in-country that have been personal in nature regarding me. If she wrote about them that's in there.

(b)(6)-5

I/O:
Do you know the whereabouts of this journal now. Do you have any idea?

Witness:
If it's not in with her stuff, sir, I don't know where it would be.

I/O: (b)(6)-5
Is there anything else with regard to or the incidents in question from May the twelfth that you have knowledge of, that you should tell me with regard to the investigation?

Witness:
I think I've gone over everything sir, that I've mentioned in my sworn statement and that I've mentioned to you so far in this proceeding.

I/O: (b)(6)-5
Has anyone else, besides , approached you with information with regard to this investigation or the incidents of twelve May?

Witness:
No. Not out of anybody that had first hand knowledge. I've been asked questions by several people about what I know. And people have come up with rumors on what's been going on with the investigation, but as to pertinent information on what happened that day. I was given some details, but that was about it. And none of that is in any statement that I've given.

I/O:
Any of the accused here today, aside from (b)(6)-5 [redacted] or any other members of the 320th who were present that night, have come to you with information or comments, or details with regard to what happened that evening?

Witness:
Meaning the ten that were involved in the escort mission on that day, sir?

I/O:
Yes.

Witness:
No.

I/O:
Any other questions?

Counsel:
No, sir.

I/O:
Thank you. You are dismissed.

[The witness was duly warned, dismissed and withdrew from the room.]

Do we have (b)(6)-4 [redacted] here now?

Counsel:
No sir we have CID.

I/O:
Okay, let's get started on CID.

(b)6-1

[redacted] **U.S. Army, CID, was called as a witness for the government, was sworn and testified as follows:**

DIRECT EXAMINATION

Questions by the defense counsel: [redacted] (6)(6)-2

Counsel:
You are [redacted] (6)(6)-1

Witness:
Yes I am.

Counsel:
And you are a Special Agent?

Witness:
Yes I am.

Counsel:
With the Criminal Investigation Division?

Witness:
Yes sir.

Counsel:
You're the Special Agent in-charge here at Camp Bucca?

Witness:
Yes I am.

Counsel: (6)(6)1
[redacted] did you participate in the investigation into the alleged abuse of prisoners on the twelfth of May, on the bus coming from Nasiriyah to Camp Bucca?

Witness:
Yes I did.

Counsel:
Did you conduct an interview of Master Sergeant Girman?

Witness:
Yes I did.

Counsel:
And as a result of that interview, did you obtain a sworn statement from her?

Witness:
Yes I did.

Counsel:
I'd like to have this exhibit marked as eight.
(b)(6)-1 [redacted] let me hand you exhibit eight and ask you to take a look at it. Do you recognize that document?

Witness:
Yes I do.

Counsel:
Is that the statement you took from Master Sergeant Girman?

Witness:
Yes it is.

Counsel:
Subject to any objection, I'd like to offer exhibit eight into evidence at this time. (b)(6)-1 [redacted] was this your first involvement with anything involving Master Sergeant Girman?

Witness:
No it wasn't.

Defense Counsel: [redacted] (b)(6)-2
Objection. Sir, the prosecution is gonna try to go into things that are completely outside of the scope of this investigation. And that is completely not relevant.

I/O:
How do I know that without hearing the question?

[redacted] (b)(6)-2
Would you like your legal advisor sir?

I/O:
I guess so. Let's go off the record.

[The I/O met with the legal advisor.]

I/O:
Defense's objection was to a line of questioning by the government regarding incident previous to the investigation at hand. The government will confine their questioning to the investigation's charges and specifications we're dealing with here.

Counsel:
Thank you. I have no further questions.

I/O:
Questions from the defense?

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-1
Thank you sir. [redacted] you conducted interviews of some EPWs on fourteen May, correct?

Witness:
That's correct.

Counsel:
When you conducted those interviews, they had already been identified to you as victims that point, correct?

Witness:
The group had. That is correct. They had identified the whole bus load. I was going to do the screening interviews.

Counsel:
Okay. And you interviewed them in segregation, is that correct?

Witness:
Only four of them were in segregation at the time and the rest were in the general compound.

Counsel:
There were two EPWs that you interviewed together, is that correct?

Witness:
I believe so.

Counsel:
And then there were…do you remember who those EPWs were that you interviewed together?

Witness:
There was four in segregation. I don't believe I interviewed them together but they said the same thing. Two were in [redacted] and [redacted]. I can't remember where the other two were.

Counsel:
And [redacted] and [redacted] that could be [redacted] and [redacted]

Witness:
That's sounds correct I'd have to look at my AIR if you have it available.

Counsel:
And you think that those were the ones that you interviewed together?

Witness:
Those are the ones that I interviewed separately, I'm sure of it.

Counsel:
Do you remember how you directed the conversation towards what it was that you wanted to talk to them about?

Witness:
I just explained who I was, what I was doing, and asked what had occurred the night prior… or actually it would have been two nights prior by that time.

Counsel:
And do you remember asking them if they had been kicked where they'd been kicked, things of that nature?

Witness:
I don't recall asking them specifically, but yes that would have been the line of questioning I used.

Counsel:
You don't recall how much leading you did or how much…how many open ended questions you asked?

Witness:
I don't ask leading questions of course open-ended questions is more what I would use.

Counsel:
And you did tell them that you were there because you believed that they had been assaulted by MPs or that you had heard that they had been assaulted by MPs?

Witness:
That's correct.

Counsel:
Did you take notes at these interviews?

Witness:
I believe I did, yes.

Counsel:
Do you have those notes?

Witness:
Not available.

Counsel:
Are those noted in the CID file?

Witness:
No, they're not.

Counsel:
Of the people that you interviewed that day two of them complained that they were assaulted. Is that correct?

Witness:
That's correct.

Counsel:
One of those people was [redacted] (b)(6)-4

Witness:
If I could look at my AIR just to confirm the names, I know them by mostly numbers…

[The witness was given what has been marked as Exhibit 9 to refresh his recollection and to confirm the names of the detainees.]

Witness: Okay yes the two names are the ones I interviewed.

Counsel:
And [redacted] he is [redacted], correct?

(b)(6)-4 (b)(6)-4

Witness:
Okay.

Counsel:
He actually claimed that he'd been assaulted a couple of different times. Is that right?

Witness:
That's correct, just reviewing my AIR.

Counsel:
And he claimed that the second time that he was assaulted was when he was transported from the in processing center to the actual confinement compound or the confinement facility?

Witness:
That is correct.

Counsel:
And you did not, personally, investigate that allegation any further, correct?

Witness:
All I was doing was the screening interviews just to…I was doing the screening interviews the prelim, because we were still at the preliminary stages of the investigation and then I would hand it off the case agent, and I was called off under another case.

Counsel:
And when you found out this information about this second…you heard about the second allegation of assault, what did you do with that information?

Witness:
I documented it in my report and handed it off to (b)(6)-1 [redacted].

Counsel:
As far as you know, that allegation was never investigated further, correct?

Witness:
Since I didn't work at all on the case I couldn't answer.

Counsel:
But you are currently the Special Agent In Charge?

Witness:
That's correct, the case was closed before I took over as the Agent In Charge, so I never reviewed the case.

Counsel:
So as far as you know that allegation was unfounded?

Witness:
I can't say it's unfounded I can't answer anything about that allegation.

Counsel:
But it as the SAC you never heard anything further about it?

Witness:
The case was closed before I took over as the SAC. I can't tell you anything further than what I did on the case. As far as what they did after I left, 'cause I left the office for two weeks, the case was closed when I got back. And I can only answer to what I've personally did.

Counsel:
Okay, when did you get back?

Witness:
It would have been about, sometime mid June

Counsel:
And you left? When was it you left?

Witness:
I can't recall exactly.

Counsel:
Late May possibly?

Witness:
It was late May.

Counsel:
So within two weeks there was nothing more in regards to that investigation you never heard anything further about it?

Witness:
I didn't even ask about it.

Counsel: (b)(6)-4
[redacted]..when you talked to him he claimed that he'd been kicked in the abdomen, in the groin, and in the face, is that correct?

Witness:
If that's what the report says, I can't recall the interview. As I stated during pre-interview that I've conducted about 1,400 interviews since I've been here, and I honestly don't remember I can't recall the interview at all. So if it's not written in the report I can't recall it.

Counsel:
And you don't believe it was written in you AIR?

Witness:
If it is in the AIR then that's what he reported. But I can't recall, sitting here, I can't recall the interview.

Counsel: (b)(6)-4
[redacted] didn't have any physical cuts, bruises, abrasions, or injuries when you interviewed him, correct?

Witness:
Not that I recall.

Counsel:
You couldn't see any visible injuries whatsoever?

Witness: Honestly, I can't recall unless I'm looking at my AIR. If it's documented on there.

[The witness was handed Exhibit 9 to refresh his memory.]

Witness:
That's correct it says here, (b)(6)-4 [redacted] had no visible marks or bruises" at the time I spoke with him.

Counsel:
And does it say what he complained of. What he claimed that he was assaulted what parts of the body?

