COURT-MARTIAL RECORD

NAME KROL, ROMAN SPC

SSN [redacted] (b)(7)(C)-5, (b)(6)-5

ACTIONS CODED:
INITIAL AUG - 5 2005
ACCA
FINAL

ASSIGNED TO:
PANEL 4
EXAM. DIV.

COMPANION(S): SEE REVERSE SIDE

RETURN THIS FILE TO:

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
901 NORTH STUART STREET, SUITE 1200
ARLINGTON, VA 22203-1837

VOL I OF I VOL(S)

ARMY 20050179

B

JALS-CC FORM 24, 1 OCTOBER 2000

015546

JUL 28 2005

20050179

UNITED STATES ARMY JUDICIARY
901 NORTH STUART STREET
ARLINGTON, VIRGINIA 22203-1837

U N I T E D S T A T E S

v.

SPC ROMAN KROL
[redacted] (b)(7)(C)-5
(b)(6)-5

ARMY 20050179

REFERRAL AND DESIGNATION
OF COUNSEL

1. The record of trial in this case having been received for review pursuant to Article 66(b), Uniform Code of Military Justice, the record is, by authority of The Judge Advocate General, hereby referred to the United States Army Court of Criminal Appeals for appellate review. Pursuant to assignment procedures approved by the Chief Judge, the record is assigned to the Panel indicated below.

2. Pursuant to Article 70(c)(1), Uniform Code of Military Justice, the Chief, Defense Appellate Division, and such additional or other appellate counsel as he may assign, shall represent the accused in these proceedings and in any further or related proceedings in the United States Court of Appeals for the Armed Forces. The Chief, Government Appellate Division, and such additional appellate counsel as he may assign, shall represent the United States.

Date: 28 July 2005

PANEL 4

FOR THE CLERK OF COURT:

[redacted] (b)(7)(C)-2
(b)(6)-2
Paralegal Specialist (b)(7)(C)-2
(b)(6)-2

DISTRIBUTION:
JALS-DA
JALS-GA

GOVT APPELLATE DIV
2005 JUL 28 P 12:19

DEFENSE APPELLATE
DIVISION/USALSA
2005 JUL 28 P 12:22
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Volume 1 of 1
ORIGINAL
[Allied papers, ROT pgs. 1-97, and all exhibits]
Verbatim [1]

RECORD OF TRIAL [2]

(and accompanying papers)

of

KROL, Roman	[redacted] (b)(7)(C)-5 (b)(6)-5	Specialist
(Name, Last, First, MI)	*(Social Security Number)*	*(Rank)*
Headquarters and Headquarters Company, III Corps,	U.S. Army	Victory Base, Iraq APO, AE 09342
(Unit/Command Name)	*(Branch of Service)*	*(Station or Ship)*

By

SPECIAL COURT-MARTIAL

Convened by COMMANDER
(Title of Convening Authority)

III Corps
(Unit/Command of Convening Authority)

Tried at

Fort Hood, Texas 76544 *(Place or Places of Trial)* **on** 1 - 2 February 2005 *(Date or Dates of Trial)*

COMPANION CASE(S):

SPC Megan M. Ambuhl – ARMY 20041130 – referred Clerk of Court 01-13-05
SSG Ivan L. Frederick – ARMY 20041129 – CMCR
SPC Jeremy C. Sivits – ARMY 20040551 – P.4
SGT Javal S. Davis – ARMY 20050180 - CMCR
SPC Charles A. Graner – ARMY 20050054 - CMCR
SPC Sabrina D. Harman – ~~No Case Record~~ ARMY 20050597-CMCR
SPC Armin J. Cruz – ARMY 20040973 – P.4
PFC Lynndie R. England – No Case Record

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2005 JUL 25 P 2:31
US ARMY JUDICIARY

1 Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)
2 See inside back cover for instructions as to preparation and arrangement.

CHRONOLOGY SHEET[1]

In the case of U.S. v. Specialist Roman Krol
(Rank and Name of Accused)

Date of alleged commission of earliest offense tried: 25 October 2003
(Enter Date)

Date record forwarded to The Judge Advocate General: [2] _____
(Enter Date)

(b)(7)(C)-2, (b)(6)-2 [redacted] LTC, JA, Chief, Criminal Law Division

(b)(7)(C)-2, (b)(6)-2 [redacted]
(Signature and Rank of Staff Judge Advocate or Legal Officer)

1 In a case forwarded to the Judge Advocate General, the staff judge advocate or legal officer is responsible for completion of the Chronology Sheet. Trial counsel should report any authorized deductions and reasons for any unusual delays of the case.

2 Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112)

3 In computing days between two dates, disregard first day and count last day. The actual number of days in each month will be counted.

4 Item 1 is not applicable when accused is not restrained, (See MVM, 1984, RCM 304) or when he/she is in confinement under a sentence or court-martial at time charges are preferred. Item 2 will be the zero date if item 1 is not applicable.

5 May not be applicable to trial by special court-martial

6 Only this item may be deducted

7 If no further action is required, items 1 through 8 will be completed and chronology signed by such convening authority or his/her representative.

8 When further action is required under Article 64 or service directives.

Action	Date 2004-2005	Cumulative Elapsed Days
1. Accused placed under restraint by military authority [4]	-----	-----
2. Charges preferred (date of affidavit)	8 Jan 05	-----
3. Article 32 investigation (date of report) [5]	-----	-----
4. Charges received by convening authority	26 Jan 05	18
5. Charges referred for trial	26 Jan 05	18
6. Sentence or acquittal	1 Feb 05	24
Less days:		
Accused sick, in hospital or AWOL		
Delay at request of defense		
Total authorized deduction [6]		
7. Net elapsed days to sentence or acquittal		
8. Record received by convening authority	10 May 05	122
Action [7]	20 Jul 05	174(-19)
9. Record received by officer conducting review under Article 64(a)		
Action [8]		

REMARKS

- Post trial defense delay from 23 June 2005 to 12 July 2005. Total of 19 days.
- Investigation of the most serious charge was initiated on 31 January 2004. The accused was arraigned on 1 February 2005. Total of 367days.

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DEPARTMENT OF THE ARMY
Headquarters III Corps and Fort Hood
Fort Hood, Texas 76544-5056

ORDERS 045-9

14 February 2005

(b)(7)(C)-5, (b)(6)-5

Krol, Roman, [redacted] PV1 Headquarters and Headquarters Company III Corps (WCECTO) Fort Hood, Texas 76544.

You will proceed on permanent change of station as indicated.

Assigned to: Personnel Control Facility (WOUXPR) Fort Knox, Kentucky 40121 while serving confinement with the Charleston Consolidated Naval Brig. Charleston, South Carolina 29446
Reporting date: On or about 15 February 2005.
Additional instructions: (a) Service member will be escorted under guard to new duty station. (b) Service member will be cleared from post by member of unit as directed by unit commander. (c) All records and misc papers will be turned into the shipments NCO at the PMO. (d) All records will be hand carried to new assignment by escort guard, in a sealed package, IAW AR 190-47. (e) Household goods and dependants are authorized to be shipped at government expense to [redacted]

(b)(7)(C)-5, (b)(6)-5

FOR ARMY USE:
Auth: Army Regulation 190-47
MDC: 3AE5
Enl/REENLB indic: NA
PPD: NA
PMOS/SSI: NA
Format: 410

Pers con no: NA
PEBD: NA
Asgd to mgt dsg: NA
Con specialty: NA
Proj specialty: NA

FOR THE COMMANDER:

HEADQUARTERS III CORPS AND FORT HOOD Official FORT HOOD, TEXAS

(b)(7)(C)-2
(b)(6)-2

[redacted] Chief MPD

DISTRIBUTION:
Finance (1)
Cdr, Fort Hood Correctional Liaison Team (Indiv cys incl) (6)
Cdr, E Det 502nd PSB ATTN: Enl Rcds (1)
Cdr, III Corps Legal Division (1)
Cdr, HHC III Corps (1)
E Det 502nd PSB Enl Rcds ATTN: Mrs [redacted] (1)

(b)(7)(C)-2
(b)(6)-2

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JUL 28 2005 maf.

20050179

DEPARTMENT OF THE ARMY
Headquarters III Corps and Fort Hood
Fort Hood, Texas 76544-5056

ORDERS 045-8 14 February 2005

(b)(7)(C)-5, (b)(6)-5

Krol, Roman, [redacted] PV1 Headquarters and Headquarters Company III Corps (WCECTO) Fort Hood, Texas 76544.

You are authorized to travel at Government expense as shown.

Authority: Joint Travel Regulation Volume 1, paragraph U7504
Destination: Personnel Control Facility (WOUXPR) Fort Knox, KY 40121 while serving confinement with the Charleston Naval Consolidated Brig, Bldg# 3107, Marshal Office Ft Hood, TX 76544
Home of record: Not applicable
Purpose: Transfer to gaining facility for further confinement. On or about 15 February 2005.
Accounting classification: 2152020 01-401 P1472 S99999
Estimated cost: $173.50
Movement designator code: 3AE5
Additional instructions: (a) Individual requests Government procured transportation. (b) Individual declines travel pay. (c) Mailing address: Norfolk Naval Brigade; 8251 Ingersoll St.; Norfolk, VA 23511
Format: 405

FOR THE COMMANDER:

[redacted]
Installation PCC AC/Chief MPD

(b)(7)(C)-2
(b)(6)-2

DISTRIBUTION:
Finance (1)
Cdr, Fort Hood Correctional Liaison Team (Indiv cys incl) (6)
Cdr, E Det 502nd PSB ATTN: Enl Rcds (1)
Cdr, III Corps Legal Division (1)
Cdr, HHC III Corps (1)
E Det 502nd PSB Enl Rcds ATTN: Mrs [redacted] (1)

(b)(7)(C)-2
(b)(6)-2

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CONFINEMENT ORDER

1. PERSON TO BE CONFINED

a. NAME (Last, First, Middle)	b. SSN	2. DATE (YYYYMMDD)
KROL, Roman	(b)(7)(C)-5 (b)(6)-5 [redacted]	20050201

c. BRANCH OF SERVICE	d. GRADE	e. MILITARY ORGANIZATION (From):
US Army	SPC/E4	Headquarters and Headquarters Company, III Corps, Victory Base, Iraq APO AE 09342

TYPE OF CONFINEMENT

a. PRE-TRIAL ☒ NO ☐ YES | b. RESULT OF NJP ☒ NO ☐ YES

c. RESULT OF COURT MARTIAL: ☐ NO ☒ YES

TYPE: ☐ SCM ☒ SPCM ☐ GCM ☐ VACATED SUSPENSION

4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED:

Article 81 (x1), Conspiracy; Article 93 (x2), Cruelty and maltreatment; Article 128 (x1), Assault.

5. SENTENCE ADJUDGED:

To be reduced to the grade of Private, E1; To be discharged from the service with a bad-conduct discharge; To be confined for ten (10) months.

b. ADJUDGED DATE (YYYYMMDD): 20050201

6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED: N/A

7. PERSON DIRECTING CONFINEMENT- (b)(7)(C)-2, (b)(6)-2

a. TYPED NAME, GRADE AND TITLE:	b. SIGNATURE	c. DATE (YYYYMMDD)	d. TIME
(b)(7)(C)-2, (b)(6)-2 [redacted] CPT, JA, TC	[redacted]	20050201	1655

8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL	b. SIGNATURE:	c. DATE (YYYYMMDD)
(b)(7)(C)-2, (b)(6)-2 [redacted] CPT, JA, TC	(b)(7)(C)-2, (b)(6)-2 [redacted]	20050201

MEDICAL CERTIFICATE

9a. The above named inmate was examined by me at _____ (Time) on _____ (YYYYMMDD) and found to be ☐ Fit ☐ Unfit for confinement. I certify that from this examination the execution of the foregoing sentence to confinement ☐ will ☐ will not produce serious injury to the inmate's health.

b. The following irregularities were noted during the examination *(If none, so state)*:

c. HIV Test administered on *(YYYYMMDD)*: _____

d. Pregnancy test administered on *(YYYYMMDD)*: _____ ☐ N/A

10. EXAMINER

a. TYPED NAME, GRADE, AND TITLE:	b. SIGNATURE	c. DATE (YYYYMMDD)	d. TIME

RECEIPT FOR INMATE

11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: _____ (Facility Name and Location)

ON _____ (YYYYMMDD) AND TIME: _____ (Time)

b. PERSON RECEPTING FOR INMATE TYPED NAME, GRADE AND TITLE:	c. SIGNATURE:	d. DATE (YYYYMMDD)	e. TIME

DD FORM 2707, NOV 1999

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COURT-MARTIAL DATA SHEET

1. OJAG NUMBER

2. NAME (Last, First, Middle Initial)	3. SOCIAL SECURITY	4. RANK	5. UNIT/COMMAND NAME
KROL, Roman	[redacted] (b)(7)(C)-5 (b)(6)-5	SPC	HHC, III Corps Fort Hood, TX 76544

INSTRUCTIONS

When an item is not applicable to the record of trial being reviewed, mark the proper block with a diagonal line similar to the ones which appear in the SPCMCA blocks for items 6a and b.

KEY TO USE

TC - Trial Counsel. This column will be completed in all cases in which a finding of guilty is returned.

SPCMCA - Special Court-Martial Convening Authority who is not empowered to convene a general court-martial. This column will be completed in each special court-martial case by the SPCMCA or his/her designated representative.

GCM or **JA** - General Court-Martial Convening Authority or Judge Advocate. This column will be completed in any case in which the record is forwarded by the commander exercising general court-martial jurisdiction to The Judge Advocate General of the branch of service concerned. If the record is reviewed under Article 64(a), UCMJ, this column will be completed by the judge advocate accomplishing the review

OJAG - Appropriate appellate agency in the Office of The Judge Advocate General of the branch of service concerned. This column will be disregarded if a record of trial was reviewed under Article 64, UCMJ, and in cases where there are no approved findings of guilty.

References - All references are to the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-M United States (MCM), 1984.