Witness:
Kicked numerous times in the abdomen, groin, and face.

Counsel:
You stated in the AIR that the processing photo appeared to show that his face was swollen in some manner?

Witness:

The processing sheet that I received I believe it did.

Counsel:
And so did you print a copy of that and place it in the file as a part of the file?

Witness:
There was a copy and it was given to the case agent, (b)(6)-2 [redacted] would be better able to answer that. I didn't put the file together I saw a copy of it that morning and that's how I identified to go speak with him. All my notes and my AIR, when I type it up, all go to the case agent. I never personally placed it in the case file.

Counsel:
Did you print off, you printed off a copy of his…

Witness:
Yeah, I had a hard copy.

Counsel:
But you didn't personally place it in the case file?

Witness:
No I did not.

Counsel:
When you interviewed (b)(6)-4 [redacted] did you write out question and answer in your notes?

Witness:
No, I normally just use bullet statements to refresh my memory. Just as I finish the interview I go back and type it up.

Counsel:
Did you audiotape the interview?

Witness:
No we did not.

Counsel:
Did you…give (b)(6)-4 [redacted] a pen and paper and say write out what happened and allow him to make a narrative?

Witness:
No not at that point I did not.

Counsel:
Was there anyone who could've translated, if he had written a statement, was there anyone that could have translated it from Arabic into English?

Witness:
I had a translator with me, obviously, so I could speak with him. But at the time, during the prelim, we don't normally take statements from victims. We just try to identify if they are victims, if they're witnesses, if they're suspects and then we go back and identify who we need to speak with further in detail, later.

Counsel:
But he did claim that there was some injuries?

Witness:
That's correct, that he was kicked and beaten.

Counsel:
I'm sorry not that there were injuries, but he claimed that he was assaulted. And your handwritten interview notes you don't know where those are?

Witness:
No I do not. The conditions at the time, we were working out of a tent, and with the storms, they could be anywhere.

Counsel:
And as far as you know, there was never a sworn statement taken from (b)(6)-4 [redacted]?

Witness:
Not from myself, I never took a statement from him.

Counsel:
You also interviewed (b)(6)-4 [redacted]?

Witness:
Yes I did.

Counsel:
And (b)(6)-4 [redacted] actually said that he was beaten as he was getting off the bus, is that correct?

Witness:
Again, if that's what the report says, I'd have to refer to that.

Counsel:

(b)(6)-4
[redacted] as far as you can tell, that it appeared that he claimed to be beaten as he got off the bus?

Witness:
Yes it does.

Counsel:
And does it appear that he also claimed that he was thrown to the ground after he got off of the bus?

Witness:
Yes it does.

Counsel:
And he claimed that he was kicked and beaten while he was on the ground?

Witness:
That is correct.

Counsel:
And he could not identify who it was that did this?

Witness:
No he did not.

Counsel:
He claimed that he was beaten in a second time, correct?

Witness:
Yeah he claimed that during the transport to the Internment Facility from the process center, that an additional assault occurred.

Counsel:
And he said he could not identify who had done it?

Witness:
That is correct.

Counsel:
He said that during this second assault he said a US Soldier charged his weapon, pointed it at his head, and said he was going to kill him. Is that correct?

Witness:
That is correct.

Counsel: And you didn't personally follow up on that allegation, correct?

Witness:
No I did not. I documented in my report and it goes to the case agent.

Counsel:
That a pretty serious allegation though, don't you agree?

Witness:
Absolutely.

Counsel:
As far as you know though that allegation was completely unfounded?

Witness:
I do not know, I didn't do the follow up, so like I said, I couldn't answer to that.

Counsel:
Was the case closed when you returned from your two weeks?

Witness:
Yes it was.

Counsel: (6)(6)-4
Mr. [redacted] also had no visible injuries, is that correct?

Witness:
Not that I recall.

Counsel:
He had no bruises?

Witness:
No he did not.

Counsel:
And he requested no medical attention of any kind, right?

Witness:
No not at the time.

Counsel:
You also did a large canvas interview that day, is that correct?

Witness:
That is correct.

Counsel:
And you just sort of told the EPWs, in a group, that you knew something happened the night they arrived at Camp Bucca, correct?

Witness:
That's correct we had…they had all the EPWs in one holding area and there was …well there would've still been 40 of them at the time, so we asked, through the interpreter, just said that we had a report of an incident that had occurred during the process as they were getting off the bus and we were looking for anybody that had information of anything that happened anybody please come forward and the folks that did come forward the other eight just took them and the folks that remained in the tent I just identified who they were.

Counsel:
In CID investigations, it's generally not the practice that you would interview witnesses together, correct?

Witness:
In a group such as this, I use the example of a bar fight. You're called out to a bar fight where somebody's assaulted you'd walk in the first thing you want to do is separate out. Okay you guys move your victims to one side, got to move witnesses to one side, obviously the MPs would probably already have the suspects in a separate area.

Counsel:
But whether they're victims or just stander…you know, by stander witnesses or whoever, it's not the common practice to interview witnesses in a group, correct?

Witness:
When I interview them it's to segregate them. Identify and then separate.

Counsel:
But in terms of interviewing them, you would not ask questions in a group for fear that they would be influenced by each other's answers, or that they would have suggestions made to their stories…

Witness:
Correct, that's correct.

Counsel:
Basically you don't want the witnesses to be tainted, correct?

Witness:
That's correct.

Counsel:

And when you were talking to this group you said that you knew that EPWs had been beaten up by MPs correct?

Witness:
I did not say anything like that.

Counsel:
You never said anything like that?

Witness:
No, all we mention is an incident 'cause we didn't have all the details at the time.

Counsel:
What you said though, what you said to the EPWs this was said to all 44 EPWs that had been on the bus when the remaining EPWs were not in segregation, is that correct?

Witness:
Correct, there would've been about 40 if there's were 44 total.

Counsel:
And this was two days after the alleged incident?

Witness:
I believe it was the 14th that's correct.

Counsel:
In one of those canvas interviews you talked to (b)(6)-4 [redacted] Is that correct?

Witness:
I would have no idea, sir.

Counsel:
You don't remember talking to him on 14 May of 2003?

Witness:
On the second page of AIR there's a list of all the ones that I identified.

Counsel:
I'm handing you that second page of that AIR, do you see (b)(6)-4 [redacted] name in that list of people that you canvas interviewed?

Witness: (b)(6)-4
Yes I do it's [redacted]

Counsel:

And in that AIR does it say anything about that he made any complaints about being dragged?

Witness:
No he did not, everyone that I have listed here didn't want to come forward with any information at the time.

Counsel:
Nothing on there about (b)(6)-4 being assaulted?

Witness:
No.

Counsel:
Absolutely no information, he said he had no information about anyone else being assaulted, or at least he didn't come forward?

Witness:
That's correct, as I said all the ones listed here didn't want to provide any information at the time.

Counsel:
And there was no follow up interview conducted with him?

Witness:
I believe some were there was follow up interviews after I left, but not by myself.

Counsel:
Thank you.

I/O: Further questions?

Defense Counsel: Yes, sir.

Questions by the defense counsel: (b)(6)-2

Counsel: (b)(6)-1 you interviewed MSG Girman for this case, correct?

Witness:
That's correct.

Counsel:
And you talked to her about taking responsibility for this case, correct?

Witness:

Taking responsibility for her actions, yes, correct.

Counsel:
You actually had a long discussion with her in which you told her that as the highest-ranking person she should take responsibility for everyone for this correct?

Witness:
I believe I told her as the senior ranking person she is responsible and needs to saw what happened, that's correct.

Counsel:
And you told her that if she came forward and took responsibility the command would probably allow the other eight soldiers just to get some additional training or something.

Witness:
I could have said something like, I'm not sure exactly how it was worded, but yes I did.

Counsel:
But that was the tenor of conversation.

Witness:
The tenor of the conversation was that we knew something had happened. That we knew an assault had occurred, and as the senior ranking NCO in charge of the soldiers, that she needed to take responsibility and be honest with what happened. So as not to bring more harm to the soldiers that were involved the junior enlisted soldiers.

Counsel:
And you made these comments to her at the CID tent?

Witness:
Yes I did.

Counsel:
And that was the same day that all the other individuals were standing outside and were getting ready to be interviewed, correct?

Witness:
I don't believe anybody was standing outside at the time, her interview was the last one.

Counsel:
Okay, but that was the same day you brought the group over to be interviewed, correct?

Witness:
I think they were interviewed over either that day or within a day or two.

I/O: Any further questions?

Defense Counsel: Just a few.

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4 (b)(6)-4
Both [redacted] and [redacted] claimed that they'd been assaulted from the in processing center to the confinement facility, right?

Witness:
First they claimed they were assaulted at the in processing center then they made an additional claim that after they arrived, or during the transport they didn't elaborate that they were assaulted again.

Counsel: (b)(6)-4
Well [redacted] said that a rifle was held to his head?

So he gave you that information, right?

Witness:
Correct.

Counsel:
There was no second or subsequent CID investigations regarding those two claims, right?

Witness:
I cannot say, as I told the captain, I can't say there was. I did not conduct them I was involved in this case for that one day.

Counsel:
I'm not talking about this case, I'm talking about an independent investigation into those allegations those two allegations.

Witness:
No it would have been handled in the same investigation.

Counsel:
You reviewed the case file in this case before you testified, right?

Witness:
I reviewed my part of it, yes.

Counsel:
You didn't flip through the whole thing before you testified?

Witness: No.

I/O: [redacted] (b)(6)-2

[redacted] (b)(6)-2 No, questions, sir.

[The witness was duly warned, dismissed and withdrew from the room.]

DIRECT EXAMINATION

[redacted] (b)(6)-1 **U.S. Army, CID, was called as a witness for the Government, was sworn and testified as follows:**

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel: [redacted] (b)(6)+1 did you have some involvement in the investigation of the allegations of abuse of prisoners on the bus from An Nasariyah to Camp Bucca on the 12th of May?

Witness:
Yes sir

Counsel:
During the course of your investigation did you take a statement from [redacted] (b)(6)-5

Witness:
Yes sir.

[The witness was handed Exhibit 10 for identification and asked to describe it.]

Witness:
This is a right waiver statement, sir.

Counsel:
Do you want to page through the whole thing?

Witness:
Yes sir…as well as the statement, a written statement, from [redacted] (b)(6)-5

Counsel:
Is that the rights warning and the statement that you took from [redacted] (b)(6)-5 from [redacted] (b)(6)-5 regarding this investigation?

Witness:
Yes it is.

Counsel:
Subject to any objection, I would like to enter this in as exhibit 10.

[There was discussion, but no objection. Exhibit 10 was admitted as exhibit 10.]

Counsel: Sir, I don't have any further questions.

CROSS EXAMINATION

Questions from the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-1
[redacted], you are the lead case agent on this case?

Witness:
I was designated as the case agent ma'am.

Counsel:
There's a few different areas that I'd like to talk to you about. The first one is about the search that you conducted?

Witness:
Yes ma'am.

Counsel:
Now, the search that you conducted, you were looking for evidence of blood, is that correct?

Witness:
That's correct.

Counsel:
On any clothing or boots or anything?

Witness:
Yes ma'am.

Counsel:
You did not find any sort of evidence or blood on any clothing or boots, correct?

Witness:
That is correct.

Counsel:
And you searched through the personal belongings of all the different individuals?

Witness:
I searched through the belongings of one individual in particular.

Counsel:
And whose was that?

Witness: (b)(6)-5
[redacted] I believe.

Counsel:
And were there other agents with you that searched through all the other individual's belongings?

Witness:
Yes ma'am.

Counsel:
And as the lead case agent to your knowledge, was any blood found on any clothing or boots of any of the individuals?

Witness:
To my knowledge there was none.

Counsel:
Now you also went out to the crime scene in this case?

Witness:
Yes ma'am.

Counsel:
And you took some digital photographs?

Witness:
Yes ma'am.

Counsel:
And you went out during the day, correct?

Witness:
You never went out during the night to view the scene?

Counsel:
No ma'am and the digital photographs that you took they were lost correct?

Witness:
Yes ma'am.

Counsel:
You also took some witnesses out with you to the crime scene that morning, correct?

Witness:
No I did not take them out with me ma'am. When myself and (b)(6)-1 [redacted] were out there doing the crime scene and a witness was out there, but I don't believe there was any coordination. I don't know why she was there. While we were doing the crime scene she showed up.

Counsel: (b)(6)-4
Was that [redacted]?

Witness:
Yes ma'am.

Counsel:
So she just appeared at the scene that morning?

Witness:
To my knowledge she just appeared I did not coordinate for her to be there.

Counsel:
And she made some comments to you while you were reviewing the scene that morning, correct?

Witness:
Yes ma'am.

Counsel:
And those comments are not reflected on the diagram or anywhere in your notes, correct?

Witness:
No ma'am the comments that she made were basically the statement that she had already had given she was just walking us through it reiterating what she had already told folks in her statement.

Counsel:
Now, you participated in some canvas interviews that were conducted of the EPWs, is that correct?

Witness:
That is correct.

Counsel:
Okay and there was about 25 EPWs that you canvas interviewed?

Witness:
Approximately yes ma'am.

Counsel:
Okay and you personally talked to about five to seven people is that correct?

Witness:
Approximately yes ma'am.

Counsel:
Okay do you know which five to seven people you spoke to?

Witness:
No I do not.

Counsel:
Okay did you do an AIR reflecting who you had personally spoken to?

Witness:
No ma'am.

Counsel:
Those were all summarized on the AIR of another agent correct?

Witness:
Yes ma'am.

Counsel:
So there's no way of knowing who you actually spoke to?

Witness:
That's correct ma'am.

Counsel:
And you didn't take any notes that day correct?

Witness:
I probably wrote down their names, but I discarded those notes.

Counsel:
Okay you discarded those notes?

Witness:
I imagine I did, yes ma'am.

Counsel:
Didn't take any notes though of what the EPWs were saying to you.

Witness:
They weren't talking to me ma'am. They were looking at the ground I couldn't get them to talk to me. What little they did say they just simply denied that anything happened and they didn't want to talk.

Counsel:
Okay so saying that nothing happened you didn't write that down.

Witness:
That's correct ma'am.

Counsel:
Okay now there was another agent other with you that day, (b)(6)-1 [redacted]

Witness:
Yes ma'am.

Counsel:
And were you aware that he took some notes during...on that occasion that were later lost?

Witness:
I don't know if he did or not ma'am.

Counsel:
Okay you maintain the file as the SAC over there correct?

Witness:
Yes ma'am.

Counsel:
Okay and was it ever brought to your attention that he lost some notes he had taken?

Witness:
I don't recall ma'am.

Counsel:
As part of you duties in this case is to also brief the command, correct?

Witness:
Brief the command?

Counsel: Yes.

Witness:
Yes ma'am.

Counsel:
And you keep agent activity summaries of you're the course of events of things on how you invest the case investigate the case, correct?

Witness:
Yes ma'am.

Counsel:
(b)(6)-2
Okay were you present when [redacted] was briefed on the 24th of May?

Witness:
I don't believe so ma'am.

Counsel:
(b)(6)1
Okay was that done by [redacted]

Witness:
I'm not sure ma'am.

Counsel:
Okay were you did you then brief the acting battalion commander on the 26th of May?

Witness:
Who would that be ma'am?

Counsel:
[redacted] (b)(6)-2

Witness:
(b)(6)-2
No ma'am the only person I talked to, as far as a briefing, was [redacted] and was for the opine.

Counsel:
(b)(6)-2
Okay um…do you recall writing in you agent activity summary [redacted] acting battalion commander, was briefed by [redacted] indicating all subjects would be titled, and a court- martial was being recommended?
(b)(6)1

Witness:
I don't recall writing that.

Counsel:
You do not recall writing that in your AIS?

Witness:
No.

Counsel:
And you do not believe that you conducted that briefing?

Witness:
I don't have an independent recollection of that ma'am, I just recall talking to [redacted] (b)(6)-2

Counsel:
Okay. Thank you [redacted] (b)(6)-1

I/O:
Any further questions?

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-1
[redacted] in the course of this investigation did you investigate any allegations that there was some mistreatment from the in processing center to the confinement facility?

Witness:
During the investigation of this case?

Counsel:
Yes.

Witness:
I don't believe so, just from the bus to the staging area not from the in processing to the confinement center, no.

Counsel:
Do you know if there was a second investigations done that might've covered any allegations …

Witness:
Not to my knowledge ma'am.

Counsel:
No further questions.

[The witness was duly warned, dismissed and withdrew from the room.]

(b)(6)-1 [redacted] **U.S. Army, CID, was called as a witness for he Government, was sworn and testified as follows:**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel:
And you are a Special Agent with the CID, and you are stationed here at Camp Bucca?

Witness:
I was just transferred to Camp Arifijan.

Counsel:
That's right. I don't have any further questions for you. Please answer any questions that the defense may have.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-1 [redacted] on 14 May (b)(6)-1 [redacted] called you all together and said that she needed some help doing a bunch of interviews, right?

Witness:
Yes ma'am.

Counsel: (b)(6)-1, (b)(6)-1 (b)(6)-1
And it was you, [redacted] and an investigator from MI named [redacted]

Witness:
Yes ma'am.

Counsel:
And you all got together 37 personnel from a bus of EPWs, 37 EPWs that had been transported in on a bus together?

Witness:
Roughly ma'am yes.

Counsel: (b)(6)-4 (b)(6)-4
And of them you interviewed two, a [redacted] and an [redacted] correct?

Witness:
Yes ma'am.

Counsel: (b)(6)-4
[redacted] number is [redacted] if that's written in your AIR?

Witness:
If it is written it will be ma'am.

Counsel: (b)(6)-4
[redacted]s number is [redacted] if that's what's written in your AIR, correct?

Witness:
If it is, yes ma'am.

Counsel: (b)(6)-4
[redacted] said that he heard things but he couldn't see much on the bus because his head was down, right?