SECTION A - PRETRIAL AND TRIAL PROCEDURE	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
6. a. If a general court-martial: Was the accused represented in the Article 32 investigation by civilian or military counsel of his/her own selection or by counsel qualified within the meaning of Article 27(b), UCMJ?	/	/			/	/		
b. If not: Did the accused waive his/her right to such representation?	/	/			/	/		
7. Does the record show place, date, and hour of each Article 39(a) session, the assembly and each opening and closing thereafter?	X				X			
8. a. Are all convening and amending orders of courts to which charges were referred entered in the record?	X				X			
b. Are court members named in the convening orders, detailed military judge (if any), counsel and the accused accounted for as present or absent?	X				X			
c. Was less than a quorum present at any meeting requiring the presence of court members (RCM 805))?		X				X		
d. Does the record show that after each session, adjournment, recess, or closing during the trial, the parties to the trial were accounted for when the court reopened (A13-5)?	X				X			
e. If the military judge or any member present at assembly was thereafter absent, was such absence the result of challenge, physical disability or based on good cause as shown in the record of trial (RCM 505(c)(2)(A))?	X				X			
9. Were the reporter and interpreter, if any, sworn or previously sworn?	X				X			
10. a. Was the military judge properly certified (RCM 502(c))?	X				X			
b. Was the military judge properly detailed (RCM 503(b))?	X				X			
c. Was the military judge present during all open sessions of the court?	X				X			
11. a. Was the accused advised that:								
(1) He/she had the right to be represented free of charge by a military lawyer of his/her own selection, if reasonably available, in which case detailed counsel might be excused (RCM 506(a))?	X				X			

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
(2) He/she had the right to be represented at the trial by a civilian lawyer provided at no expense to the government, in which case detailed counsel would serve as associate counsel or be excused with the accused's consent?	X				X			
(3) If he/she did not exercise any of the rights listed above, he/she would be defended by detailed counsel certified under Article 27(b), UCMJ (RCM 502(d)(1))?	X				X			
b. (1) Was the accused represented by a civilian lawyer?		X				X		
(2) Did the accused request a specific military counsel?		X				X		
(3) (a) If so, was such request complied with?	/	/			/	/		
(b) If not, were reasons given why requested counsel was not reasonably available?	/	/			/	/		
12. a. Was the detailed defense counsel properly certified (RCM 502(d))?	X				X			
b. Was at least one qualified counsel for each party present during all open sessions of the court (RCM 502(d) and RCM 805(c))?	X				X			
13. a. If the special court-martial adjudged a BCD:								
(1) Was a military judge detailed to the court (RCM 503(b))?	X				X			
(2) If not, did the convening authority submit a statement indicating why a military judge could not be detailed and why trial had to be held at that time and place (Article 19, UCMJ)?	/	/			/	/		
(3) Was a verbatim transcript made (Article 19, UCMJ)?	X				X			
14. Did any person who acted as the accuser, investigating officer, military judge, court member, or a member of the defense in the same case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter, subsequently act as a member of the prosecution (RCM 502(d)(4))?		X				X		
15. If any member of the defense had acted as a member of the prosecution in the same case, was he/she excused (RCM 502(d)(4))?	/	/			/	/		
16. a. If any member of the defense had acted as the accuser, investigating officer, military judge, or member of the court, were his/her services expressly requested by the accused (RCM 502(d)(4))?	/	/			/	/		
b. If not, was he/she excused?	/	/			/	/		
17. a. If accused was an enlisted person, did he/she make a request that enlisted persons be included in membership of the court?	/	/			/	/		
b. If so, were at least one-third of the members who tried the case enlisted persons, or did the convening authority direct the trial without enlisted persons and provide a detailed written explanation which is appended to the record (RCM 503(a)(2))?	/	/			/	/		
c. Did any enlisted member of the court belong to the same unit as the accused?	/	/			/	/		
18. If a military judge was detailed to the court, was the accused informed of his/her right to request trial by military judge alone?	X				X			
19. Were the members of the court, military judge (if any) and the personnel of the prosecution and defense sworn or previously sworn?	X				X			
20. a. Was any person sitting as a member of the court, or military judge (if any), the accuser, a witness for the prosecution, the investigating officer, staff judge advocate, counsel, or convening authority, or upon rehearing or new trial was he/she a member of the former trial (RCM 902(b) and RCM 912(f))?		X				X		
b. If so, did the accused waive such disqualification (RCM 912(f)(4) and RCM 902(e))?	/	/			/	/		

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
21. a. Was each accused extended the right to challenge military judge (if any), and any member of the court for cause and to exercise one peremptory challenge?	X				X			
b. Was action by court upon challenges proper (RCM 902 and RCM 912)?	/	/			/	/		
c. Does the record show that a member excused as a result of a challenge withdrew from the court?	/	/			/	/		
22. a. Was the accused properly arraigned (RCM 904)?	X				X			
b. Do the following appear in the record: The charges and specifications, the name, rank and unit/command name of the person signing the charges, the affidavit, and the order of reference for the trial?	X				X			
c. Except in time of war, was the accused brought to trial (which includes an Article 39(a), UCMJ session) by general court-martial within five days (by special court-martial within three days) subsequent to service of charges upon him/her (RCM 602)?		X				X		
d. If so, did the accused object to trial?	/	/			/	/		
23. a. Were any charges or specifications affected by the statute of limitations (RCM 907(b))?		X				X		
b. If so, was accused advised of his/her right to assert the statute and was his/her response recorded (RCM 907(b))?	/	/			/	/		
24. Did the court take proper action with respect to motions raising defenses and objections (RCM 905-907)?	X				X			
25. a. Were pleas of accused regularly entered (RCM 910(a))?	X				X			
b. Were pleas of guilty properly explained, and accused's responses recorded (RCM 910(c))?	X				X			
26. Does the record show that all witnesses were sworn?	X				X			
27. Did the military judge or president advise the court concerning the elements of each offense, each lesser included offense reasonably raised by the evidence, and the presumption of innocence, reasonable doubt, and burden of proof, pursuant to Article 51(c), UCMJ (RCM 920(e))?	X				X			
28. a. If trial was by military judge alone, did the military judge announce the findings (RCM 922)?	X				X			
b. If the trial was with members, did the president announce the findings (RCM 922)?	/	/			/	/		
c. If special findings were requested, were they made a part of the record?	/	/			/	/		
29. Were the findings in proper form (A10)?	X				X			
30. a. Was the evidence, if any, of previous convictions admissible and properly introduced in evidence (RCM 1001(b)(3))?	/	/			/	/		
b. Was the information from personnel records of the accused properly admitted (RCM 1001(b)(2))?	X				X			
c. Was the defense permitted to introduce evidence in extenuation and mitigation after the court announced findings of guilty (RCM 1001(c))?	X				X			
31. a. In a trial with members, did the president announce the sentence (RCM 1007)?	/	/			/	/		
b. If trial was by military judge alone, did the military judge announce the sentence (RCM 1007)?	X				X			

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COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
32. Was the sentence in proper form (A11)?	X				X			
33. Is the record properly authenticated (RCM 1104)?	X				X			
34. a. Did all members who participated in proceedings in revision vote on original findings and sentence (RCM 1102(e)(1))?	/	/			/	/		
b. At proceedings in revision, were a military judge (if one was present at the trial), the accused, and counsel for the prosecution and defense present (RCM 1102(e)(1))?	/	/			/	/		
35. Was each accused furnished a copy of the record or substitute service made on defense counsel (RCM 1104(b))?	X				X			
36. Was clemency recommended by the court or military judge?		X				X		

SECTION B - PROCEDURE AFTER TRIAL	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
37. Was the court convened by proper authority (RCM 504(b))?	X				X			
38. Did the court have jurisdiction of person and offense (RCM 202 & 203)?	X				X			
39. Does each specification state an offense under the code (RCM 907(b))?	X				X			
40. Did the accused have the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of each offense (RCM 909 and RCM 916(k))?	X				X			
41. Is the evidence sufficient to support the findings?	X				X			
42. Is the sentence within legal limits (RCM 1112(d)?	X				X			
43. Is the action of the convening authority properly entered in the record and signed (RCM 1107(f))?	X				X			
44. If appropriate, is a proper place of confinement designated (RCM 1107(f)(4)(c))?	/	/			/	/		
45. a. Was the staff judge advocate's post-trial recommendation served on the defense counsel for comment (RCM 1106(f)?	X				X			
b. If the addendum to the recommendation contained new matters, was it served on the defense counsel for comment (RCM 1105(f)(7))?	X				X			
c. Did the accused submit matters for the convening authority's consideration in a timely manner (RCM 1105)?	X				X			
d. If yes, was the convening authority's action subsequent to the submission of the matters?	X				X			
e. If no, did the accused waive in writing the right to submit matters and was the action taken subsequent to the written waiver or did the time periods provided in RCM 1105(c) expire before the convening authority's action?	/	/			/	/		
46. a. Does the record indicate that the accused was advised of his/her appellate rights (RCM 1010)?	X				X			
b. Do the allied papers contain a statement indicating the desires of the accused with respect to appellate representation in the event his/her case is referred to a court of military review?	X				X			
c. Did the accused waive or withdraw appellate review and is the waiver or withdrawal in proper form and attached to the record of trial (RCM 1110, A19 & 20)?	/	/			/	/		

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COURT-MARTIAL DATA SHEET

SECTION C - COURT-MARTIAL ORDERS (CMO)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
47. Does the initial CMO bear the same date as the action of the convening authority who published it?	X				X			
48. Are all the orders convening the court which tried the case correctly cited in the CMO?	/	/			/	/		
49. Are the accused's name, rank, SSN, unit/command name and branch of service correctly shown in the CMO?	X				X			
50. Are all the charges and specifications (including amendments) upon which the accused was arraigned correctly shown in the CMO (RCM 1114)?	X				X			
51. Are the pleas, findings, and sentence correctly shown in the CMO (RCM 1114)?	X				X			
52. Does the CMO show the date the sentence was adjudged?	X				X			
53. Is the action of the convening authority correctly shown in the CMO?	X				X			
54. Is the CMO properly authenticated (RCM 1114)?	X				X			

55. REMARKS:

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20050179

COURT-MARTIAL DATA SHEET

55. REMARKS (Continued):

56. TRIAL COUNSEL			
a. TYPED NAME (Last, First, Middle Initial) (b)(7)(C)-2, (b)(6)-2 [redacted]	b. RANK CPT P-2	c. SIGNATURE (b)(7)(C)-2, (b)(6)-2 [redacted]	d. DATE SIGNED 21 JUL 2005
57. CONVENING AUTHORITY OR HIS/HER REPRESENTATIVE			
a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
58. STAFF JUDGE ADVOCATE OF GENERAL COURT-MARTIAL CONVENING AUTHORITY OR REVIEWING JUDGE ADVOCATE			
a. TYPED NAME (Last, First, Middle Initial) (b)(7)(C)-2, (b)(6)-2 [redacted]	b. RANK LTC	c. SIGNATURE (b)(7)(C)-2 (b)(6)-2 [redacted]	d. DATE SIGNED 21 JUL 2005
59. ACTION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL			
a. ACTION:			
b. INDIVIDUAL COMPLETING DATA SHEET			
(1) TYPED NAME (Last, First Middle Initial	(2) RANK	(3) SIGNATURE	(4) DATE SIGNED

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20050179

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER
NUMBER 16

20 July 2005

(b)(7)(C)-5, (b)(6)-5

Specialist Roman Krol, [redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

(b)(7)(C)-5, (b)(6)-5

Specification: Did, at or near [redacted], on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

(b)(7)(C)-1
(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted]
(b)(7)(C)-2
(b)(6)-2
LTC, JA
Chief, Criminal Law Division

DISTRIBUTION:
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER
NUMBER 16

20 July 2005

Specialist Roman Krol, (b)(7)(C)-5, (b)(6)-5 [redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

Specification: Did, at or near (b)(7)(C)-5, (b)(6)-5 [redacted] on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

(b)(7)(C)-1
(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(C)-2
(b)(6)-2
LTC, JA
Chief, Criminal Law Division

DISTRIBUTION:
SPC Krol (1) (b)(7)(C)-2 (b)(6)-2
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

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DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER NUMBER 16

20 July 2005

(b)(7)(C)-5, (b)(6)-5

Specialist Roman Krol, [redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

(b)(7)(C)-5, (b)(6)-5

Specification: Did, at or near [redacted] on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

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(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(C)-2
(b)(6)-2

LTC, JA
Chief, Criminal Law Division

DISTRIBUTION: (b)(7)(C)-2, (b)(6)-2
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER NUMBER 16

20 July 2005

(b)(7)(C)-5, (b)(6)-5

Specialist Roman Krol, [redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

(b)(7)(C)-5, (b)(6)-5

Specification: Did, at or near [redacted] on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

(b)(7)(C)-1
(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(C)-2
(b)(6)-2
LTC, JA
Chief, Criminal Law Division

DISTRIBUTION: (b)(7)(C)-2, (b)(6)-2
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER NUMBER 16 — 20 July 2005

(b)(7)(C)-5, (b)(6)-5

Specialist Roman Krol[redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

(b)(7)(C)-5, (b)(6)-5

Specification: Did, at or near[redacted]on or about 31 January 2004, with an intent to deceive, make to Special Agent[redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

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(b)(7)(C)-1
(b)(6)-1

said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(C)-2
(b)(6)-2
LTC, JA
Chief, Criminal Law Division

DISTRIBUTION: (b)(7)(C)-2, (b)(6)-2
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER NUMBER 16 — 20 July 2005

Specialist Roman Krol, (b)(7)(C)-5, (b)(6)-5 [redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

Specification: Did, at or near (b)(7)(C)-5, (b)(6)-5 [redacted] on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

(b)(7)(C)-1
(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(C)-2
(b)(6)-2
LTC, JA
Chief, Criminal Law Division

DISTRIBUTION: (b)(7)(C)-2, (b)(6)-2
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER NUMBER 16

20 July 2005

(b)(7)(C)-5, (b)(6)-5

Specialist Roman Krol, [redacted] U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

(b)(7)(C)-5, (b)(6)-5

Specification: Did, at or near [redacted] on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

(b)(7)(C)-1
(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted]
(b)(7)(C)-2
(b)(6)-2

LTC, JA
Chief, Criminal Law Division

DISTRIBUTION:
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

SPECIAL COURT-MARTIAL ORDER NUMBER 16

20 July 2005

(b)(7)(C)-5, (b)(6)-5

Specialist Roman Krol, [redacted], U.S. Army, Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 was arraigned at Fort Hood on the following offenses at a special court-martial convened by the Commander, III Corps.

Charge I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military Justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor. Plea: Guilty. Finding: Guilty.

Charge II: Article 93. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor. Plea: Guilty. Finding: Guilty, as amended (Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was").

Specification 2: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at the said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor. Plea: Guilty. Finding: Guilty.

Charge III: Article 107. Plea: None Entered. Finding: None Entered.

(b)(7)(C)-5, (b)(6)-5

Specification: Did, at or near [redacted] on or about 31 January 2004, with an intent to deceive, make to Special Agent [redacted] an official statement, to wit: that he did not throw a football at a pile of detainees, which statement was false in that the

(b)(7)(C)-1
(b)(6)-1

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said Specialist Krol had intentionally thrown a football at the said detainees, and was then known by the said Specialist Krol to be so false. Plea: Dismissed on 25 January 2004. Finding: Dismissed on 25 January 2004.

Charge IV: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand. Plea: Not Guilty. Finding: Not Guilty

SENTENCE

Sentence was adjudged on 1 February 2005. To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(C)-2
(b)(6)-2
LTC, JA
Chief, Criminal Law Division

DISTRIBUTION: (b)(7)(C)-2, (b)(6)-2
SPC Krol (1)
MJ, COL [redacted] (1) (b)(7)(C)-2, (b)(6)-2
TC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
ATC, MAJ [redacted] (1) (b)(7)(C)-2, (b)(6)-2
DC, CPT [redacted] (1) (b)(7)(C)-2, (b)(6)-2
Cdr, III Corps and Fort Hood, ATTN: SJA (1)
Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Cdr, Battery A PCF PSB, Fort Sill, Oklahoma 73503-5100 (1)
Cdr, Fort Knox Regional Corrections Facility, Fort Knox, Kentucky 40121 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Fort Sill, Oklahoma 73503-5100 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837 (10)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, Bldg 213B, Forest Park, Georgia 30297-5122 (1)

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

AFZF-CG

MEMORANDUM THRU

Commander, Headquarters and Headquarters Company, III Corps and Fort Hood, Fort Hood, Texas 76544-5001

FOR Specialist Roman Krol, (b)(7)(C)-5, (b)(6)-5 [redacted] Headquarters and Headquarters Company, III Corps and Fort Hood, Fort Hood, Texas 76544-5001

SUBJECT: Action on Matters Submitted Pursuant to Rules for Courts-Martial 1105 & 1106

I personally reviewed and considered all post-trial matters submitted by you and your defense counsel before taking action in this case.

THOMAS F. METZ
Lieutenant General, USA
Commanding

20 JUL 2005

Enclosures
1. SJA Addendum
2. SJA PTR
3. Defense Counsel Submission w/enclosures
   a. Accused's statement, dated 7 May 05, 1 page
   b. Accused's request for clemency, dated 27 Jun 05, 2 pages
   c. Letter, CPT [redacted] not dated, (b)(7)(C)-4, (b)(6)-4, (b)(7)(C)-2, (b)(6)-2 1 page
   d. Letter, CPT [redacted] dated 29 Jun 05, (b)(7)(C), (b)(6)-4, (b)(7)(C)-2, (b)(6)-2 1 page
   e. Letter, 1SG [redacted] (Ret.), not dated, (b)(7)(C), (b)(6)-4 1 page

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AFZF-JA-MJ

MEMORANDUM FOR Commander, III Corps and Fort Hood, Fort Hood, Texas 76544-5001

SUBJECT: Addendum to Post-Trial Recommendation of the Staff Judge Advocate – United States v. Specialist Roman Krol, [redacted] Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001/- ACTION MEMORANDUM

(b)(7)(c)-5, (b)(6)-5

1. Purpose. To forward a petition for clemency submitted by Specialist Roman Krol, under the provisions of Rules for Courts-Martial (RCM) 1105 and 1106, through his defense counsel. The matters submitted by Specialist Krol, through his defense counsel, are enclosed. Pursuant to RCM 1107, you must consider the defense submission prior to taking action.

2. Discussion. On 2 June 2005, I signed the post-trial recommendation in this case and directed that document be served on Specialist Krol's defense counsel for comment.

3. Clemency Request. Specialist Krol and his defense counsel have requested that you disapprove confinement in excess of 7 months.

4. Recommendation. In accordance with RCM 1106, I have carefully considered the enclosed matters. In my opinion, clemency is not warranted. Accordingly, I adhere to my previous recommendation that you approve the sentence as adjudged and, except for the part of the sentence extending to a bad-conduct discharge, order the sentence executed. An action to accomplish this is enclosed.

[redacted]

(b)(7)(c)-2
(b)(6)-2

(b)(7)(c)-2
(b)(6)-2

Encl
SJA PTR
Defense Counsel Submission
w/enclosures
a. Accused's statement, dated 7 May 05, 1 page
b. Accused's request for clemency, dated 27 Jun 05, 2 pages
c. Letter, CPT [redacted] not dated, 1 page
d. Letter, CPT [redacted] dated 29 Jun 05, 1 page
e. Letter, 1SG [redacted] (Ret.), not dated, 1 page

(b)(7)(c)-4, (b)(6)-4, (b)(7)(c)-2, (b)(6)-2

(b)(7)(c)-4, (b)(6)-4, (b)(7)(c)-2, (b)(6)-2

(b)(7)(c)-4, (b)(6)-4

COL, JA
Staff Judge Advocate

20 JUL 2005

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AFZF-JA-MJ 02 JUN 2005

MEMORANDUM FOR Commander, Fort Hood, Texas 76544-5001

SUBJECT: Post-Trial Recommendation in the Special Court-Martial of the United States v. Specialist Roman Krol, [redacted], Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5001 -- ACTION MEMORANDUM

(b)(7)(c)-5, (b)(6)-5

1. Purpose. To obtain action in the special court-martial of the United States v. Specialist Roman Krol

2. Recommendation. Approve the sentence as adjudged and, except for the part of the sentence extending to a bad-conduct discharge, order the sentence executed.

3. Discussion. Pursuant to RCM 1104(e) and 1106, the record of trial in the United States v. Specialist Roman Krol has been referred to me for my recommendation prior to your action. Forwarded herewith is a copy of the court-martial record of trial.

a. **Trial**: On 1-2 February 2005, the accused was tried by a special court-martial.

b. **Summary of the Charges, Specifications, Pleas, and Findings**:

CHARGE	ART UCMJ	SPEC	GIST OF OFFENSE	PLEA	FINDING
I	81	The	On or about 25 Oct 03, conspire with SSG Ivan Frederick, II, CPL Charles Graner, Jr., SPC Armin Cruz, SPC Sabrina Harman, and others to commit an offense under the UMCJ, to wit: maltreatment of subordinates.	G	G
II	93	1[1]	On or about 25 Oct 03, maltreat several detainees, by pouring water on them while they were naked and forced to crawl on the floor.	G	G

1. Specification 1 of Charge II was amended after pleas but before findings, deleting the word "several", adding the word "a", changing "detainees" to "detainee" on three separate parts of the specification and changing the word "were" to "was".

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(b)(7)(C)-5
(b)(6)-5

CHARGE	ART UCMJ	SPEC	GIST OF OFFENSE	PLEA	FINDING
		2	On or about 25 Oct 03, maltreat several detainees, by throwing a football at them while they were naked, handcuffed, and laying in a pile on the floor.	G	G
III	107	The	On or about 31 Jan 04, with intent to deceive, make a false official statement.	D[2]	D[2]
IV	128	The	On or about 25 Oct 03, unlawfully grab a detainee by the throat and slap the face of the said detainee with his hand.	NG	NG

2. Charge III was dismissed on 25 January 2004.

c. **Sentence Adjudged**: To be reduced to the grade of Private (E-1); to be confined for 10 months; and to be discharged with a bad-conduct discharge.

d. **Clemency Recommendation:** None.

e. **Pretrial Confinement/Administrative Credit:** None.

f. **Other Pretrial Restraint:** None.

g. **Pretrial Agreement**: The Convening Authority agreed to refer the case to a special court-martial empowered to adjudge a bad-conduct discharge.

h. **Personal Data of the Accused**:

(1) *Date and Term of Current Service:* 1 December 2000 (6 years). ETS: 14 December 2006.

(2) *Date of Birth:* 14 May 1981.

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(3) *Awards and Decorations:* NDSM, GWTSM, GWTEM and ASR.

(4) *Nonjudicial Punishment or Previous Convictions:* None.

(5) *Dependents:* [redacted] (b)(7)(C)-5, (b)(6)-5

(6) *GT Score:* Unavailable.

(7) *MOS:* 97E (Human Intelligence Collector).

(8) *BASD:* [redacted] (b)(7)(C)-5, (b)(6)-5

(9) *PEBD:* [redacted] (b)(7)(C)-5, (b)(6)-5

(10) Additional information concerning the character of the accused's service is located in the Record of Trial. We have specifically identified the evidence presented by the defense in extenuation and mitigation (TAB 1).

i. **Discretion of the Convening Authority**: As the convening authority, you may approve, disapprove, set aside, or modify the findings of the court-martial. You may also approve, disapprove, commute, or suspend the sentence in whole or in part in accordance with the pretrial agreement. Such action may be taken in the interests of justice, discipline, mission requirements, clemency, or any other appropriate reason. The action to be taken is matter of command prerogative and lies within your sole discretion.

j. **Service on the Accused and Counsel**: This memorandum will be served on the accused and his defense counsel for comment before action.

4. Point of contact for this action is the undersigned at [redacted] (b)(7)(C)-2, (b)(6)-2

[redacted] (b)(7)(C)-2, (b)(6)-2

[redacted] (b)(7)(C)-2, (b)(6)-2

COL, JA
Staff Judge Advocate

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DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
FORT HOOD FIELD OFFICE
FORT HOOD, TEXAS 76544

REPLY TO
ATTENTION OF

AFZF-JA-TDS

11 July 2005

MEMORANDUM FOR Commander, III Corps, Fort Hood, Texas 76544

SUBJECT: Post-Trial Submissions, U. S. v Specialist Roman Krol, [redacted] (b)(7)(c)-5, (b)(6)-5
Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544

1. Pursuant to Rule for Court-Martial (R.C.M.) 1105 and 1106, and Articles 38(c) and 60, Uniform Code of Military Justice (U.C.M.J.), the Defense submits the following for consideration in post-trial actions:

The Staff Judge Advocate's Post-Trial Advice:

2. The Defense has no additions, corrections or deletions to the form of the Staff Judge Advocate's Post-Trial Advice.

Legal Issues:

3. The Defense has no legal issues to address.

Clemency Issues:

4. The Defense requests that you disapprove confinement in excess of 7 months.

5. Clemency is appropriate in this case for the following reasons:

a. Specialist Krol has cooperated fully with the Government in the investigations and prosecutions of soldiers for misconduct at Baghdad Central Confinement Facility at Abu Ghraib. Although several cases have been disposed of there is the potential for additional cases to arise in the near future. Specialist Krol's cooperation will be important to the Government's case-in-chief.

b. Specialist Krol's conduct after charges were preferred speaks volumes as to the magnitude of his wish to take full responsibility for his actions. First, Specialist Krol signed and submitted and Offer to Plea Guilty only 16 days after charges where preferred. Second, he waived his right to an Article 32 investigation, single handedly saving the Government an enormous amount of time and money. Third, he waived his right to a trial by members. Fourth, he waived his right to be confronted by the witnesses against him. Finally, he waived his right against self-incrimination. Everything Specialist Krol did after charges were preferred benefited the Government. Also please consider the fact that Specialist Krol was brought back onto active duty

over a year after he was released and sent back home. His cooperation should be recognized.

c. Specialist Krol was and is apologetic, remorseful and without excuse. During his testimony Specialist Krol apologized to both the Iraqi and American people for any pain and embarrassment he may have caused. His statement demonstrates his desire to make good on his poor behavior.

d. The testimony of First Sergeant [redacted] (b)(7)(c)-4 (b)(6)-4, Captain [redacted] (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-2 (b)(6)-2 and Captain [redacted] (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-2 (b)(6)-2 speaks volumes for Specialist Krol's rehabilitative potential. Their presence alone at the court-martial demonstrates the love the unit has for Specialist Krol. Particularly, you should pay close attention to the attached letters of support. It is important to consider the opinion of those who know him best.

e. You should consider reducing the adjudged sentence from 10 months confinement to 7 months confinement. Since confinement Specialist Krol has been accepted and enrolled in the [redacted] in [redacted] (b)(7)(c)-5 (b)(6)-5 Please find attached a copy of a letter written by Specialist Krol for your consideration.

6. For the above reasons, the Defense requests that you disapprove confinement in excess of 7 months.

7. Point of contact for this memorandum is the undersigned at [redacted] (b)(7)(c)-2, (b)(6)-2 Thank you for your consideration in this matter.

[redacted] (b)(7)(c)-2 (b)(6)-2
CPT, JA (b)(7)(c)-2 (b)(6)-2
Defense Counsel

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May, 7 2005

(b)(7)(C)-4
(b)(6)-4 [redacted]

To Whom It May Concern:

(b)(7)(C)-4 (b)(7)(C)-4

My name is [redacted] I'm writing this letter about [redacted] Roman Krol.

I have known him since he was born. We've been very close to each other even [redacted] when he was 1 year old. I've always thought about him as a ready to help kind of a guy, honest and reliable.

(b)(7)(C)-4

(b)(7)(C)-5, (b)(6)-5 After the [redacted] he decided to connect his live with the Army. Roman has been interesting in a military career since high school and been much supported by [redacted] who is a veteran of WWII.

(b)(7)(C)-5, (b)(6)-5

Roman was very excited when he got directed to Iraq. He never told us how much dangerous it was, down there. Just after he came back we have known that their post was under fire almost every day and that he saw death of his comrades.

We were really shocked when we heard what happened. I still believe that there was some mistake or misunderstanding.

Roman had worked with me since he came back from Iraq. He'd helped me as [redacted]. This kind of job is requires a high level of responsibility and reliability. I'd had no problem with him. He has shown himself as a good and liable worker.

(b)(7)(C)-5
(b)(6)-5

(b)(7)(C)-4, (b)(6)-4

I sincerely ask the General for mercy fo[redacted] Roman Krol. On my opinion the punishment he's got is not equal to his crime. He is never hurt anyone. I really believe he has a good potential in the Army. And all he's gone through will be a great lesson to him.

Thank you.

Sincerely,

[redacted]

(b)(7)(C)-4
(b)(6)-4

(b)(7)(C)-4
(b)(6)-4

015582

MEMORANDUM FOR: LTG Metz **27 June 2005**

FROM: PVT Roman Krol

SUBJECT: Clemency Request

1. Sir, I am respectfully submitting my request for Clemency. Thank you for taking the time to review my request. On 01 February 2005, I was convicted by Special Courts-Martial of Conspiracy to Maltreat Detainees and Maltreatment of Detainees. I plead guilty, and was sentenced to 10 months Confinement, a Bad Conduct Discharge, and Reduction to E-1.

2. I am requesting reduction of Confinement from 10 months to 7 months in order to start the fall semester at the [redacted] where I am already enrolled. In order to begin the next semester, I need to be released in early August. (b)(7)(C)-S (b)(6)-S

3. I understand that I was convicted of a serious infraction of regulations. At this point in my confinement, I also understand that I was given a lenient sentence. However, I am attempting to begin the next phase of my life as an American citizen. My intent is to become a productive member of this society.

4. My sentence, though lenient, was much more severe than many other soldiers convicted of far worse charges stemming from the same incident. I understand that we were all wrong in our actions, however, I request that you reduce my sentence to make it more proportional to the sentences of those convicted of more serious acts.

5. During my unsworn statement at my Courts-Martial, I apologized to the people of Iraq, as well as to the people of The United States for the harm that I helped cause to our Middle East Foreign Policy. I would like to take this opportunity to again apologize, this time directly to you, sir, for the harm that I caused my command and the Armed Services of the United States. At no time during my service did I ever intentionally wish to bring disgrace upon the uniformed members of the Military, or upon our nation. My actions were rash, stupid, and not rational. Please accept my apology.

6. I was originally born a citizen of the [redacted] (b)(7)(C)-S, (b)(6)-S At the age of 15 I emigrated from [redacted] to the US with the intention of eventually joining the US military. I was lucky enough to realize my dream, and serve in a hostile nation in the service of my new country. Unfortunately, things did not go as I dreamed. Now, sir, I respectfully request to be (b)(7)(C)-S, (b)(6)-S

released early from confinement in order to serve the United States as a private citizen. I know I can make up for the harm that I have caused.

7. Finally, thank you again for taking the opportunity to contemplate my request. I hope that you determine that the greater good for the United States, society, and me will be for an early release by your merciful clemency.