Witness:
Yes ma'am, that's usually the way they keep them.

Counsel:
And on the bus the MPs were screaming at the prisoners?

Witness:
Well that's what the person said that he was scream back at him.

Counsel:
say again?

Witness:
That's what he heard or that's the way the MP yell at him by screaming at him.

Counsel: (b)(6)-4
And moving on to [redacted], your AIR says he was pushed off the bus on his way out of the bus and he hit his head on the TV located on the ceiling of the bus.

Witness:
Yes ma'am.

Counsel:
And that's not exactly correct, right?

Witness:
But it is in a way correct because he was pushed but later…

Counsel:
Can you clarify what actually happened?

Witness:
Later on he hit his head he hit with the TV, but it was not because of the push it was just because he was going down.

Counsel:
So he may have been pushed but he hit his head on his own on the television later on when he got to the front of the bus?

Witness:
Yes, that's correct.

Counsel:
And again I'm still talking about prisoner (b)(6)-4 [redacted], he told you also about his brother had been injured but he was laying both of them were laying down at the time they were injured, correct? That the brother was injured?

Witness:
Yes.

Counsel:
And he couldn't see who it was because his head was down?

Witness:
Yes ma'am he just glimpsed and he cannot really identify who was the person that was beating him.

Counsel:
Also there's just a moment please...he told you that his shirt had been pulled off?

Witness:
Yes, it was taken off by being pushed back and forth by the MP or whoever it was.

Counsel:
You said that sometimes when somebody gets grabbed abruptly their shirt will come off?

Witness:
Yes.

Counsel:
That's what you said?

Witness: If that's what I ...

Counsel:
If that's what okay...Now you got the impression that (b)(6)-4 couldn't see very much... when this was all going on, correct?

Witness:
Well his head was down like I put in my AIR he just glimpsed and from that glimpse, I guess he gave me that information, but according to him that's what he saw that's what I wrote down.

Counsel:
When you first--Let's move on to a (b)(6)-4 you interview him and at first CID was thinking that an incident of abuse occurred on the bus, correct?

Witness:
Yes ma'am.

Counsel:
Because the bus had been pulled over...the bus had stopped at some point.

Witness:
No it just stopped for a little bit. We thought that along with the incidents that happened here also maybe there was an incident also when the bus stopped, but apparently, you know, that..

Counsel:
But you investigated that and found that there was the only reason that bus pulled over was for mechanical failure?

Witness:
Well that's what (b)(6)-4 told me ma'am. That's the only person I talked to about that.

Counsel:
Now one of the EPWs told me that told you that his brothe (b)(6)-4 told you that his brother had blood on his shirt.

Witness:
No, the person that told me that he saw blood on his shirt and his brother's T-shirt, pants, and face, that's what he said.

Counsel:
Now did you ask him what color the T-shirt was?

Witness:
No I did not ma'am.

Counsel:
But subsequently CID took up the search looking for that bloody shirt, correct?

Witness:
Yes we did.

Counsel:
And you looked in the rooms of these soldiers who are the subject of this investigation.

Witness:
Well not rooms they were the common area, ma'am.

Counsel:
And you didn't find any bloody shirt in fact you didn't you searched at least two areas and two facilities.

Witness:
Two or three ma'am.

Counsel:
And you found no bloody clothing belonging to the soldiers or otherwise?

Witness:
No ma'am.

Counsel:
What photos did you take as a part of this investigation?

Witness: (b)(6)-4
I think I took [redacted], the 17 or 18-year-old guy with the elbow, really bad, ...

Counsel:
Yeah he was now the elbow you at first thought that something had happened to that elbow, but then he explained to you that it was a childhood injury.

Witness:
Yes, he explained that it was like that before he even got to the camp, but apparently he told me that it was also kicked and because of that maybe it was a little bit worse. To what extent, I can't really say, you know, I'm not a doctor, but it was a little bit swollen and later on we took pictures of him, but, you know, it's not my call.

Counsel:
And what other pictures did you take in relation to this investigation?

Witness:
I can't recall his name ma'am but he was the one of the ones...all together I think I took four photos.

Counsel:
But only two EPWs. How many ...

Witness:
Four EPWs, ma'am.

Counsel:
Three EPWs?

Witness:
They're all EPWs all the ones that we took pictures of.

Counsel:
Did you take any other photos of anything crime scene, or anything in relation to this?

Witness:
No.

Counsel:
Investigation?

Witness:
No.

Counsel:
Now you tried to get some medical reports, didn't you?

Witness:
Yes I did, ma'am.

Counsel:
And you talk to (b)(6)-4 [redacted]

Witness:
Semiday yes, he was the commander at that time.

Counsel:
And he said that he hadn't treated anybody that night?

Witness: No he was not in that day.

Counsel:
And you also went to the Spanish doctor?

Witness:
Yes I did ma'am.

Counsel: (6)(6)-4
Now [redacted] said that usually he has medics on the line when EPWs are coming in at the in processing, right?

Witness:
Yes.

There's actually a medical tent?

Witness:
No not the medical tent. He said that sometimes, or supposedly, they send somebody out to the line to monitor who needs immediate attention, but I don't know, or he didn't know whether the person was in that area or not.

Counsel:
So there had been no reports made to him by his medics that anybody needed medical attention?

Witness:
No his medic didn't tell him anything.

Counsel:
Now you told me about a soldier, I'm sorry, an EPW that claimed he was kicked in the testicles. Do you know which EPW that was?

Witness:
He claimed, I didn't talk to him, one of my colleagues agent talked to him, so but the word was that yes one of them claimed that he was kicked in the groin area.

Counsel:
Do you know which EPW that was?

Witness:
The number, I don't have it, but it should be in the pictures.

Counsel:
And are you said that he has a very serious hemorrhoid problem?

Witness: Yes.

Counsel:
And you saw photographs of that?

Witness:
Yes ma'am.

Counsel:
And you also said that there's no way that you can cause that type of injury with a kick.

Witness:
Well, yes, at least that injury, because if you see you'll understand what I'm talking about. I also want to add that the injury it's not in the groin it's not by his testicles it's above kind of like above his the "copius" area, so it's not like by the testicles.

Counsel:
So he wasn't injured by his testicles?

Witness:
Whatever happened to his testicle I have no idea I just took the picture of that area.

Counsel:
Now the Spanish hospital used to keep a log in both English and Spanish?

Witness:
No they keep just Spanish.

Counsel:
Oh, just Spanish.

Witness:
Their log was in Spanish.

Counsel:
But they kept a log of who they treated?

Witness:
Yes it was just in Spanish

Counsel:
You don't have a copy of that log?

Witness:
No ma'am.

Counsel: Did anybody from CID to your knowledge try to get a copy of that log?

Witness:
No ma'am, I didn't think that, well he told me if I wanted to get maybe a copy of it…I cannot remember I know he mentioned something like that, but he said he was going to produce two reports of the two persons that he saw, so if he was going to give me a report I didn't see any need on getting a copy of that log.

Counsel:
So he treated two EPWs in that time frame?

Witness:
At least that's what he told me.

Counsel:
And the one was suffering from hemorrhoids he treated him for hemorrhoids?

Witness:
Yes he was admitted for a day.

Counsel:
And he was not treated for any damage to his testicles?

Witness:
I don't know that part ma'am I know he was treated for that other part, but for the testicle…

Counsel:
You got a medical report on this guy, correct?

Witness:
It should be in the case file, ma'am or the report.

Counsel:
And when CID….all total you gathered together a total of eight or so medical reports, is that correct?

Witness:
Six to eight, I'm not sure on the complete number like I said I collected them. It was hard for me to get them, so I got like two in the beginning then I got another two and then finally they produced the others but I'm not sure on the numbers. I collected them and gave it to the case agent to put in the case file.

Counsel:
Thank you. I don't have any more questions, but somebody else might.

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
If you looked at your AIR could you tell which is the guy with the hemorrhoids, would you know by the number?

Witness:
It would really hard to do right now.

Counsel:
No, okay, I got these medical record, can I show them to you and ask you what you know about them?...Were they explained to you when they were turned over?

Witness:
Were they explained to me?

Counsel:
Did the doctor tell you when he saw that individual?

Witness:
No ma'am it was supposed to be the same day that it happened, but I cannot tell you what exactly day unless it is on here.

Counsel:
And the only date that I see on there is 26 May.

Witness:
Yes that's the day that probably the commander signed it, ma'am.

Counsel:
Flip it over on the back and tell me if there's anything on that he talked to you about, and you could explain to me.

Witness:
Yes, this is the one that he explained to me what was the injury for. He said that prior to being there he was injured before, so.

Counsel:
Okay, so that pertains to the guy who had the previous injury?

Witness:
Yes.

Counsel:

And you don't know what day he was seen? Can't tell from ..

Witness:
No, it was the same day I just got the report and, like I said, I didn't went into detail 'cause it just happened …he just the guy said that he was hit that day. When he was seen I can't really tell you ma'am.

Counsel:
Did the doctor tell you anything else about these guy's conditions?

Witness:
No because see the person who gave me that report was the commander…he didn't treat him.