ROMAN KROL
PVT, US ARMY

(b)(7)(C)-4
(b)(6)-4
(b)(7)(C)-2
(b)(6)-2

[redacted]
(b)(7)(C)-4
(b)(6)-4
(b)(7)(C)-2
(b)(6)-2

Commanding General
3rd Corps
Ft. Hood, Texas

Subject: Request for Clemency in the Case of Roman Krol

Dear General,

As a former Commander of Alpha Company, 325th Military Intelligence Battalion, and having served extensively with Roman Krol for two years, I would like to be given an opportunity to provide more detailed input relative to this soldiers performance.

Roman Krol is the soldier that does not shy away from his responsibilities. Regardless of what the circumstances were, Roman always put forth the effort to accomplish any task assigned. During the first few months in Iraq, Roman was unable to enter restricted areas to engage in the skills he had been trained for due to minor clearance issues. During those months, Roman accepted every menial job and task that came his way with the same enthusiasm. He never once complained, he did his duty, and was thankful to be able to serve. I have commanded many troops in my 20 years as a soldier. I served as a commander for four and a half years, and Roman, like many other fine soldiers I served with, consistently displayed unique military bearing and professionalism.

Even during the course of his trial, Roman accepted responsibility for his actions. I have worked in the prison industry as a civilian for 17 years. and I have been a soldier for 20 years. I went to Texas to testify of my belief that Roman could be retained as a soldier due to his already demonstrated commitment to this country. I am dismayed as to how things so great of consequence can come to rest on the shoulders of so few young soldiers. While no abuse of detainees is acceptable, ending the future of this young soldier for actions that warranted an article 15 seemed hardly fitting. Roman came to this country and he joined our military as thanks for his good fortune for becoming a citizen.

(b)(7)(C)-4
(b)(6)-4

Our collective frustration with the facts surrounding this case has much to do with the apparent lack of oversight at Abu Ghraib Prison. In all the facilities I represent in [redacted], each has ranking supervisors equal to officer rank within the military who are responsible for the facility during his/her respective shift. While I agree that soldiers must be capable of operating independent of supervision, the acts perpetrated by these unsupervised soldiers could have been mitigated with more stringent oversight on behalf of the leadership of the facility. That said, I ask that leniency be considered for Roman in light of his service to this nation, and his impact on mission success throughout his career.

Respectfully,

[redacted]

CPT [redacted]

(b)(7)(C)-4
(b)(6)-4
(b)(7)(C)-2
(b)(6)-2

(b)(7)(C)-2, (b)(6)-2

DEPARTMENT OF THE ARMY
Alpha Company, 325th Military Intelligence Battalion
BUILDING 641, 3 LAFAYETTE STREET
DEVENS RESERVE FORCES TRAINING AREA
DEVENS, MASSACHUSETTS 01432-4421

REPLY TO ATTENTION OF

AFRC-CMA-B

29 June 2005

MEMORANDUM FOR: Convening Authority, Fort Hood Texas

SUBJECT: Request for leniency in the Case of Specialist Roman Krol

1. I was a character witness for the defense in the matter of Specialist Roman Krol and I am aware of the charges for which he was convicted. The reason for my willingness to appear on his behalf was my belief that Specialist Krol is worthy of the same loyalty from me that he displayed to the Army in general and my command in particular, during his service.
2. I will not attempt to sway your opinion with many arguments or sentiment, except to say this; on the day I was informed of the order to transfer Specialist Krol to Fort Hood for trial, I could not reach him on the phone. Not more than an hour later, he came to my office with an application for the Active Guard and Reserve program. When I informed him about the trial, he understood that he did something wrong and was willing to face the consequences. If anything speaks of his character, I wish that this display of character, desire to serve and willingness to take responsibility could stand out at least as much as the charges for which he was convicted.
3. I have known Specialist Krol for well over two years and while I cannot say that I know him extremely well, I know him enough that I believe he deserves a second chance.
4. The point of contact for this action is Captain [redacted]

(b)(7)(C)-2, (b)(6)-2, (b)(7)(C)-4, (b)(6)-4

[redacted]

(b)(7)(C)-4, (b)(6)-4
(b)(7)(C)-2, (b)(6)-2

CPT [redacted] MI

(b)(7)(C)-2
(b)(6)-2

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages ▶ 1

To CAPT [redacted]	From CAPT [redacted]
Dept./Agency III CORPS	Phone [redacted]
Fax # 5AG	Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

(b)(7)(C)-4
(b)(6)-4
(b)(7)(C)-2
(b)(6)-2

Commanding General
3rd Corps
Ft. Hood, Texas

Subject: Request for Leniency in the Case of Roman Krol

Dear General,

As the former First Sergeant of Alpha Company, 325th Military Intelligence Company, and having served extensively with Roman Krol for over two years, I feel it is my duty to add some positive images of him in this situation.

To begin with, let me say that Roman was not a perfect Soldier, those are few and far between. However, he is someone that executed his duty to the best of his ability. When he did not, he was willing to take responsibility for his actions. He also did the most important thing of all; he showed up. When he was called for duty after September 11th, he deployed to Fort Bragg in support of Operation Enduring Freedom. He showed up again when his unit was called for Operation Iraqi Freedom. Even now, to face the consequences of his actions during OIF, he showed up. While this does not excuse any soldier from wrongdoing, I feel that it should be taken into account on his behalf. Although Roman clearly showed a lack of judgment, he showed up as a Solider willing to do his duty for his unit, the Army and his Country. That has to count for something.

General, I wish you could meet Roman and judge for yourself what type of Soldier and person he is. But with as many years of service as you undoubtedly have with the Army, perhaps you have met someone like him, and know why his peers and superiors who served with him want to assist a fellow Soldier in his time of need.

I do not wish to burden you overmuch, so I hope that my words, added to those of other Soldiers who have written, might sway you toward leniency in any punishment Roman might receive in this case.

Respectfully,

[redacted] (b)(7)(C)-4, (6)(6)-4

First Sergeant [redacted] (Ret.) (b)(7)(C)-4, (6)(6)-4
U.S. Army

UNITED STATES	)	
	)	SERVICE OF POST TRIAL
v.	)	
(b)(7)(c)-S, (b)(6)-S	)	RECOMMENDATION AND A
SPECIALIST Roman Krol, [redacted]	)	
Headquarters and Headquarters	)	POST TRIAL RECORD ON
Company, III Corps, Fort Hood, Texas	)	
76544-5036	)	DEFENSE COUNSEL

In accordance with R.C.M. 1105 and 1106, Manual for Court-Martial, 2000, a copy of the Post-Trial Recommendation and a copy of the Record of Trial in the case of U.S. v. KROL attached for your examination. If you have any rebuttal, comments, corrections or other matters you wish to be considered by the Convening Authority before he takes action, submit them in writing to the Staff Judge Advocate, III Corps and Fort Hood, Fort Hood, Texas, within ten days of service.

[redacted] (b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2
SPC, USA
Post-Trial Paralegal

CERTIFICATE OF SERVICE

I acknowledge receipt of a copy of the Post Trial Recommendation and a copy of the Record of Trial in the case of U.S. v. KROL. I understand that I have an opportunity to rebut, correct, or challenge any matter I deem erroneous, inadequate or misleading, or to comment on any other matter, and that my comments will be appended to the Post Trial Recommendation. If I have matters that I wish the Convening Authority to consider, or matters in response to the Staff Judge Advocate's recommendation, such matters must be submitted within 10 days after the accused or I receive a copy of the Record of Trial or the accused and/or I receive the recommendation of the Staff Judge Advocate, whichever occurs later. Upon my request, the Convening Authority may extend this period, for good cause, for not more than an additional 20 days. If I am unable to complete this within 10 days, I will provide, within that time, a request for delay in submitting the Record of Trial to the Convening Authority for action. I also acknowledge that failure to provide any reply or request for delay within 10 days will normally be deemed a waiver of any error in the review.

(b)(7)(c)-2
(b)(6)-2

[redacted] (b)(7)(c)-2
(b)(6)-2
CPT, JA
Defense Counsel
13 JUN 05

015588

20050179

UNITED STATES	)	
	)	
v.	)	SERVICE OF THE RECORD OF
	)	TRIAL ON THE TRIAL
Specialist Roman Krol (b)(7)(C)-S, (b)(6)-S [redacted]	)	COUNSEL FOR ERRATA
Headquarters and Headquarters	)	
Company, III Corps, Fort Hood, Texas	)	
76544-5036	)	

I acknowledge receipt of the Record of Trial, in the case referenced above, for the purpose of completing errata. I understand that this record of trial will be forwarded to the military judge for authentication 72 hours from the date of this document.

(b)(7)(C)-2
(b)(6)-2

[redacted] (b)(7)(C)-2 (b)(6)-2

CPT, JA
Trial Counsel
25 March 2005

015589

20050179

UNITED STATES	)	
	)	
v.	)	SERVICE OF THE RECORD OF TRIAL ON THE DEFENSE COUNSEL FOR ERRATA
Specialist Roman Krol, (b)(7)(C)-S, (b)(6)-S [redacted]	)	
Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544-5036	)	

I acknowledge receipt of the Record of Trial, in the case referenced above, for the purpose of completing errata. I understand that this record of trial will be forwarded to the military judge for authentication 72 hours from the date of this document.

(b)(7)(C)-Z
(b)(6)-Z

[redacted]

(b)(7)(C)-Z
(b)(6)-Z

CPT, JA
Defense Counsel
29 Mar 05

015590

20050179

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

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

TO: Commander, III Corps, Victory Base, Iraq, APO AE 09342-1400

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v Specialist KROL, Roman, [redacted] Headquarters and Headquarters Company, III Corps, Victory Base, Iraq, U.S. Army, APO AE 09342. (b)(7)(C)-S (b)(6)-S

2. Trial by Special (BCD) court-martial on 1 February 2005, at Fort Hood, Texas, convened by: CMCO Number 2, HQ, III Corps, dated 14 January 2004; as amended by CMCO Number 6, same headquarters, dated 24 July 2004.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	81	THE	Conspiracy	G	G
II	93	1	Cruelty and maltreatment	G	G*
		2	Cruelty and maltreatment	G	G
III	107	THE	False official statement	Dismissed 25 JAN 05	
IV	128	THE	Assault	NG	NG

*The charge was amended prior to announcement of findings. Except the words "several", "persons", "detainees" and "were"; substitute the words "a", "person", "detainee" and "was", respectively.

4. SENTENCE: (Trial by Judge Alone, COL [redacted] (b)(7)(C)-2, (b)(6)-2: To be reduced to the grade of Private (E1), To be discharged from the service with a bad-conduct discharge, To be confined for ten (10) months.

5. Date sentence adjudged and effective date of any forfeiture/reduction in grade (YYYYMMDD): 20050201/20050215. (*See UCMJ Articles 57-58b and R.C.M. 1101.*)

6. Contents of pretrial agreement concerning sentence, if any: The Convening Authority refer my case to a special court-martial empowered to adjudge a bad conduct discharge. Except as limited above, any other lawful punishments can be approved.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit for Article 13 violation or presentence confinement/restriction found tantamount to confinement, if any: None.

9. Total presentence confinement credit toward post-trial confinement: None.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: SSG Ivan L. FREDERICK II [redacted] (b)(7)(C)-S, (b)(6)-S, SPC Charles A. GRANER, Jr. [redacted] (b)(7)(C)-S, (b)(6)-S, SPC Megan M. AMBUHL [redacted] (b)(7)(C)-S, (b)(6)-S, SPC Jeremy C. SIVITS [redacted], SPC Armin J. CRUZ [redacted], SPC Javal S. DAVIS [redacted], PFC Lynndie R. ENGLAND [redacted] (b)(7)(C)-S, (b)(6)-S, SPC Sabrina D. HARMAN [redacted] (b)(7)(C)-S, (b)(6)-S. (b)(7)(C)-S, (b)(6)-S (b)(7)(C)-S, (b)(6)-S

11. DNA processing IAW 10 U.S.C. § 1565 is not required.

12. Conviction does not require sex offender registration IAW 42 U.S.C. § 14071.

CF: Unit Commander
Confinement Facility
SJA
SPCMA
TDS
CID
MJ Post-trial
CDR, servicing finance company

MJ: COL [redacted] (b)(7)(C)-2, (b)(6)-2
TC: CPT [redacted] (b)(7)(C)-2
ATC: MAJ [redacted] (b)(7)(C)-2, (b)(6)-2
DC: CPT [redacted]
CR: SGT [redacted] (b)(7)(C)-2 (b)(6)-2

CULLEN [redacted] (b)(6)-2 (b)(7)(C)-2, (b)(6)-2 (b)(7)(C)-2 (b)(6)-2	SIGNATURE [redacted]
RANK CPT	BRANCH OF SERVICE JA (b)(7)(C)-2 (b)(6)-2

DA FORM 4430, SEP 2002
USAPA V1.00ES

DA FORM 4430-R, MAY 87, IS OBSOLETE

015591

20050179

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FICI-CG

SEP 16 2004

MEMORANDUM THRU Commander, Coalition Forces Land Component Command, APO AE 09306

FOR Assistant Secretary of the Army (Manpower and Reserve Affairs), ATTN: Criminal Law Division, Office of the Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209

(b)(7)(C)-S (b)(6)-S

SUBJECT: Request Approval of Involuntary Order to Active Duty of Specialist Roman Krol [redacted], 325th Military Intelligence Battalion, [redacted]

(b)(7)(C)-S (b)(6)-S

(b)(7)(C)-S, (b)(6)-S

1. I request your approval to involuntarily order to active duty Specialist Roman Krol, 325 Military Intelligence Battalion, under the provisions of 10 United States Code, Section 802(d); Article 2(d), Uniform Code of Military Justice (UCMJ); and Rules for Courts-Martial 204.

2. The provisions of 10 United States Code, Section 802(d), authorizes ordering Reserve Component (RC) or National Guard (NG) Soldiers to active duty for investigation and disposition of offenses allegedly committed in violation of the UCMJ while in a Title 10 duty status. Only an Active Army General Court-Martial Convening Authority (AA GCMCA) is authorized to involuntarily order to active duty RC or NG Soldiers for, among other things, trial by court-martial. Reserve Component or NG Soldiers ordered to active duty may not be involuntarily confined or deprived of liberty (to include pretrial confinement), or sentenced to confinement until the Secretary of the Army, or his designee, approves the order to active duty.

3. In accordance with the provisions of Army Regulation (AR) 27-10, paragraph 21-3(c), the RC and AA Staff Judge Advocate personnel have consulted with each other concerning Specialist Krol's alleged misconduct while in a Title 10 duty status.

4. As an AA GCMCA, with the authority to involuntarily order this Soldier to active duty for investigation pursuant to Article 32, UCMJ, and for trial by court-martial, I request that you approve my order to recall Specialist Krol to active duty. I am seeking your approval prior to the involuntary order of Specialist Krol to active duty due to the unique circumstances of the case. Specifically, I intend to order Specialist Krol to active duty for investigation into his alleged involvement in detainee abuse pursuant to Article 32, UCMJ, and other UCMJ proceedings as appropriate. These proceedings will likely take place in Iraq, a combat zone. Your approval authorizes Specialist Krol to be eligible for post-trial confinement, if, at a later date, a court-martial adjudges such punishment.

015592

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FICI-CG

SUBJECT: Request Approval of Involuntary Order to Active Duty of Specialist Roman Krol [redacted], 325th Military Intelligence Battalion, [redacted]

(b)(7)(C)-S (b)(6)-S (b)(7)(C)-S (b)(6)-S (b)(7)(C)-S (b)(6)-S

5. Point of Contact for this memorandum is Captain [redacted] DSN [redacted] email: [redacted]@vcmain.hq.c5.army.mil.

(b)(7)(C)-2, (b)(6)-2 (b)(7)(C)-2 (b)(6)-2 (b)(7)(C)-2 (b)(6)-2

Encls
1. Draft charge sheet
2. Summary of Evidence

THOMAS F. METZ
Lieutenant General, USA
Commanding

015593

20050179

AFZF-JA

MEMORANDUM FOR Commander, III Corps, Victory Base, Iraq, APO AE 09342-1400

SUBJECT: Involuntary Order to Active Duty of Specialist Roman Krol, (b)(7)(C)-5, (b)(6)-5 [redacted], A Company, 325th Military Intelligence Battalion, 94th Regional Readiness Command, Fort Devens, MA 01434

1. Purpose. To recall Specialist Roman Krol, (b)(7)(C)-5, (b)(6)-5 [redacted] A Company, 325th Military Intelligence Battalion, 94th Regional Readiness Command, to active duty for investigation pursuant to Article 32, UCMJ, and other UCMJ proceedings as appropriate.

2. Recommendation. That you order Specialist Krol to be recalled to active duty for appropriate UCMJ proceedings.

3. Discussion.

a. Pursuant to Title 10 United States Code Section 802(d); Uniform Code Military Justice (UCMJ), Article 2(d); Army Regulation 27-10, paragraph 21-3, an Active Army General Court-Martial Convening Authority (AA GCMCA) is authorized to order a Reserve Component (RC) Soldier to involuntary active duty for appropriate UCMJ proceedings for offenses committed while the Soldier was serving in a Title 10 USC duty status.

b. An AR 15-6 investigation was conducted into allegations of Military Intelligence personnel involvement in detainee abuse at Abu Ghraib, Iraq during the time period October 2003 to December 2003. Based on the evidence collected during this investigation and during the courts-martial of other Soldiers, Specialist Krol is suspected of maltreating detainees and conspiring with other Soldiers to maltreat detainees at Abu Ghraib on or about 25 October 2003. Specialist Krol was in a Title 10 duty status at the time of the alleged offenses.

c. If you approve this recall to active duty, Specialist Krol should be assigned to HHC, III Corps (Forward) with duty at Fort Hood, Texas.

4. POC is MAJ (b)(7)(C)-2, (b)(6)-2 [redacted] at DSN [redacted]. (b)(7)(C)-2, (b)(6)-2

[redacted] (b)(7)(C)-2 (b)(6)-2

[redacted] (b)(7)(C)-2 (b)(6)-2

COL, JA
Staff Judge Advocate

015594

20050179

AFZF-JA-MJ

MEMORANDUM FOR Commander, III Corps, Victory Base, Iraq, APO AE 09342-1400

SUBJECT: Advice on Involuntary Order to Active Duty of Specialist Roman Krol, [redacted], 325th Military Intelligence (MI) Battalion (b)(7)(C)-S (b)(6)-S

1. Purpose. To recommend you seek approval from the Assistant Secretary of the Army (Manpower and Reserve Affairs) to order Specialist Roman Krol, 325th MI Battalion, to active duty pursuant to Article 2(d), Uniform Code of Military Justice (UCMJ).

2. Staff Judge Advocate Recommendation. I recommend you seek approval to involuntarily order Specialist Roman Krol to active duty for investigation pursuant to Article 32 and, if warranted, trial by court-martial.

3. Background. Specialist Krol is a Reserve Component Soldier, who is currently not on active duty, and is assigned to the 325th MI Battalion, Windsor, Connecticut. During Operation Iraqi Freedom I, Specialist Krol was mobilized and served as an intelligence analyst at the Baghdad Central Confinement Facility (BCCF) at Abu Ghraib. The Army Criminal Investigation Division (CID) investigated several soldiers and civilians assigned to the BCCF. CID specifically investigated the acts of Specialist Krol. The investigation revealed credible evidence suggesting he committed the offenses of conspiracy and maltreatment of detainees while serving at BCCF on active duty in a Title 10 status. Enclosed is a draft charge sheet and a summary of the applicable evidence.

4. Applicable Law. Under the provisions of Article 2(d) of the UCMJ, you, as an Active Army General Court-Martial Convening Authority, have the authority to involuntarily order to active duty Reserve Component Soldiers who may have committed an offense under the UCMJ while on active duty for the purpose of being a potential subject of proceedings under Articles 15, 32 (UCMJ) and/or trial by court-martial. Reserve Component Soldiers ordered to active duty may not be involuntarily confined or sentenced to confinement until the Secretary of the Army, or his designee, approves the order to active duty.

5. POC is Captain [redacted] at DSN [redacted] (b)(7)(C)-2, (b)(6)-2 (b)(7)(C)-2, (b)(6)-2

[redacted] (b)(7)(C)-2 (b)(6)-2

2. Encls
1. Draft Charge Sheet
2. Summary of Evidence

[redacted] (b)(7)(C)-2 (b)(6)-2
COL, JA
Staff Judge Advocate

015595

20050179

PRETRIAL ALLIED PAPERS

015596

COURT-MARTIAL CHARGES
(FH PAM 27-7)

PART I

TO	FROM	DATE
Commander, 42nd Military Police Brigade	**Commander, Headquarters Command**	11 JAN 05

1. Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Forms 2627) and the accused's DA Forms 2 and 2-1 are attached as Enclosure 2.
2. **Krol, Roman** **SPC/E-4** [redacted] (b)(7)(C)-5, (b)(6)-5

Name Rank SSN

HHC, III Corps, Victory Base, Iraq w/ duty at Fort Hood, Texas

Organization

I recommend:

( ) Summary Court-Martial ( ) Special Court-Martial ( ) BCD Special Court-Martial

(X) General Court-Martial

NAME OF COMMANDER **SIGNATURE OF COMMANDER**

LTC [redacted] (b)(7)(C)-2, (b)(6)-2 [redacted] LTC, FA (b)(7)(C)-2 (b)(6)-2

PART II

TO	FROM	DATE
	Commander, 42nd Military Police Brigade	13 JAN 05

I have reviewed the attached charges and conclude that each offense is supported by the evidence.

I ~~(recommend)~~ (direct):

( ) Summary Court-Martial ( ) Special Court-Martial ( ) BCD Special Court-Martial

(Y) Article 32 Investigation

NAME OF COMMANDER **SIGNATURE OF COMMANDER**

COL [redacted] [redacted] (b)(7)(C)-2, (b)(6)-2

PART III

TO	FROM	DATE
Commander, III Corps (b)(7)(C)-2 (b)(6)-2	**Commander, 42nd Military Police Brigade**	

I have reviewed the attached charges and the Article 32 investigation and conclude that each offense is supported by the evidence.

I (recommend) (direct):

( ) Summary Court-Martial ( ) Special Court-Martial ( ) BCD Special Court-Martial

( ) General Court-Martial

NAME OF COMMANDER **SIGNATURE OF COMMANDER**

COL [redacted] (b)(7)(C)-2, (b)(6)-2

015597

UNITED STATES	)	
	)	
v.	)	WAIVER OF RIGHTS UNDER
	)	ARTICLE 32, UCMJ
KROL, ROMAN	)	
SPC, U.S. Army, [redacted] (b)(7)(C)-S (b)(6)-S	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	25 January 2005
APO AE 09342-1400	)	

****

1. I, SPC Roman Krol [redacted] (b)(7)(C)-S, (b)(6)-S, the accused in the above court-martial, have been advised by [redacted] (b)(7)(C)-Z (b)(6)-Z my detailed defense counsel, that I have the following rights under Article 32(b), Uniform Code of Military Justice and Rule for Court-Martial 405:

a. To have the charges against me investigated by a fair and impartial officer, who would inquire into the truth of the matters set for in the charges against me and obtain information upon which to recommend what disposition should be made in my case;

b. To be informed of the charges under investigation;

c. To be informed of the identity of the accuser;

d. To be informed of the purpose of the investigation;

e. To be informed of my right against self-incrimination;

f. To be present during that investigation;

g. To be represented at the investigation by detailed military counsel, individual military counsel of my own selection if reasonably available, or civilian counsel provided at my own expense;

h. To be informed of the witnesses and other evidence then known to the investigating officer;

i. To cross-examine available witnesses presented against me at the investigation;

j. To have evidence within the control of military authorities produced at the investigation;

k. To examine, at the investigation, available witnesses requested by me;

l. To present at the investigation anything I may desire in my own behalf, either in defense, mitigation or extenuation; and

m. To make a statement in any form, sworn or unsworn.

2. CPT (b)(7)(c)-2 (b)(6)-2, defense counsel, further advised me and I understand that no charge against me could be tried at a General Court-Martial without first being investigated under Article 32(b), unless I agree otherwise. I also understand that by waiving my rights under Article 32(b), I give up the opportunity to have the Article 32(b) Investigating Officer recommend disposition of the charges against me other than trial by court-martial.

3. Understanding all my rights, I agree to conditionally waive my rights under Article 32(b). This waiver is conditioned upon initial acceptance by the Convening Authority of my Offer to Plead Guilty, dated 25 January 2005. This waiver is canceled if the Offer is disapproved or, once approved, either party withdraws from it. I make this waiver freely and voluntarily; no one has forced me to waive these rights. I am doing so because, after fully consulting with my counsel, I believe it is in my best interest to do so.

ROMAN KROL
SPC, U.S. Army
Accused

(b)(7)(c)-2
(b)(6)-2
CPT, JA
Defense Counsel

015599

DEPARTMENT OF THE ARMY
HEADQUARTERS, 42ND MILITARY POLICE BRIGADE
CAMP VICTORY, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

13 JAN 2005

AFZH-JA

MEMORANDUM FOR Major (b)(7)(c)-2, (b)(6)-2 Headquarters and Headquarters Company, III Corps, Fort Hood, Texas 76544

SUBJECT: Appointment as an Investigating Officer

1. You are appointed to investigate the enclosed charges against Specialist Roman Krol, Headquarters and Headquarters Company, III Corps, in accordance with Article 32, UCMJ, R.C.M. 405, MCM (2002 Edition), and AR 27-10. Use DA Pam 27-17 as a procedural guide.

2. Sergeant First Class (b)(7)(c)-2, (b)(6)-2 will assist you in coordinating the procedural details of the investigation, notetaking, and in preparing your report of the results of this investigation. **You should contact SFC (b)(7)(c)-2, (b)(6)-2 immediately after receipt of this memorandum at** (b)(7)(c)-2, (b)(6)-2

3. You will consult with the Administrative Law Division, Office of the Staff Judge Advocate for guidance and assistance prior to commencement of the investigation for advice as to procedure, proper completion of the report and guidance on the law applicable to the case. The phone number is

4. Upon appointment, you will set the hearing for no later than 14 calendar days after the receipt of this appointment memorandum. Your report of investigation will be completed as soon as possible, but no later than 7 calendar days following the termination of your investigation. You will attach a detailed daily chronology from the time of this notification until the completion of your report. A report of your investigation will be submitted on DD Form 457 (Investigation Officer's Report).

5. Captain (b)(7)(c)-2, (b)(6)-2 or any other trial counsel deemed appropriate by the chief of justice will represent the government as the trial counsel and can be reached at (b)(7)(c)-2 (b)(6)-2 or via email at @us.army.mil. The accused will be represented by defense counsel and can be reached at (b)(7)(c)-2, (b)(6)-2

6. The date for the Article 32 hearing should be set within three working days from the date of the appointment. I delegate to you the authority to grant delays up to a total of 14 days in the above Article 32 hearing. All requests for delays and approval or disapproval of delays must be in writing.

7. Unless otherwise directed by me, a summarized record of the Article 32(b) proceeding will accompany your report.

(b)(7)(c)-2
(b)(6)-2

Encl
Case File

COL, MP
Commanding

(b)(7)(c)-2
(b)(6)-2

015600

(b)(7)(c)-2, (b)(6)-2 [redacted]

00[illegible] 04-CID148-[illegible]01000

...GHTS WARNING PROCEDURE/WAIVER CERTIF...

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

DATA REQUIRED BY THE PRIVACY ACT

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

(b)(7)(c)-5, (b)(6)-5

1. LOCATION [redacted]	2. DATE RK 31 JAN 2004	3. TIME RK 09:35	4. FILE NO. 0005-04-CID062
5. NAME (Last, First, MI) KROL, ROMAN NMN	8. ORGANIZATION OR ADDRESS 325TH MILITARY INTELLIGENCE BN. A COMPANY DEVENS, MA 01432		
[redacted]	7. GRADE/STATUS E-4/RESERVE		

(b)(7)(c)-5, (b)(6)-5

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ RK DERELICTION OF DUTY, INDECENT ASSAULT, FAILURE TO OBEY AN ORDER OR REGULATION, CRUELTY AND MALTREATMENT, CONSPIRACY ///

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

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

   - or -

   (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. RK
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. RK

5. COMMENTS *(Continue on reverse side)*

HAVE YOU EVER REQUESTED A LAWYER AFTER BEING READ YOUR RIGHTS? YES NO RK

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[signature]
b. ORGANIZATION OR ADDRESS AND PHONE (b)(7)(c)-1 (b)(6)-1	[redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted] (b)(7)(c)-1 (b)(6)-1
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR NEW ENGLAND BRANCH OFFICE (CID) DEVENS, MA 01432-4424

Section C. Non-waiver

1. I do not want to give up my rights
   - ☐ I want a lawyer
   - ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE USAPA 2.01

EXHIBIT

155

For Official Use Only

015601

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[redacted] (b)(7)(c)-5, (b)(6)-5	2004/01/31 RK	1125 RK	0005-04-CID062

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
KROL, ROMAN NMN	[redacted] (b)(7)(c)-5, (b)(6)-5	E-4/RESERVE

8. ORGANIZATION OR ADDRESS
A COMPANY, 325TH MILITARY INTELLIGENCE BATTALION, DEVENS, MA 01432

9. RK

I, ROMAN NMN KROL, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While I was deployed in Iraq, I was assigned to the 325th Military Intelligence Battalion, 205th Military Intelligence Brigade, and I was working in Abu Ghraib. There was alredy an Iraqi prison locatedin Abu Ghraib and when US Forces moved into Iraq they took control of the prison. My job was an interrogator while I was assigned to the prison, I was interrogating Iraqi detainees, some of them were Syrian Iraqis, and I also performed interpretations of Russian speaking detainees. Each interrogation was different, my team leader would assign me a detainee to interrogate and I would perform planning and preparation for each one. When I was ready I would call one of the Military Police (MP) working inside the prison, the guards, I would tell them the number of the detainee that I wanted to talk to and they would bring the detainee into a tent, for about the first two or three weeks outside the facility, and then after the first couple of weeks they were brought into wooden booths outside the prison. Inside the tent or booth with me would be an interpretor, an analyst, and myself. Sometimes there would be two analysts, sometimes no interpretor because the detainee speaks English. When the detainees were brought to me they were in different conditions. Sometimes I would ask the MPs to bring the detainee blindfolded sometimes, hancuffed and for the first couple of weeks they sometimes would be brought without handcuffs but then that stopped and they were always brought handcuffed. I conduced the interrogations in different ways, sometimes we uncuffed them, sometimes not, sometimes we let them stands and sometimes we would let them sit.