Counsel:
Thanks.

I/O:
Any further questions? [redacted] (b)(6)-2

Major [redacted] No, sir. Thank you.

[The witness was duly warned, dismissed and withdrew from the room.].

(b)(6)-1
[redacted] **U.S. Army, CID, was called as a witness for the Government, was sworn and testified as follows:**

DIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel: b6-1
SA [redacted] were you part of the investigation into allegations that prisoners had been abused on the 12th of May, on a bus from…well a busload of prisoners had been abused coming from an Nasariyah to Camp Bucca?

Witness:
Yes.

Counsel:
You were involved in that investigation?

Witness:
Yes, I was.

Counsel:
During the course of that investigation, did you take the statement of a [redacted] (b)(6)-5
[redacted]

Witness:
Yes I did.

The government had the statement and rights warning marked as Exhibit 11, showed it to the witness for identification. And there being no objection it was offered into evidence.

Counsel:
Did you also take a statement from one [redacted] (b)(6)-5

Witness:
Yes I did.

The government had the statement and rights warning marked as Exhibit 12, showed it to the witness for identification. And there being no objection it was offered into evidence.

Counsel:
Thank you. I don't have any further questions for you. Please answer any questions that defense counsel might have at this time.

CROSS- EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
(b)(6)-1 [redacted] you assisted in the search of the ten suspect's living areas correct?

Witness:
Yes I did.

Counsel: (b)(6)-4
And it was [redacted] that gave the authorization to search, right?

Witness:
Yes.

Counsel:
He authorized a search for clothing and boots, correct?

Witness:
No, he said he authorized just a search. There was no specification, at the time, and when we did the search it came out later that we were why we were actually searching.

Counsel:
So you said just do a search?

Witness:
Well, I was told that we were just doing a search and we were given authorization for a search.

Counsel: (b)(6)-4
Who, do you know which agent worked with [redacted] on the search authorization?

Witness:
I believe that was our SAC at the time.

Counsel:
There was no physical examination of the ten soldiers from the 320th, correct?

Witness:
Meaning medical, ma'am?

Counsel:
No physical...were the soldiers lined up?

Witness:
No ma'am.

Counsel:
Show me your hands...

Witness:
No.

Counsel:
To look for cuts, bruises, swollen knuckles, anything like that?

Witness:
No there wasn't.

Counsel:
You learned of the allegations of mistreatment when you went down to segregation, right?

Witness:
I'm not sure I understand your question ma'am.

Counsel:
Okay, the first time you talked to an EPW about mistreatment was when you took a trip down to segregation, right?

Witness:
That is correct.

Counsel:
But you weren't going down to segregation to talk to them about mistreatment, right?

Witness:
That is correct.

Counsel:
You went down to segregation to talk to a police captain, and a police major.

Witness:
That's correct.

Counsel:
Because something wasn't right about their capture tag number, is that what it was?

Witness:
No ma'am there was …that information when we do an investigation we would like to have all their information meaning full name, tag number, and place of birth, time of birth. We didn't have their place of birth so we went down there ma'am.

Counsel:
Okay, so you went down there to talk to them about something unrelated?

Witness:
No, it is related because it's part of the investigation, so it is related to it.

Counsel:
Your investigation to determine whether or not they were involved in war crimes, right?
Witness:
No.

Counsel:
Can you remember talking (b)(6)-2 [redacted] and I the last time we were here two weeks ago it was late at night like this, and you told me we didn't know anything about mistreatment until we went down there to try and get something else straightened out?

Witness:
Negative, I told you that we didn't know at the time that they were injured. That they were mistreated because at the time nobody had said anything during our canvas, if they're injured. But when we got there to get their information to fully ID them that's when they told us that they were one of the victims.

Counsel:
They told you that they were pretty pissed off about being placed in a metal CONEX with barbed wire, right?

Witness:
Right.

Counsel:
And you talked to them a little bit and told them, "we'll move you and then I'll come back to you later", right to get more details?

Witness:
We told them that they would be moved because we were having a compound made for officers.

Counsel:
After you talked to them you went down to compound 8 to talk to some of the other people that had been on the bus, right?

Witness:
Yes, we were still trying to get full identification on some of the ones that we did not have.

Counsel:
And when you went down to compound 8 you talked to every body in a group, right?

Witness:
Well they all crowd around when…

Counsel:
When you guys got there they all came up to the wire?

Witness:
Right, yes.

Counsel:
And at that point the EPWs started pushing people forward?

Witness:
At that point they'd indicated that there were people that were injured and it was during the time that when they came that they were injured.

Counsel:
So people that were injured were pushed forward?

Witness:
They were brought to us they weren't pushed over, because of the pain of their injuries, they were actually brought to us.

Counsel:
The EPWs brought them to you, right?

Witness:
Correct.

Counsel:
Then after that, I don't know if you'd call that a canvas, but after that...after that event you guys went back and talked to all 44 over again, right?

Witness:
I did not.

Counsel:
The work was divided amongst...

Witness:
Amongst the agents, yes.

Counsel:
Right and all 44 were talked to a second time?

Witness:
That is correct.

Counsel:
So you didn't talk to them so you're not sure who went back and did that second...

Witness:
Yes.

Counsel:

Or whether they were interviewed individually or in a group, wouldn't know?

Witness:
No.

Counsel:
When you went down to talk to the police major and captain did you go by yourself?

Witness:
No.

Counsel:
Who was with you?

Witness:
[redacted] (b)(6)-1

Counsel:
You were also involved in the crime scene investigation, correct?

Witness:
Yes.

Counsel:
You went out with [redacted]? (b)(6)-1

Witness:
Yes ma'am.

Counsel:
And there were some soldiers that were present at the crime scene, right?

Witness:
Yes ma'am.

Counsel:
Can you remember who was there?

Witness: (b)(6)-4; (b)(6)-4 (b)(6)-4
[redacted], and [redacted]

Counsel: (b)(6)-4
[redacted] and you did a crime scene sketch, right?

Witness: Yes ma'am.

Counsel:
You didn't put them on the sketch did you?

Witness:
No.

Counsel:
'Cause they pointed out to you where they had been standing that night, right?

Witness:
Yes.

Counsel:
Kinda walked you through what happened?

Witness:
Correct.

Counsel:
But they were not placed on the sketch, so you can look back and say, "Hey, this is what they told us"?

Witness:
No I did not place them on the sketch, ma'am.

Counsel:
And they didn't give you a second statement when they were out there with you clarifying where they were standing or anything like that?

Witness:
No, they pretty much said the exact same thing that was on their statement.

Counsel:
Thank you, no further questions.

[The witness was duly warned, dismissed and withdrew from the room.]

DIRECT EXAMINATION

(b)(6)-1

[redacted], U.S. Army Reserve, was called as a witness for he Government, was sworn and testified as follows:

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel: What are your duties here?

Witness:
I am the 800th MP S1 Forward responsible for in processing and out-processing operations for all EPWs

Counsel:
And how long have you held that position?

Witness:
Since the end of March.

Counsel:
And you are a Military Police Officer, is that correct?

Witness:
That's correct.

Counsel:
How long have you been a military police officer?

Witness:
I've been in an MP unit for 14 years MOS qualified for 3 years.

Counsel:
Now do you remember the night of May the 12th?

Witness:
Yes I do.

Counsel:
Were you on duty at the holding area that night?

Witness:
Yes I was.

Counsel:
Did you have anything to do with the busload of prisoners that came from An Nasiriyah that night?

Witness:
As far as in processing I did, yes.

Counsel:
Okay, what did you have to do with that busload of prisoners?

Witness:
Well, of course, as the prisoners are done being searched and segregated, they're brought down to my line where they're in processed into the Detainee Reporting System.

Counsel:
When you were working that night and the busload came in did you see those prisoners as they came into your area?

Witness:
Yes I did.

Counsel:
Did you notice anything about those prisoners?

Witness:
Yes.

Counsel:
What did you notice?

Witness:
One in particular had a broken nose it was split open and he was bleeding.

Counsel:
So it was a fresh injury?

Witness:
Yes.

Counsel:
Did you notice anything else about any of the other prisoners?

Witness:
They seemed to be hobbling quite a bit and in pain. But nothing else.

Counsel:
Did anyone come to you and report any behavior regarding the soldiers that had escorted these prisoners?

Witness:
Yes.

Counsel:
Who came and talked to you?

Witness:
Well one of the prisoners did.

Counsel:
And I suppose that prisoner talked to you through an interpreter?

Witness:
Correct.

Counsel:
What did that prisoner communicate to you?

Witness:
That he was beat up by a US soldier, female and kicked.

Counsel:
Did anyone else report anything to you about the actions of the escorting Military Police Officers?

Witness:
Yes, the DOD MI interrogator did as well.

Counsel:
And who is that person?

Witness: [redacted] (b)(6)-4

Counsel:
Is that [redacted] (b)(6)-4

Witness:
Yes.

Counsel:
Did anyone else report anything to you?

Witness:
Yes, they did.

Counsel:
Who else?