Q. Were you ever present when any detainee was abused?

A. Yes, when I was walking through the isolation cells part of the prison, I saw prisoners being handcuffed to each other naked, having two inmates walking in the isolation section of the cells naked and handcuffed to each other. One of the MPs took a Nerf football and threw it at the detainees and another MP threw water at the detainees. I had never seen anything like that before. I only saw this take place once. It was between the middle and the end of October or the beginning of November. I saw three or four MP Guards in the same area. There were eight or nine Iraqi Police that saw it. All the other detainess appeared normal.

Q. Who were the individuals who abused the detainees?

A. The time that I spoke with one of the detainees, the same night that I saw the detainees handcuffed to each other CPL GRANER was working, SPC HARMON was in the female section, and a [redacted] interpretor, a [redacted] (b)(7)(c)-5 (b)(6)-5

Q. Why were the detainees handcuffed to each nude on the floor and walking around? (b)(7)(c)-5, (b)(6)-5,

A. The MPs were making these two detainees do exercises and "smoking" them. From what I understand these two detainees were in the same cell as a young boy when they came into the prison, the boy was fifteen or sixteen year old, and supposedly the two raped the young boy in the prison. There were also Iraqi guards inside the prison, the Iraqi guard saw it going on and told the MPs about it and the MPs ended up moving the boy to a juvenile cell. Then the two detainees who abused the boy were put in separate cells in isolation and "smoking" them, making them do push-ups and other exercises. After that incident, they didn't let us go to the isolation cells anymore and the MPs kept us out of there. Prior to that I could just go in there when I wanted but if I was going to do a full interrogation I had to let my supervisor know. Like one time when I wanted to bring a Koran into one of the detainees the MPs would not let me take it in and would not take it in for me.

Q. What was the purpose for you being present during this incident?

A. Myself and my interpretor and analyst were asking one of the detainees that was assigned to me questions through the cell door.

Q. What other ways were the detainees abused?

A. Once I saw a detainee being walked on their hands by and knees with a leash by an MP. The MP had a strap from a mattress or some cloth, he was an E-5 Guard, white male, [redacted] I'm not sure what unit he was in, he had dark hair, high and tight hair cut. (b)(7)(c)-5, (b)(6)-5

Q. Did you ever take any photographs of the detainees?

A. No.

Q. Do you know of anybody who took photographs or videotaped the detainees?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	RK	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT _____ DATED _____"

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

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

STATEMENT OF ROMAN NMN KROL RK TAKEN AT [redacted] (b)(7)(c)-5, (b)(6)-5 DATED 2004/01/31

9. STATEMENT *(Continued)*

Q. Have you ever seen any photographs of any detainees?
A. Not besides the photograph in their personal file.
Q. Have you ever seen anybody providing any photograhs to any other individuals?
A. No.
Q. Did you ever see anyone with a camera taking photographs of detainees?
A. Many of the MPs had cameras but they would take pictures of themselves. I never saw any MP take pictures of any detainees while they were handcuffed.
Q. Did you ever see CPL GRANER, SSG FREDERICK, SPC HARMON, PFC AMBHL, SGT DAVIS, SGT [redacted] or SPC SEVITS assault any of the detainees?
A. I saw MPs walking detainees on a leash and handcuffing them together. There were four of five MPs that were involved in these types of things.
Q. Describe where the two inmates that were handcuffed together naked walked?
A. They walked out of the isolation section, up onto the second floor, through the whole isolation section, then they went down to where the Iraqi police were and they went back to the first floor. They eventually uncuffed both of them from each other and then separately and that is the last time I saw them. After the two handcuffed detainees were handcuffed individually, there was a third detainee that came from over where the Iraqi Police were, I'm really not sure, and he was not in the isolation cell from the beginning, and he came. The same four of five MPs told the detainee to take his clothes off, he was naked and they made him do push-ups, low crawl on the ground. They were yelling at the detainee while he was doing this. There was no kicking or punching, if they wanted him to go the ground they would move the detainees arm to the ground and push them down.
Q. Did you ever see any of the listed suspects photograph or videotape any of the detainees?
A. No.
Q. Did you ever receive any photographs of the detainees from the listed suspects or other personnel working at the prison?
A. No.
Q. Did you receive emailed pictures of detainees or email pictures of detainees?
A. No.
Q. Did you ever throw a football at the detainees?
A. No.
Q. Who were the detainees abused? (b)(7)(c)-4, (b)(6)-4
A. I don't remember the two that were handcuffed. One was about [redacted] mustache, and the other guy was about the same build [redacted] The guy that was on the leash I don't remember what he looked like. I just remember he was [redacted] for an Iraqi, he had a [redacted] (b)(7)(c)-4, (b)(6)-4
Q. Is is common practics to have MPs assist in interrogations? (b)(7)(c)-4, (b)(6)-4
A. It's not common but it happens sometimes.
Q. Who told the MPs to conduct the interrogations?
A. No one, they aren't allowed to conduct the interrogations.
Q. What form of interrogation techniques were the MPs told to use?
A. We asked them if they could come in and randomly yell at the detainee, sometimes there would be MPs in the booth just to stay with the detainee while myself and my analyst would go outside and talk.
Q. Were any of the detainess injured during any interrogations by Military Intelligence (MI) with MP personnel?
A. No.
Q. Were any MI or MP personnel left alone with female detainees?
A. No. We only had three or four female detainees and I never had to interrogate one of them.
Q. Did you ever see a videoclip of CPL GRANER having sex with a female detainee or female at the prison?
A. No.
Q. Has anyone discussed with you any incidents that happened to the detainees at the prison?
A. I never heard anything about anyone hitting or having anything sexual to do with the detainees.
Q. Can you describe the four of five guards that were present for the two inmates being hancuffed naked?
A. There were three white males and a black male, that is all I remember.
Q. Do you have anything else you wish to add to this statement?
A. No detainees were abused or hurt in my custody.
Q. Do you have anything else you wish to add to this statement?
A. No. RK

(b)(7)(c)-3
(b)(6)-3

//END OF STATEMENT//

INITIALS OF PERSON MAKING STATEMENT [signature] [signature]

EXHIBIT T

For Official Use Only

015603

0003-[redacted]-CID148-[redacted]

0005-04-CID062

STATEMENT OF ROMAN NMN KROL RK TAKEN AT [redacted] DATED 2004/01/31

(b)(7)(c)-s, (b)(6)-s

9. STATEMENT *(Continued)*

RK

Not Used

RK

AFFIDAVIT

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

Roman Krol
(Signature of Person Making Statement)

WITNESSES:

(b)(7)(c)-1, (b)(6)-1 (b)(7)(c)-s (b)(6)-s

[redacted]

NEW ENGLAND BRANCH OFFICE (CID)
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31ST day of JANUARY, 2004 at [redacted]

(Signature of Person Administering Oath) (b)(7)(c)-1 (b)(6)-1

(b)(7)(c)-1, (b)(6)-1

SA [redacted]
(Typed Name of Person Administering Oath)

5 USC 303
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT RK

For Official Use Only

EXHIBIT 144

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

(b)(7)(c)-4, (b)(6)-4

1. LOCATION	2. DATE	3. TIME	4. FILE NO
38th Military Police Detachment (CID), Camp Victory	4 June 2004	0951 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted] (b)(7)(c)-4, (b)(6)-4	HHD, 5th [illegible] MP BN
6. SSN (b)(7)(c)-5, (b)(6)-4 [redacted]	7. GRADE/STATUS SPC/Res

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

(b)(7)(c)-4, (b)(6)-4

(b)(7)(c)-4 [redacted] The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected ~~accused~~: Dereliction of Duty, Failure to Obey an Order or Regulation [redacted] (b)(7)(c)-4, (b)(6)-4

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

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

(b)(7)(c)-4 (b)(6)-4

- or -

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

(b)(7)(c)-4 [redacted] (b)(6)-4

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your rights in the past 30 days? NO [redacted] (b)(7)(c)-4 (b)(6)-4

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. [redacted] (b)(7)(c)-4, (b)(6)-4

WITNESSES *(If available)*	
1a. NAME *(Type or Print)*	3. [redacted] (b)(7)(c)-4, (b)(6)-4
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted] (b)(7)(c)-1 (b)(6)-1
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted] (b)(7)(c)-1, (b)(6)-1
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Prisoner Interrogation Team (PIT)(CID) 75th Military Police (DET) (CID)(-), BCCF

Section C. Non-waiver

1. I do not want to give up my rights
   - ☐ I want a lawyer
   - ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE USAPA 2.01

015605

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The De[illegible]hief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
38th Military Police Detachment (CID)	[redacted] (b)(7)(c)-4, (b)(6)-4 4 Jun 2004	1203	(b)(7)(c)-4, (b)(6)-4

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted] (b)(7)(c)-4, (b)(6)-4	[redacted] (b)(7)(c)-4, (b)(6)-4	SPC

ORGANIZATION OR ADDRESS (b)(7)(c)-4, (b)(6)-4 HHD, 504 MIBDE

[redacted] I, SPC [redacted] (b)(7)(c)-4, (b)(6)-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OAT

On or about the 24th of October 2003, was invited by SPC Armin Cruz to witness the punishment of three (3) detainees suspected of raping / sexually accosting another male detainee in Camp Vigilant B (Gen. population). Accepting his invitation, he and I walked to the isolation bay. Inside were Spc Grainer, SPC Harmon, SPC Roman Krol, and a civilian interpreter, (b)(7)(c)-5, (b)(6)-5 [redacted]. There another Spc, [redacted] (b)(7)(c)-4, (b)(6)-4 unidentified, but wearing green BDUs. He was holding a speaker box, shouting into a dark room, dubbed as "the hole." The Spc in green BDUs shouted profanities and insults to (3) three naked detainees. Spc Cruz spoke with SPC Harmon and the detainees were brought out and instructed to crawl on their stomachs and crawl, dragging their genitals on the floor. They were told to roll left to [illegible] Spc Krol would sprinkle / pour water as the detainees rolled. He then grabbed a football, climbed to the second tier and pelted the detainees below. Below the detainees were hand cuffed together in such a way to mimic homosexual relations. Cruz + the MPs (Grainer, the SPC in green) asked for a confession, promising to stop the punishment if the detainees confessed. They Using their feet, Cruz & the MPs shoved the detainees' hips to further mimic sexual relations. The instructions / requests were aided in full by the interpreter (b)(7)(c)-5, (b)(6)-5 [redacted]. At some point one of the detainees began to bleed from his face — possibly the right. SPC Cruz asked if the punishment should be stopped. SPC Grainer answered to continue. ~~Leaving~~ witnessing about 15 minutes of the incident, I tell Cruz that I am ready to leave.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 PAGES
	[redacted] (b)(7)(c)-4 (b)(6)-4	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

(b)(7)(C)-4
(b)(6)-4

FILE NUMBER: [redacted] (b)(7)(C)-4, (b)(6)-4

STATEMENT OF SPC RIVERA TAKEN AT 38th MP DET (CID) DATED 4 June 2004 CONTINUED

SPC Cruz asks me, "I [redacted] you do not going to tell anyone?" I say no and exit. The next day I tell SPC [redacted] (b)(7)(C)-3 (b)(6)-3 about the incident. She then tells the MP MI LT [redacted] (b)(7)(C)-3, (b)(6)-3 about the incident, and tells me. The issue is never pursued higher through the MI chain of command as they were never informed.

Q: SA [redacted] (b)(7)(C)-1, (b)(6)-1

A: SPC [redacted] (b)(7)(C)-4, (b)(6)-4

Q: Prior to this statement, were you advised of your right to legal counsel?

A: Yes, I did.

Q: Other than the incident detailed above, were you present at any other incidents where detainee's were forced into a "human pyramid."

A: Never

Q: Was this the only incident you witnessed?

A: Yes

Q: Why did you not report this to your commander?

A: Utilized my judgement, tried to take care of issue at a low level.

Q: What was the purpose for you being present during this incident?

A: I was invited for entertainment, to enjoy the show of force against detainees.

Q: Did you ever take any photographs of the detainees?

A: Never [redacted] (b)(7)(C)-1, (b)(6)-1

Q: Who was present during the above incident.

A: Spc Greiner (in charge), SPC Harmon, SPC Armin Cruz, SPC Roman (b)(7)(C)-3 Krul, [redacted] (interpreter), an unidentified SPC in green, and myself, (b)(6)-3 SPC [redacted] (b)(7)(C)-4, (b)(6)-4

Q: Who was throwing the football at the detainees?

A: Roman Krull [redacted] was the only person I recall throwing the ball. (b)(7)(C)-1, (b)(6)-1

Q: Did you ~~play~~ participate in the above incident, in any way? (b)(7)(C)-4, (b)(6)-4

A: As a witness, instructing the carrying out of any instruction I was never carried out by myself.

Q: Was any other organization (FBI, CIA, etc) present during the abuse?

A: No, only the MP and MI unit had soldiers present that night.

Q: Did you or any other MI person (civilian or Military) tell the MP's to

INITIALS OF PERSON MAKING STATEMENT: [redacted] (b)(7)(C)-4 (b)(6)-4

"soften up" a detainee?

A: Never

Q: Is it common to have MP's assist in interrogations?

A: Only at the special request of MI, with proper authorization, MPs also asked for assistance (ie change of environment/or sleep deprivation)

(b)(7)(c)-4
(b)(6)-4

Q: at the above incident, did anyone, hit, punch or otherwise assault the detainee's on the floor?

A: Aside from the use of the football by Spc Knoll, No.

Q: Did you know who the detainees were, their, ISN etc?

A: No, I don't recall names or Identification numbers.

Q: Who was taking the pictures?

A: No I do not know. (b)(7)(c)-4, (b)(6)-4

Q: Who routinely took pictures within the cell blocks?

A: No, there were standing orders against pictures of detainees.

Q: Who appeared to be the leader/Instigator of this incident?

A: Spc Grainer gave the orders, followed by those present, and translated by [redacted] (b)(6)-5, (b)(7)(c)-5

Q: Did this appear to be part of an interrogation (MI) or security Matter (MP)?

A: No, this was described to me as a punishment when I was invited by Spc Cruz.

Q: To whom did you report/inform about this incident & what happened as a resu

(b)(7)(c)-3
(b)(6)-3

A: I informed Spc [redacted] who told Sgt [redacted] (b)(7)(c)-3, (b)(6)-3

Q: Were there any other incidents such as the one you described?

A: I Never witnessed any other incident as the one related in statement.

Q: Did you observe, know of, or hear about detainees wearing only underwear, womens underwear or only a blanket?