Witness: [redacted] (b)(6)-4

Counsel: (b)(6)4
[redacted] from the 223rd MP Company?

Witness:
That's correct.

Counsel:
What did he tell you?

Witness:
He wanted to let me know that there was an incident that had happened as the group got off the bus, that he was very uncomfortable with it, and it was definitely they had crossed the line.

Counsel:
Did he say who it was that had crossed the line?

Witness:
He said 320th soldiers…he didn't get into any other specifics.

Counsel:
Now was there anyone else that came and talked to you?

Witness:
Yes.

Counsel:
Who else?

Witness:
The First Sergeant for the 314th MP Company.

Counsel:
And what's his name?

Witness:
I can't recall…I'll remember in a minute.

Counsel:
Did you know him at the time?

Witness:
Yes.

Counsel:
And you know him?

Witness:
Yes, I know him.

Counsel:
You just can't remember his name?

Witness:
Exactly.

Counsel:
What did he tell you?

Witness:
He actually flagged me down and at the end of the evening and wanted to let me know that his soldiers had reported to him an incident with the bus. And that they felt very uncomfortable with it and it was on the border.

Counsel:
Now, with all this information that you had been given what did you do with it?

Witness:
I reported it up through my chain of command.

Counsel:
And when did you do that?

Witness:
At 8 o'clock the next morning.

Counsel:
What time was this when all these reports were coming in to you?

Witness:
It was between the time of about 2300 until midnight.

Counsel:
And between midnight and 8 o'clock the next morning what were you doing?

Witness:
Sleeping.

Counsel:
So you slept and then you reported this incident immediately?

Witness: Yes.

Counsel:
And you said that you've been MOS qualified as an MP for three years…

Witness:
And part of an MP unit for 14 years.

Counsel:
Are you familiar with soldier's obligations towards prisoners?

Witness:
Absolutely.

Counsel:
What are the duties of American soldiers towards prisoners?

Witness:
Well of course every soldier in the military is trained in the 5 "S"s, and then of course any Internment resettlement battalion or unit is trained towards AR 190-8, which specifically talks about safeguarding, caring and accountability of EPWs.

Counsel:
And what about prisoner's obligations to the soldiers that are guarding them. Do prisoners have to obey soldiers that are guarding them?

Witness: (b)(6)-4
Yes they do--[redacted] his name--the First Sergeant his name is (b)(6)-4 [redacted].

Counsel:
I have no further questions. Please answer any questions that the other defense counsel may have for you.

CROSS- EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel:
Ma'am you said you are the OIC of in processing?

Witness:
That's correct.

Counsel:
Whose responsibility is it for unloading prisoners from the bus?

Witness:
That would be the MPs.

Counsel:
Which MPs?

Witness:
In the holding area.

Counsel:
The holding area MPs?

Witness:
That's correct, or actually the escorts then the holding area MPs will come and escort them back after they're segregated.

Counsel:
So the escorting MPs are supposed to take them off the bus?

Witness:
They typically, yes.

Counsel:
Is it clearly somebody's responsibility?

Witness:
Yes.

Counsel:
And it's clearly the responsibility of the escorting MPs?

Witness:
Yes. I'm not responsible for them so you can look at their SOP.

Counsel:
It's your understanding that it's their job to get them off the bus?

Witness:
That's correct.

Counsel:
Is there an SOP that kind of coordinates what the escorting units are doing with what the in-processing folks are doing?

Witness:
Yes.

Counsel:
Is there a requirement that the escorting MPs call the in-processing center before they arrive, to let you guys know that they are coming?

Witness:
Typically yes. The TOC will call, but everyone knows that there's a mission and an estimated time of arrival.

Counsel:
How would you get that information?

Witness:
From their mission board. Their chain of command would brief them, the 320TH.

Counsel:
The in-processing soldiers would be briefed by who?

Witness:
Are you talking about the MPs?

Counsel:
Yes.

Witness:
Their chain of command.

Counsel:
Did you know that these guys were kind of caught by surprise on the twelfth of May, the in-processing guys?

Witness:
No I didn't.

Counsel: (b)(6)-4
You said you talked to a [redacted] right?

Witness:
That's correct.

Counsel: (b)(6)-4
Didn't talk to [redacted]?

Witness:
No I didn't.

Counsel: (b)(6)-4
Or [redacted]?

Witness:
No.

Counsel:
Or any of the soldiers who were actually on the ground working with the 320TH?

Witness:
No.

Counsel: (b)(6)-4
And [redacted] told you that they didn't want to make a report, right?

Witness:
They wanted to make sure that I knew that they preferred not to make an official report.

Counsel:
Because the conduct that they saw was on the border?

Witness:
They were very uncomfortable with it and they wanted to make sure it didn't happen again. They felt a loyalty to a fellow MP.

Counsel:
His words to you was that the conduct was on the border line of acceptable behavior?

Witness:
Yes.

Counsel:
You have a system by which you keep track of the EPW's that you have down at the IF, right?

Witness:
Yes.

Counsel:
And you can type an EPW's number and their picture will pop up and some of their information as well, correct?

Witness:
That's correct.

Counsel: Can you tell me, the pictures that you see, when are they typically taken?

Witness:
Right at the time they are in-processed.

Counsel:
I'm not sure about the system ma'am. If you type in somebody's number and it says no photo available, why might that be?

Witness:
There can be a variety of reasons. We might have to go to a different database to locate it. Photos take up a lot of space so sometimes they're stored separately.

Counsel:
Is there another database that has old photos?

Witness:
Sure, I could get you a photo. Plus we have records of everybody that came in with their photo.

Counsel:
Thank you ma'am.

Questions by the defense counsel: (b)(6)-2 [redacted]

Counsel:
The area where this all happened is plowed down now, and it's my understanding that the barbwire lane or chute that goes down to another barbwire area with an in-processing tent in it called the holding area. Does that sound right to you?

Witness:
That's correct. There's a reception area where they would be held until they're ready to be in-processed. And then there would be an area where they would walk down to the in-processing tent.

Counsel:
Is it normal to let them sleep in that area at night?

Witness:
It would depend on how many, of course, because you can, you know--at that time, we'd in-processed over eight thousand prisoners.

Counsel:
You normally in-process people at night, arriving that late?

Witness:
At the time, we were working 24/7.

Counsel:
And were any in-processed that night?

Witness:
I don't recall if they were that night, or first thing in the morning. I'd have to check.

Counsel:
Are there usually medics there at that reception area?

Witness:
Yes.

Counsel:
Were there medics there that night?

Witness:
There were definitely medics there that night.

Counsel:
Do you recall who they were?

Witness:
No I don't, but I know because they went and got one.

Counsel:
I don't think I have any more questions.

I/O:
Anyone else from the defense?

Counsel:
No, sir.

I/O:
[redacted]? (b)(6)-2

[redacted] (b)(6)-2
No, sir.

Questions by the Investigating Officer: [redacted] (b)(6)-2

I/O: (b)(6)-1
[redacted] you indicated that one of the EPW's had a split nose and was bleeding?

Witness: Yes sir.

I/O:
Did that EPW receive any medical treatment that night?

Witness:
Yes he did.

I/O:
From one of the medics there?

Witness:
I believe he did because I sent somebody to get the medic to make sure they got medical attention. I personally didn't check so I'm assuming that he did.

I/O:
So you're not sure what treatment he actually received, is that correct?

Witness:
That's correct.

I/O: (6)(6)-4 [redacted] he's the First Sergeant of the 314TH MP Company?

Witness:
Yes, sir.

I/O:
And he approached you and wanted you to know that there was some borderline activity or incidents that had taken place that night, but he didn't want to make an official report, is that correct?

Witness:
He was visibly upset sir. He said that the EPW's were roughed up pretty bad, but they felt uncomfortable making an official complaint. I wasn't too concerned because there were so many other complaints. I did tell him that I would report it to his chain of command, which I did.

I/O:
Did he indicate whether he had firsthand knowledge of this or was this information that had been passed along to him from his soldiers?

Witness:
I believe it came from his soldiers, sir.

I/O:
Did he indicate who?

Witness:
No he didn't.

I/O:
Did he go into any type of detail with regard to what the activity was that caused them this concern?

Witness:
No he didn't go into specifics----

I/O:
He just said that his soldiers were upset by what they saw?

Witness:
They were very upset. They were concerned and they wanted to make sure that I knew so we can make sure it doesn't happen again.

I/O:
He didn't offer to bring these soldiers to you?

Witness:
No.

I/O:
Did you inquire into any more detail about that, in terms of who these soldiers were or what the information was, or activity was?

Witness:
I didn't sir, because I already knew. And there was enough--I mean I personally talked to the EPW's, so I didn't.

I/O: (b)(6)-4
And Sergean[redacted] approached you as well to that night?

Witness:
Yes sir.

I/O:
Was he the first one who had approached you?

Witness:
I believe he was.

I/O:
He had told you that 320TH soldiers had crossed the line.

Witness:
Yes, sir, absolutely.

I/O:
Did he go into any detail?

Witness:
No. He said they had roughed up and, basically, beaten up the EPW's. I told him I'd be reporting it, just so he knew, and he understood.

I/O:
Was it your assumption that probably with these reports, that there would be a further investigation into the details of that--of those incidents would come out at that point?

Witness:
I assumed there would be a 15-6, sir. I didn't know the extent that evening of the incident.

I/O:
Did you see any other injuries on any other EPW's that caused you concern, or raised doubts in your mind?

Witness:
Oh I did. I did. One of them was on crutches. He had a hard time walking. I know another one wanted to talk to me too. What I did was, instead of talking to all of them, I apologized on behalf of the 800TH and assured them they wouldn't be harmed again at Camp Bucca, and that I would get them medical treatment. That was the conclusion.

I/O:
I don't have any further questions.

Questions by the defense: [redacted] (b)(6)-2

Counsel: (b)(6)-2
Did the [redacted] he didn't specifically say 320TH soldiers? He just said the EPW's were roughed up that night, or the EPW's --he was uncomfortable with the way the escorts----

Witness:
No he said the 320TH.

Counsel:
He specifically said 320TH?

Witness: Yes he did.

Counsel:
But he didn't name any?

Witness:
No he didn't.

Counsel:
Thank you.

I/O: (b)(6) 1
Any further questions? [redacted] thank you.

[The witness was duly warned, dismissed and withdrew from the room.]

I/O: [redacted] (b)(6)-2 do we have any other witnesses?

[redacted] (b)(6)-2
Not tonight sir.

I/O:
Does that exhaust the witness list or do you anticipate more witnesses being called tomorrow?

[redacted] (b)(6) 2
Well sir. I think we need to have an Admin meeting about that. We don't have any more witnesses here at Camp Bucca. The Government doesn't have any more. I don't know if the Defense requests any more at Camp Bucca. I mean I know that there are more witnesses----

I/O:
Let's go off the record and we'll discuss the proceedings from here.

[The Article 32 hearing held with witnesses at Camp Bucca, Iraq recessed at 2230 hours, 29 August 2003.]

[The Article 32 hearing held with witnesses at Camp Doha, Kuwait reconvened at 0800 hours, 01 September 2003.]

DIRECT EXAMINATION

(b)(6)-4 [redacted], **U.S. Army, was called as a witness for the government, was sworn and testified as follows:**

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
You are [redacted] is that correct?

Witness:
Yes sir.

Counsel:
You're currently assigned to the 320TH MP Battalion?

Witness:
Yes sir.

Counsel:
And where is the 320TH stationed right now?

Witness:
In Baghdad.

Counsel:
Do you recall the night of twelfth May of this year?

Witness:
Yes.

Counsel: (b)(6)-5
On that evening, you remember a conversation that your husband had with [redacted] in your presence?

Witness:
We didn't have it with her, but she was in there talking about it.

Counsel: (b)(6)-5
Did you hear what [redacted] had to say?

Witness:
Yes.

Counsel:
Could you tell the investigating officer what she had to say?

Witness: (b)(6)-5
She was talking about their mission and how they had escorted some prisoners. When they got them off the bus, [redacted] had to--he flipped a prisoner. [redacted]
(b)(6)-5 [redacted] had to put a prisoner on the ground forcefully because the prisoners had twisted his wrist. And she was talking about the three females, they had the prisoners who raped
(b)(6)-3 [redacted] and the prisoners didn't like what they were doing to them.

Counsel:
When you talk about the three females, who are the three females you are referring to?

Witness:
She never gave names, but the only three females we knew that were on the mission were Sergeant Girman, [redacted] and [redacted] (b)(6)-4
(b)(6)-5

Counsel:
When you said the EPWs didn't like what happened to them, what happened to the EPWs?

Witness:
All she said is they were kicking them. She didn't specify where.

Counsel:
After that incident, did Master Sergeant Girman ever approach you or your husband in your presence?

Witness:
She did. When we were sitting outside the ALOC she approached us. She advised my husband to get an attorney. CID wanted to question him again. She said to get an attorney because they were going to do a lie detector.

Counsel:
Did she ever ask your husband questions about that night?

Witness:
She asked him what he saw. He said nothing. She winked and said that's right.

Counsel: (b)(6)-4
[redacted] that's all I have for you right now, but answer any questions the defense counsel might have for you.

CROSS-EXAMINATION

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
[redacted] you said she was bragging about what happened on the night of the twelfth, correct?

Witness:
I don't know if it was bragging, sir. She was smiling and just started talking about it.

Counsel:
Later on you said that your husband told you that he had bragged that he had kneed or kicked one of the prisoners in the leg or the testicles, on the bus, correct?

Witness:
He told me that after he made a statement. I didn't know about that until…we were in Arifjan when he told me about that.

Counsel:
He told you the reason he said that is because he didn't want to seem like a wimp, correct?

Witness:
Yes sir.

Counsel: (b)(6)-5
And you said that when [redacted] came in, she said that the females did something to the guy that raped [redacted] (b)(6)-3.

Witness:
Yes sir.

Counsel:
And that he didn't like what they were doing to them.

Witness:
The prisoner didn't like what they were doing to him.

Counsel:
And you said that she did not mention the names of the females, correct?

Witness:
No she did not.

Counsel:
You just assumed that she meant the three females from the 320TH?

Witness:
Yes sir. We didn't find out that there was another female on the mission so, like a week afterwards, we knew that there was another female on the mission.

Counsel:
She never clarified exactly who she was talking about, correct?

Witness:
No sir.

Counsel:
And you made a sworn statement in front of [redacted] (6)(6)-2 on thirteen June, is that right?

Witness:
Somewhere in there, sir. I'm not sure what day it was.

Counsel:
Okay. In that statement you said that [redacted] (6)(6)-5 said that Master Sergeant Girman, [redacted], and [redacted] had to take the EPW that had raped [redacted] (6)(6)3 and the EPW did not like what they were doing to him.

Witness: (6)(6)-4 (6)(6)-5
Yes sir.

Counsel:
But that's not exactly what was said, correct?

Witness:
No sir. I said that and then I told [redacted] (6)(6)-3 that I assumed that she meant the three females, and then I said the three females names.

Counsel:
And what was told to you was three females, correct?

Witness:
Yes sir.

Counsel:
And were you present the entire time that [redacted] (6)(6)-5 was speaking in the tent?

Witness:
Yes sir.

Counsel:
And you said that they were kicking him, but she did not say where he was being kicked?

Witness:
Correct.

Counsel:
I don't have any other questions for you. Some of the other defense counsel may have questions.

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
[redacted] you said you saw your husband right after he finished his detail, right?

Witness:
Yes ma'am.

Counsel:
And he didn't look upset, did he?

Witness:
Not really ma'am.

Counsel:
He was tired?

Witness:
Yes ma'am.

Counsel:
He told you some other things that happened on that trip, didn't he, such as the EPWs on the bus were looking out the window even thought they were told not to?

Witness:
Yes ma'am.

Counsel:
And he also told you that they were disobeying orders not to look up and they were actually looking at [redacted], correct?
(b)(6)-5

Witness:
Yes ma'am.

Counsel: And that [redacted] was the NCOIC on the bus?
(b)(6)-4

Witness:
Yes ma'am.

Counsel:
And she had to yell at them to make them comply with the rules of the bus?

Witness:
Yes ma'am.

Counsel:
And did she tell you that the prisoner that (b)(6)-4 and (b)(6)-5 had to put on the ground…she did say that they had to do it because he twisted (b)(6)-5 wrist?

Witness:
Yes ma'am.

Counsel:
And did she also tell you that he was six feet tall, weighing over two hundred seventy pounds?

Witness:
No ma'am she did not.

Counsel:
Did she tell you that that prisoner broke his hand restraints while they were escorting him?

Witness:
No ma'am.

Counsel:
Did she tell you tha (b)(6)-4 pushed the prisoners head down to try to gain control of him before they put him on the ground?

Witness:
No ma'am.

Counsel:
She tell you that the EPW pushed his head back up and kicked (b)(6)-4 ankle?

Witness:
No ma'am.

Counsel:
And then that's when had to go assist (b)(6)-4
(b)-(6)-5

Witness:
No ma'am.

Counsel:
Thank you I have no more questions.

Questions by the defense counsel: [redacted] (b)(6) 2

Counsel: (b)(6) -4
Your husband, [redacted], was sent down to Arifjan, right?

Witness:
Yes ma'am.

Counsel:
You remember when he was sent down to Camp Arifjan?

Witness:
I think it was the beginning of June, I'm not sure exactly when it was.

Counsel:
Before he went down to Arifjan, you talked about the escort mission and what happened on the bus, right?

Witness:
Briefly. We never got into it.

Counsel:
He told you that he didn't assault anybody?

Witness:
Right.

Counsel:
He didn't do anything and he didn't see anything.

Witness:
Yes ma'am.

Counsel:
Then he was sent down to Arifjan, right?

Witness:
Yes ma'am.

Counsel:
After he left, you went and talked to CID, right?

Witness:
Yes ma'am.

Counsel:
When you went to talk to CID, CID told you that your husband was lying?