A: Never

Q: Were dogs used for interrogation, if so, under what circumstances?

A: Yes, they were. With the proper authorization, special interest detainees were transferred to the "breaker" team. The dogs were use to scare the detainee into confessing or provide intelligence.

Q: Approval to use dogs was by whom and at what level?

(b)(7)(c)-3 (b)(6)-3 A: Col [redacted] was aware of the use of dogs, but I don't know what he was the final authority.

Q: Were the dogs muzzled?

A: I don't know

Q: Were the dogs present or actively used to "fear up" at detainee?

A: I was told the dogs were used to bark and growl at detainees to induce a collection of intelligence or confession.

Q: Did you use sleep deprivation or know others using it as an interrogation method and who approved it, at what level?

(b)(6)-4 (b)(7)(c)-4 A: ~~I observed~~ Being an analyst, I never used it, and don't [redacted] specifically recall who or when the method was use. However, prior to I remember hearing that it was done. I do recall the approach used at the Corp Interrogation facility @ BIAP, Iraq and International Airport, also under the jurisdiction of 325 MI + 519 MI.

Q: Did you work with OGA or have knowledge of OGA "Ghost detainees"?

(b)(7)(c)-3 (b)(6)-3 (b)(7)(c)-2 (b)(6)-2 (b)(7)(c)-6 (b)(6)-6 A: [redacted] Chief [redacted] [redacted] are aware of the interrogators that at one time or another helped in the interrogation headed by OGA.

Q: Did you witness or hear about circumstances of OGA abuse/humiliation of detainees?

A: Never

Q: Describe the leadership, control & oversight of you and your section?

A: I do not recall my section sergeants and above him the leadership and who was found the was loosely defined & confusion. I know that at the top are CPT [redacted] (b)(7)(c)-3, (b)(6)-3 Chief [redacted] (b)(7)(c)-3, (b)(6)-3 and Maj [redacted] (b)(7)(c)-3, (b)(6)-3

Q: Did they know about what was being done to the detainees?

A: I can't say about the rest of the incidents. But the one that I was present at, no, the MI leadership was unaware. [redacted] (b)(7)(c)-4 (b)(6)-4

Q: Were they 1) "In the loop" 2) "looking the other way" 3) "oblivious"?

A: Judging from the incident I was present at, the leadership seems oblivious.

Q: Did you observe detainees kept naked for periods of time in the cells?

A: Yes, initially, when the JDIC was first stood up detainees were

STATEMENT OF SPC [redacted] (b)(7)(C)-4 (b)(6)-4 TAKEN AT 38th MP Det (CID) DATED 4 June 2004

9. STATEMENT (Continued)

Kept naked to "humble them." This was practice instituted by Mrs. Later, the [redacted] MI Cmnd forbade the use of this practice. (b)(7)(C)-4, (b)(6)-4

Q: Was it standard practice to strip some upon arrival and keep them naked and to offer clothing as an inducement to cooperate?

A: Yes, initially, as related above the practice was utilized to "humble" detainees. Later, about a month after the JDIC came into existence, the practice was forbidden. Any interrogator or MI operative known to use the practice would have recieved the proper punishment.

Q: Were some stripped as part of their "inprocessing" to IA or was this done only at the inprocessing / screening center?

A: They were stripped and kept naked at isolation after in-processing.

Q: Were some stripped for short periods by either MI or MP's, if so, who approved such actions?

A: As described above only during inprocessing.

Q: Did you ever discuss or witness a discussion with any supervisors or receive verbal/written approval to strip a detainee?

A: No

Q: Who, within MI, Knew of the practice to strip detainees, CPT [redacted]? CW2 [redacted]? (b)(7)(C)-3, (b)(6)-3

(b)(7)(C) (b)(6)-3

A: The individual interrogators and analysts for sure. As far as higher I don't Know.

Q: Outside of scheduled interrogations, how tight were procedures for access to Tier 1A?

A: Anyone could walk in at any time, as long as the MPs allowed it. Although MI leadership discouraged it, it was easily circumvented.

Q: Were logs maintained or could one circumvent procedures?

A: There was a log entitled, but access was granted by MPs, one could always just walk in.

Q: Was it common practice, and by whom, to visit the cell block off duty or off shift?

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. [redacted] (b)(7)(c)-4 (b)(6)-4

STATEMENT OF SPC [redacted] TAKEN AT 38th MP Det (CID) DATED 4 June 2004
(b)(7)(c)-4, (b)(6)-4

9. STATEMENT (Continued)

A: No, loitering in IA was by authorization for interrogation only. Although, as stated before, this could be easily circumvented.

Q: Describe the interaction, both professional & personal (Social/off duty) between the MI and MP personnel?

A: Professionally: There was a lack of communication. Detainees were often "lost" or "misplaced." (b)(7)(c)-4, (b)(6)-4

Personally: Animosity existed after an incident where Col [redacted] found out [redacted] about a liquor / prostitution operation by the MPs. However, there was friendly / unfriendly interaction on case by case scenario. (b)(7)(c)-3 (b)(6)-3

Q: Did you ever hear about an Interpreter who sexually assaulted a detainee?

A: Never.

Q: Did you ever witness / hear about CPL Graner having sex with a female detainee?

A: Never

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

A: Nothing /// END of STATEMENT /// [redacted] (b)(7)(c)-4 (b)(6)-4

INITIALS OF PERSON MAKING STATEMENT [redacted] (b)(7)(c)-4, (b)(6)-4 PAGE 6 OF 7 PAGES

015611

(b)(7)(c)-4, (b)(6)-4 FILE NUMBER: [redacted]

ENT OF SPC [redacted] TAKEN AT 38th MP DET (CID) DATED 4 June 2004 CONTINUE

ed)

(b)(7)(c)-4, (b)(6)-4

[redacted]

NOT USED

(b)(7)(c)-4, (b)(6)-4

AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STA
AGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MAI
RUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAI
MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUN
CION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(7)(c)-4 [redacted]
(b)(6)-4
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person author
to administer oaths, this 4th day of June, 2004.
at 38th MP DET (CID), Camp Victory, Baghdad, Iraq

ADDRESS

(b)(7)(c)-1 [redacted]
(b)(6)-1
(Signature of Person Administering Oath)

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(Typed Name of Person Administering Oat

ADDRESS

Article 136 UCMJ
(Authority To Administer Oaths)

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ATZM-DPS-C 27 May 2004

MEMORANDUM FOR RECORD

(b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-4, (b)(6)-4

SUBJECT: Statement of SGT [redacted] Headquarters and Headquarters Company, Garrison Fort Lee, Virginia

(b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-4, (b)(6)-4

1. My name is SGT [redacted] Headquarters and Headquarters Company, Garrison Fort Lee, Virginia. On 24 September 2001, I was assigned to 352nd MP Company, 220th MP Brigade, Gaithersburg, Maryland. On 23 February 2003, I was involuntarily transferred to 372nd MP Company, Cumberland, Maryland. On 24 February 2003, my unit was mobilized and on 27 February 2004, I arrived at Fort Lee, Virginia. On 16 May 2003, members of 372nd MP Company deployed from Fort Lee, Virginia to Camp Arifjan, Kuwait. I remained at Fort Lee in order to undergo surgery. On 21 September 2003, after the surgery, I deployed from Fort Lee and arrived at Camp Arifjan, Kuwait. On 30 September 2003, I left Camp Arifjan and on 1 October 2003, I arrived at the Baghdad Correctional Facility (BCF/Abu Ghreib). I was assigned to 3rd platoon of 372nd MP Company. My duty assignment was Team Leader. My missions included escort of detainees from BCF to various courts in Baghdad, as well as escorts of VIPs and contractors. My quarters were located at 3rd platoon building, approximately 400 meters away from the BCF hard-site. I was not detailed to conduct any missions at the BCF hard-site.

(b)(7)(c)-2
(b)(6)-2

2. During the last week of October at approximately 2200 hours I went over to the BCF hard-site in order to speak with SPC [redacted] my driver. I found SPC [redacted] at Tier 1A speaking with his cellmate, CPL Graner. When I approached Tier 1A, I observed two (2) service members (the first service member wore black PT shorts, brown t-shirt, and shower shoes; the second service member wore DCU pants and brown t-shirt). I perceived both service members to be military intelligence (MI). I saw both MI soldiers handcuff two (2) naked Iraqi detainees to the bars of cells on opposite sides. I then witnessed the same MI soldiers handcuff the detainees together, face to face. The MI soldier dressed in black PT shorts and brown t-shirt approached me and asked me in a sarcastic tone of voice: "Do you think we crossed the line?" or words to that effect. I responded: "I am not sure, you are MI" or words to that effect. The MI soldier then stated that they were interrogating 2 detainees and said: "We know what we are doing," or words to that effect.

(b)(7)(c)-2
(b)(6)-2

3. Subsequently, both MI soldiers walked back to the detainees, separated them, and then re-cuffed them to the bars. The MI soldier wearing PT shorts tapped one of the detainees on his buttocks with a plastic water bottle. Then both MI soldiers re-cuffed the detainees together. Throughout this incident, both MI soldiers, via an interpreter, ordered the detainees to confess. When the detainees failed to cooperate, both MI soldiers yelled at them and ordered CPL Graner to yell at the detainees. At this time another MI soldier (wearing DCU pants and brown t-shirt) came in and the others seemed to look to him with respect and sought his approval. I asked him: "Is this how you interrogate detainees?" or words to that effect. The MI soldier responded "there are different ways to get it done," or words to that effect. The MI soldiers escorted the naked detainees around Tier 1A.

Ex. 157

4. One of the MI soldiers pointed to the naked detainees and said, "These are the people who raped a little boy," or words to that effect. Then SSG Frederick, I believe, escorted a third detainee to Tier 1A. SSG Fredrick said that this detainee assisted in the rape by holding down the victim. One of the MI soldiers then told the third detainee to get undressed like the other two. The new detainee refused. The MI soldiers proceeded to yell at the detainee. Then, one of the MI soldiers ordered CPL Graner to tell the detainee to get undressed. The third detainee undressed after CPL Graner yelled at him. Then the MI soldiers ordered all three detainees to low crawl on the floor. When the detainees attempted to arch up, two of the MI soldiers put pressure in the middle of their backs and yelled at them to get down. Two MI soldiers then cuffed the detainees together.

5. After the detainees were again handcuffed, I walked over and asked the detainee to tell the MI soldiers what they needed know and that I would try to make the MI soldiers stop. The detainee stated, through the interpreter, that he would not confess to something that he did not do. I turned to the older MI soldier and asked him with a raised voice: "Did you all ever consider that they guys are innocent?" or words to that effect. The MI soldier responded: "I've been doing this longer than you've been in the military. You know, sergeant, they are guilty," or words to that effect. I then turned to walk out and the MI soldier wearing black PT shorts started to sprinkle water on the detainees from his water bottle. While I was leaving the tier, I also observed one of the MI soldiers on the upper tier tossing a nerf ball towards the detainees. I also noticed SPC England standing in the distance and taking photos. I went back to my LSA at approximately 2230. By the time I returned to my LSA, everyone was already asleep. (b)(7)(c)-3, (b)(6)-3 (b)(7)(c)-3 (b)(6)-3 (b)(7)(c)-2, (b)(6)-2

6. Following morning, at approximately 0530, I along with SPC (b)(7)(c)-2, (b)(6)-2 and SPC left the BCF on mission to escort detainees to Rusafa Courthouse. After completing the mission, at approximately 1600, I went to my platoon leader, 2LT and I described to him the incident I witnessed the previous night. I informed 2LT that MI soldiers were interrogating naked detainees. 2LT stated: "They are MI and they are in charge let them do their job," or words to that effect. I then began to question 2LT about who was in charge of the facility. I further voiced my concerns about our mission and organization. 2LT then acknowledged my complaint and indicated that he will address it. Approximately one week later CPL Graner received a written counseling statement from CPT for use of excessive force. CPL Graner informed me about the counseling statement and I overheard CPT indicating that he counseled CPL Graner for use of excessive force. (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-3, (b)(6)-3 (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-3, (b)(6)-3 (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-3, (b)(6)-3 (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-3, (b)(6)-3 (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-3, (b)(6)-3

7. Approximately one week prior to the incidents I described above, I spoke with CPL Graner and I noticed that CPL Graner's voice was hoarse. I asked CPL Graner why he was hoarse. CPL Graner stated that OGA and MI were making him yell at detainees and do things that he felt were wrong. CPL Graner did not provide any details. I told him "then don't do it," or words to that effect. He stated that MI soldiers would tell him after an explosion that there are Americans out there dying and unless he helps them get information from the detainees then more Americans will die. CPL Graner then told me that he was taking pictures to protect himself. I told CPL Graner to take this issue up his chain of command.

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8. I returned to Tier 1A approximately one week later in order to inform one of the detainees of his release date. At this time, I did not observe any unusual conduct by the MI personnel. This was the last time I went to Tier 1A.

9. In November 2003, while in Iraq, I experienced post-surgery complications. On 2 December 2003, my unit received a Red Cross message informing me that my father experienced a very serious heart attack. I was placed on Emergency Leave statues and returned to Dallas, Texas on 2 December 2003. Subsequently, I returned to Fort Lee, Virginia on or about 17 December 2003 in order to undergo medical procedures.

10. In addition to attempting an on the spot correction, I reported the above-mentioned incident to my platoon leader, 1LT [redacted] After returning to Fort Lee, Virginia I informed the following, among others, of my concerns regarding the incident I witnessed at BCF: (b)(7)(C)-2, (b)(6)-2 (b)(7)(C)-3, (b)(6)-3

(b)(7)(C)-2, (b)(6)-2 (b)(7)(C)-3, (b)(6)-3

Chaplain (LTC) [redacted] (Fort Lee)	December 2003
1SG [redacted] (HHC Garrison, Fort Lee)	December 2003
CPT [redacted] (HHC Garrison, Fort Lee)	December 2003
CPT [redacted] (OIC Mental Health Clinic, Fort Lee)	January 2004
COL [redacted] (Deputy Chief of Staff, USAR)	March 2004
COL [redacted] (SJA, Fort Lee)	March 2004
COL [redacted] (Quartermaster School, Fort Lee)	March 2004
Chaplain (COL) [redacted] (Fort Lee)	April 2004
Ms. [redacted] (PAO, Fort Lee)	April 2004
U.S. House of Representatives Armed Services Committee:	April 2004

11. POC is the undersigned (804) 734-2465.

(b)(7)(C)-4 (b)(6)-4 (b)(7)(C)-2 (b)(6)-2

[redacted]
SGT, JA

Ex 157

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PAULA ZAHN NOW

Who is to blame for Abu Ghraib? Interview with men who were there.

Aired August 26, 2004 - 20:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

PAULA ZAHN, HOST: Who is really to blame for Abu Ghraib? Military police? Military intelligence? Two men who were there, 2 different stories.
(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: It was told to us that military intelligence is in charge of this compound.

UNIDENTIFIED MALE: That's probably their only line of defense, to blame everything on military inte

(END VIDEO CLIP)

ZAHN: Tonight, a CNN exclusive: Eyewitness to Abu Ghraib.