Witness:
They told me that everybody was lying.

Counsel:
So everyone involved in the escort mission was lying.

Witness:
Yes ma'am.

Counsel:
And they told you that your husband was involved in what happened?

Witness:
Yes ma'am.

Counsel:
Or your husband had seen what happened?

Witness:
Yes ma'am.

Counsel:
And that he had lied to them about it?

Witness:
Yes ma'am.

Counsel:
And that they were going to make sure that everybody that was involved in the escort mission was going to go to jail, right?

Witness:
Yes ma'am.

Counsel:
You were pretty concerned about your husband at that point, right?

Witness:
Yes ma'am.

Counsel:
You called him on the phone to find out what was going on, right?

Witness:
Yes ma'am.

Counsel:
You were upset because you thought he wasn't truthful with you?

Witness:
Yes ma'am.

Counsel:
So the two of you argued a little bit about what CID told you versus what your husband had originally told you, right?

Witness:
Yes ma'am.

Counsel:
And you told your husband we need to go back and think about what you remember from that night, right?

Witness:
Yes ma'am.

Counsel:
We need to go back and try and think about the details of what happened?

Witness:
Yes ma'am.

Counsel: (b)(6) - 2
About a week or two later, you talked to [redacted] one of the prosecutors in this case, right?

Witness:
Yes ma'am.

Counsel:
He came to see you in Camp Bucca?

Witness: Yes ma'am.

Counsel:
And he told you that he reviewed your husband's statement, right?

Witness:
Yes ma'am.

Counsel:
And then you gave him a sworn statement, correct?

Witness:
Yes ma'am.

Counsel:
After you gave him that sworn statement, your husband came back up to Camp Bucca, right?

Witness:
It was about two or three weeks later that he came back up, ma'am.

Counsel:
Thank you [redacted]. (b)(6)-4

Questions by the defense counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-4
[redacted] I want to talk to you a little bit about the conversation that your husband and yourself had with Master Sergeant Girman. You said that you were at the ALOC and she approached you in the truck?

Witness:
Yes ma'am.

Counsel:
And she said to your husband that CID wanted to interview him again?

Witness:
Yes ma'am. She said that CID wanted to interview all of them again, ma'am.

Counsel:
All of them again?

Witness:
Yes ma'am.

Counsel: And she told your husband that he aught to get an attorney, correct?

Witness:
Yes ma'am.

Counsel:
This is not the first person that told you he needed to get an attorney.

Witness:
No it was not, ma'am.

Counsel:
The Sergeant Major of your unit was telling him to get an attorney?

Witness: (b)(6)-4
[redacted]...mostly the corrections officers and the police officers, and some of the lawyers were the ones that were saying to get an attorney before they talk to CID again.

Counsel:
Okay, so this was nothing out of the ordinary? This is what everybody else had been saying, that he should get an attorney.

Witness:
Yes ma'am.

Counsel:
As a matter of fact, all of his leadership was advising all of these individuals to get an attorney, correct?

Witness:
Yes ma'am.

Counsel:
So your husband was not at all concerned, or you, about this comment?

Witness:
No ma'am.

Counsel:
Now, after she said that, then she asked him what he saw that night, correct?

Witness:
Yes ma'am.

Counsel:
And he said he had seen nothing, correct?

Witness:
Yes ma'am.

Counsel:
That is what he had told you all along, correct?

Witness:
Yes ma'am.

Counsel:
And that is actually what he'd put in his statement to CID, that he saw nothing, correct?

Witness:
Yes ma'am.

Counsel:
That was the end of the conversation, correct?

Witness:
Yes ma'am.

Counsel:
Weren't concerned at all about this conversation.

Witness:
Not at all.

Counsel:
It was a non-event to you.

Witness:
Yes ma'am.

Counsel:
Neither you or your husband ever felt that there was any sort of pressure being put on you to say anything different.

Witness:
No ma'am.

Counsel:
Thank you.

I/O:
Re-direct?

REDIRECT EXAMINATION

Questions by the trial counsel: [redacted] (b)(6) 2

Counsel: (b)(6) -4 [redacted] back on that conversation that occurred near the ALOC…about the other folks that advised your husband to get lawyers, did they ever come up to your husband and say you've seen nothing right?

Witness:
No not at all.

Counsel:
When they told him to get a lawyer and say that you've seen nothing right, did they wink at him?

Witness:
No sir.

Counsel:
Okay. You were not on the bus coming back from Tallil to Camp Bucca?

Witness:
I was not on the mission.

Counsel: (b)(6) -5
When [redacted] came in to talk to your husband on the night of the mission, what was her mood when she described what happened on the mission?

Witness:
She was just smiling. She didn't really have a mood.

Counsel:
That's all I have sir.

I/O:
Anyone on the defense?

Defense counsel:
No, sir.

Questions by the Investigating Officer: (b)(6) -2 [redacted]

I/O: (b)(6)-4 [redacted], Master Sergeant Girman came up to your husband and advised him to get an attorney, at a later time after the mission?

Witness:
Yes sir.

I/O:
And then it was Master Sergeant Girman that asked your husband if he had seen anything; he said no; she said that's right and winked at him, according to your story?

Witness:
Yes sir.

I/O:
Okay. Your husband said at some point that he had kneed and kicked an EPW on the bus, is that correct?

Witness:
Afterwards, yes sir. He said that.

I/O:
And he said that…?

Witness: (b)(6)-5
He said it to [redacted] wanting her to think that he wasn't a wimp.

I/O:
When did that exchange take place?

Witness:
I'm not sure when that happened, sir. I wasn't there.

I/O:
When did you find out about that?

Witness:
I found out when he was in Camp Arifjan.

I/O:
Some time later?

Witness:
Yes sir.

(b)(6)-5
I/O:
I understand that [redacted]'s prisoner…there seemed to be some justification for his action, is that correct?

Witness: (b)(6)-5 [redacted] said that (b)(6)-5 [redacted] had his wrist twisted. That's why they had to force the prisoner on the ground.

I/O:
And then there were some other circumstances as well?

Witness:
I didn't know about them sir.

I/O: (b)(6)-5
Okay. Did you ever talk to [redacted] or Sergeant Girman, besides the conversation that you indicated here?

Witness:
We talked a lot. We never talked about the case. Just talked as friends, and as an NCO.

I/O:
Ever spoken with any of the other accused or any other members of your Battalion with regard to this incident?

Witness:
No sir.

I/O:
No one's come to you with information, besides what you've indicated here?

Witness:
No sir.

I/O:
Anyone else have further questions?

Questions by the trial counsel: [redacted] (b)(6)-2

Counsel: (b)(6)-5
Do you remember [redacted] say anything about (b)(6)-5 [redacted]?

Witness:
Just that he had flipped a prisoner.

Counsel:
That's all I have.

I/O: Anyone else? (b)(6)-4 [redacted] thank you.

[The witness was duly warned, dismissed and withdrew from the room.]

DIRECT EXAMINATION

(6)(6)-4 **U.S. Army Reserve, was called as a witness for the government, was sworn and testified as follows:**

Questions by the trial counsel: (6)(6)-2

Counsel:
You are (6)(6)-4

Witness:
Yes sir.

Counsel:
Currently assigned to the 320TH MP Battalion?

Witness:
Yes sir.

Counsel:
Where is the 320TH stationed right now?

Witness:
Abu Garab prison, twenty miles southwest of Baghdad.

Counsel:
Do you recall the mission to pick up prisoners on the twelfth of May?

Witness:
Yes sir.

Counsel:
On that mission, on the return trip from Talil, where were you?

Witness:
I was the unloader on the bus, the loader/unloader position.

Counsel:
How did the EPWs behave on the bus ride back?

Witness:
We had some minor incidents such as talking, looking out the window. We had one guy who wanted to stretch out his legs. We had one person look at (6)(6)-5
That was corrected by (6)(6)-4 and (6)(6)-4

Counsel:
There was no fighting on the bus?

Witness:
No.

Counsel:
I'm sorry, could you speak up.

Witness:
I apologize. We had some minor incidents such as talking, looking out the window. We had one guy who wanted to stretch out his legs. We had one person look [redacted] (b)(6)-5 [redacted] That was corrected by [redacted] and [redacted]
(b)(6)-4 (b)(6)-4

Counsel:
When they were corrected, how did they respond to the corrections?

Witness:
The only one that kept repeating his problem was the one that kept stretching his legs across the line. Everyone else seemed to have fallen in line.

Counsel:
I'll take you now to the unloading of the bus at Camp Bucca. Could you describe that process for us?

Witness:
The bus pulled up to the in-processing area. Everyone got off the bus except for me. My job was to unload the prisoners from where they were seated and hand them off to Sergeant [redacted] who was waiting at the bottom of the stairs.
(b)(6)-4

Counsel:
You performed this task for the entire unloading of the bus?

Witness:
Yes sir. My whole job was on the bus.

Counsel:
As you are doing this job, could you see outside?

Witness:
No sir. The windows were closed. The only time I peeked out was when I stuck my head out the door.

Counsel:
Could you hear anything?