Good evening. Welcome. Glad to have you with us tonight. The truth of what happened at Abu Ghrail almost take for granted now. It is the abuse we've all seen in those horrid pictures.

The truth of how it happened, well, that is only still becoming clear, thanks in part to the reports out th and independent investigators. They point to failure in leadership far up the chain of command. But tl circle of blame on the ground.

When the pictures first appeared, the story focused on one detachment, the military police assigned t prison. Now we know that more than two dozen military intelligence personnel may have been involv

(BEGIN VIDEOTAPE)

ZAHN (voice-over): Under Saddam, the Abu Ghraib Prison was a place where people were tortured a After Saddam's defeat, it became the U.S. Army's own house of horrors. All too familiar pictures like t American image in Iraq.

So far, 7 guards from the military police have been charged with mistreating detainees. But defense l military intelligence agents, not the military police, created the atmosphere of abuse.

Nevertheless, testimony has shown the actions depicted in the worst photos had little to do with intell Lynndie England holding a leash, told an investigator this was no more than an effort to persuade a p another cell. The 3 men, hand-cuffed together in a naked tangle, were suspected in the rape a 15-ye prisoners in the human pyramid were thought to have incited a riot in another part of the prison comp

Yet a Pentagon investigation has found military intelligence personnel, M.I. in shorthand, set the tone the abuse. Often joining in the interrogations.

MAJ. GEN. GEORGE FAY, U.S. ARMY: There were a few pictures that had military intelligence soldi them, and we do find instances where some military intelligence soldiers participated in the actual ab

ZAHN: Intelligence agents, none of them charged, could be seen in this picture of the rape suspects the floor. One was Roman Krol, a young reservist from Massachusetts. We'll talk with him in this hou only an onlooker. Not so, says Sergeant Kenneth Davis, a guard. He tells us, M.I. orchestrated the at

Abu Ghraib has become both a horror story and a mystery. How much more is yet to be told?

(END VIDEOTAPE)

ZAHN: And joining us now, former Army Reservist Kenneth Davis who says he saw naked detainees at Abu Ghraib, and says military intelligence agents led and directed the abuse. Welcome.

KENNETH DAVIS, FRM. ARMY RESERVIST: Thank you, Paula.

ZAHN: Based on your experience at Abu Ghraib, how clear was the chain of command?

DAVIS: It was very unclear. It was very confusing. As MPs, we're used to being in charge, but when military intelligence is in charge of you, it makes a confusing site.

ZAHN: How did it work on any given night? How were orders made?

DAVIS: I'm not sure how the orders were made, but I -- what I know is every time we'd question som who was in charge, it was explicit. It was told to us, military intelligence is in charge of this compound

ZAHN: Who would you ask that of?

DAVIS: Either our lieutenants or our captain, anybody that would number the chain of command, eve sergeants would know. That's who is in charge of this place, because they make it very evident.

ZAHN: When is the first time you saw something that you thought was morally reprehensible and not the Geneva Conventions? DAVIS: Being unaware of what the Geneva Conventions actually say, bec been trained on the Geneva Convention, it would have been October 25, the night I walked up on Tie

ZAHN: Describe to us what you saw?

DAVIS: As I walk over to the tier, I saw who I thought was two MI, military intelligence officers, agent the tier interrogating 2 naked detainees.

ZAHN: We're looking at that picture now.

What do you allege is happening now?

DAVIS: This is well after they had already done other things. Now 3 detainees are handcuffed togeth middle of the floor screaming, because the MI would be positioning them in different positions. And th

ZAHN: Where are you standing?

DAVIS: I am number 2 in that picture.

ZAHN: And number 1 you to allege is whom?

DAVIS: Is Krol, Specialist Krol. And then number 3 is Specialist Cruz, who are military intelligence.

ZAHN: And do you allege that they were directing this kind of treatment of the detainees, or just obse

DAVIS: They were definitely directing, because when they brought in the third detainee, he still had o jumpsuit on and they instructed him to take it off through the interpreter. He refused. They instructed refused again. And they look at Graner, he said Graner, he's refusing to take off his clothes, make hi

ZAHN: So, you are saying both of these military intelligence officials at the same time told Soldier Gr

DAVIS: Yes.

ZAHN: And where it Mr. Graner in this picture?

DAVIS: Graner has his hand up against the wall in the back of that picture. He has gloves on.

ZAHN: Did he seem to be disturbed by what he was being told to do?

DAVIS: He just seem like he was doing what they were telling him to do. He -- it was hard to tell if he lot was going on that night. I had only been in country 2 1/2, 3 weeks. So, I felt like I had missed som trying to pay attention to what's going on. I'm looking for blatant abuse, someone punching someone, them, something that maybe that would cross the limit with me. Because I wasn't sure where the line especially since military intelligence said they were interrogating. I don't know anything about interrog know what roughing someone up is in their books.

ZAHN: Did it strike you that what they were doing was wrong?

DAVIS: Oh, yes.

ZAHN: Did you challenge either Mr. Cruz or Mr. Krol?

DAVIS: Earlier in the -- what they were doing, they walked up to me when I calm on the Tier, Cruz dic we crossed the line? Kind of sarcastically. I said, I don't know. You are military intelligence.

He said, well, you are the MP.

I said, well, I'd have to say yes. In a question form thinking, what have I walked into. What am I seein

He said, that's right, we're military intelligence, we know what we're doing.

ZAHN: So, the signal that sent to you was what? Don't say anything else to me?

DAVIS: Correct.

Plus not wearing rank or knowing who they were, there's no telling who they were, what rank they we

ZAHN: So, what was the next step you took after witnessing what you allege was acts of degrading b part of the guards towards these detainees.

DAVIS: The following day we -- I ran my missions because we were -- my teams were in charge of ru Which was off site, outside of the compound. We would run into Baghdad and take detainees to cour

Well, coming back from the missions, my lieutenant was out back of our living facility. And I said, sir, you. And we started to talk.

And I said, military intelligence is doing some weird things to naked detainees over at the hard site.

He said what?

I said they are interrogating naked detainees and it's pretty weird.

And he said, that's military intelligence. They are in charge. Stay out of their way.

ZAHN: And who was this you spoke to?

DAVIS: My lieutenant, which is my platoon leader, Lieutenant [redacted] (ph).

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(b)(7)(C)-4

ZAHN: I actually have a quote from your platoon leader when asked about some of your allegations.. quote, I don't recall my specific conversation with Davis, but no one reported to me any incidents of a

DAVIS: mm-hmm.

ZAHN: Are you saying he's lying?

DAVIS: I can't say he's lying, because if he doesn't recall a conversation, how does he recall what ex And if I'm saying they are doing some pretty weird things with naked detainees, how do you call it abi that's proper interrogation techniques. You don't know if it's abuse. And who knows if he knew that or

ZAHN: Mr. Krol vehemently denies he participated in the abuse. He says he witnessed it. He was an did not direct the abuse.

DAVIS: It's all on video. It's all in pictures. And he's in a lot more pictures than I or even Rivera, who v military intelligence analysts, was in as well.

ZAHN: As a man of deep faith who carried pocket Bibles with him around in Iraq, occasionally sharin children in Iraq, how haunted are you by what you witnessed at Abu Ghraib?

DAVIS: It hurts. That's not what I went over there for. I didn't go over there to see abuses. I went ove people. Help an Iraqi people that were now free.

But when you see this going on. And then you see a prison riot where detainees are shot inside their them die and one of them is dropped at your feet, it changes you. You are wondering why am I even what America brought me here for.

I really don't believe that a lot of soldiers went over there with the intention to hurt anybody. My bigge to let me shoot an Iraqi. Don't let me shoot anybody's son or anybody's daughter or anybody. I just w. there and help these people.

And then you see this and you get confused thinking, why am I really here? And so that's what I live v

ZAHN: How troubled are you by the fact that you weren't able to stop it?

DAVIS: Very troubled.

ZAHN: As you look back and place yourself in that prison on various occasions, do you think there w could have done that would have stopped the madness?

DAVIS: Knowing what I know now, yes. I could have apprehended them all on the spot.

ZAHN: And you would have had the power to do that.

DAVIS: With what I know now, I would have.

ZAHN: Ken Davis, thank you very much for joining us tonight. Appreciate your sharing your painful ot us.

DAVIS: Thank you.

(END VIDEOTAPE)

ZAHN: And the allegations you just heard leveled against former military intelligence Specialist Rom and carry severe penalties. When we come back, I will ask Roman Krol about those allegations in an interview.

(COMMERCIAL BREAK)

ZAHN: We are talking tonight about the abuse at Abu Ghraib prison in Iraq. And for the first time on t about to hear from a member of military intelligence who was there. Roman Krol was an interrogator prison. He joins us now in this exclusive interview. Welcome. Thanks so much for joining us.

ROMAN KROL, FORMER ABU GHRAIB INTERROGATOR: Thank you for having me, Paula.

ZAHN: Our pleasure. So you were assigned to the prison for six weeks, and there are two brand new week who describe the abuse that went on as freelance at the prison, much like the atmosphere of "A that a fair characterization based on what you saw?

KROL: I would have to say yes. Major General Fay's report is very accurate. I would – I'm very impre actually. Especially the part about the atmosphere in Abu Ghraib. It was very well defined.

ZAHN: Describe that atmosphere to us tonight.

KROL: Well, lack of personnel, for one. The MPs, their job is to escort a prisoner to the cell and from interrogation. Handcuff the prisoners and guard them. And because of the lack of MPs, MI personnel that.

ZAHN: Were you forced to do that?

KROL: I was forced to walking prisoners to the interrogation booth and back.

ZAHN: So you were put into a position where you were physically handcuffing detainees?

KROL: Yes, I was.

ZAHN: Is that something you were trained to do?

KROL: No, I wasn't.

ZAHN: We're going to go through a series of pictures now so the audience can better understand mo witnessed. Up on the screen now, you'll see a picture of Lynndie England with a detainee on a leash.

KROL: Yes.

ZAHN: Describe to us your reaction when you say you stumbled on to this scene.

KROL: One word, indifference.

ZAHN: Indifference?

KROL: Yes.

ZAHN: Were you shocked?

KROL: No.

ZAHN: Why indifference?

KROL: It might sound strange, but during the wartime, I was not shocked. If this happened at peaceti country maybe, and I haven't seen a lot of war, it would probably shock me. But back then, I didn't fe

ZAHN: So you weren't troubled on any level?

KROL: No. I wasn't.

ZAHN: You didn't think anything was wrong with this treatment of detainees?

KROL: Well, I thought something was wrong, but it wasn't my business. It was not my soldier. It was That's what I did. I just walked by.

ZAHN: When you look back on that now and reflect on how you felt at the time, as a human being, ar disappointed in yourself?

KROL: You can say that. But now it's all different. Now I'm back in the States. There's no war going o different.

ZAHN: And as you look at that picture tonight, what are you thinking?

KROL: It's wrong, but it happened.

ZAHN: Let's fast forward to another picture. This picture taken in October, not long after you were as Ghraib prison. Describe to us what we're looking at here.

KROL: We have three detainees on the floor. They are stripped of their clothes. They are handcuffed here. I'm not sure who this is, and I'm not sure who the guy in the green uniform is.

ZAHN: We're going to look at this scene now from another angle...

KROL: OK.

ZAHN: ... where we have you clearly identified by a number.

KROL: Yes, yes, this is me right there.

ZAHN: Number 2. And Mr. Cruz is number 3.

KROL: I don't see number 3...

ZAHN: This is Charles Graner over here, number 1.

KROL: I believe so. OK.

ZAHN: Do you think that the treatment of those detainees that night was appropriate?

KROL: No, no, I do not think so. It was definitely inappropriate. It was definitely humiliation. It was jus

ZAHN: But that night you didn't think that way.

KROL: The reason why, I asked the MPs why are they -- people being treated that way. They said th boy. My feelings were a little different. Basically, the reason...

ZAHN: So because of how venal that alleged crime was, you thought these detainees deserved it?

KROL: I didn't think they deserved it. I didn't think they didn't deserve it. I was also indifferent back th reason why I ended up there, because I went to talk to one of my prisoners that were assigned to me second floor, and I took my interpreter, which is -- I don't believe he's pictured here, and Analyst Cruz be this guy right there, but I'm not sure.

ZAHN: That's correct.

KROL: That's correct? ZAHN: OK. So once again, you are right here...

KROL: I'm right here.

ZAHN: ... and Mr. Cruz is there...

KROL: And I'm not sure if this is Cruz, but...

ZAHN: ... and this is Ken Davis, a military police officer. The two of you on the right are with military i

KROL: That's correct. And myself and Cruz went to talk to one of the prisoners that was assigned to t the second floor. The same block that you are looking at right now. And we talked to them, and we lo we see pretty much this, which you can see on this picture. I'm not going to go into details and descri happened there, even though I was there for about an hour, for a good hour.

ZAHN: We have also spoken with Ken Davis, who was this military police officer on duty that night.

KROL: OK.

ZAHN: And he describes the scene quite differently.

KROL: OK.

ZAHN: He says that you and Mr. Cruz directed the treatment of the detainees, and you two were the handcuffed the detainees.

KROL: Not -- did not happen, because neither myself or Cruz are in position to order anything like tha handcuff detainees while the military intelligence -- military police present, excuse me.

ZAHN: So what you are saying, going back to what you said earlier is the only time you claim handcu handcuffed detainees when you were alone.

KROL: Because of the lack of the MPs.

ZAHN: What about his accusation that you two directed Charles Graner to get tough on these detain refused to take their clothes off.

KROL: When I arrived there, they were naked. So I don't see how that accusation can be considered

ZAHN: Why would he say that? Why would he make that up?

KROL: I have no idea who Davis is, actually, even looking at this picture, I couldn't identify him. Mayb myself or Cruz for another person. I don't know. Maybe he's trying to help a friend. I have no idea wh (UNINTELLIGIBLE) testified, I believe in his testimony, he did say that he arrived and the detainees v naked, handcuffed, on the floor, and the same thing happened.

ZAHN: Roman, if you wouldn't mind standing by, we want to hear much more of what you have to sa We're going to take a short break and continue our conversation on the other side. We'll be right bacl

(COMMERCIAL BREAK)

ZAHN: Welcome back. Thanks so much for staying with us. We continue an exclusive conversation a inside Iraq's Abu Ghraib prison. My guest is Roman Krol who was an interrogator at the prison. Welc

Before we went to the break we talked about what some of your early exposure was to Abu Ghraib. Y Lynndie England with a detainee on a leash. You said you were quite indifferent about it that night. Y tonight.

KROL: Yes.

ZAHN: But what about the picture of the three detainees who are naked on the floor and you are sort above them with sort of no expression on your face.

KROL: Yes, as you can see, I do have no expression on my face. It's -- I have very accurately descril just plain indifference. I found out what those people did, and I was just indifferent. Just completely in

ZAHN: So you -- in your heart, you made no attempt to stop the treatment of these prisoners?

KROL: No.

ZAHN: What about your understanding of the Geneva Conventions at that time, which bars not just t inhumane or degrading treatment?

KROL: Military intelligence have their rules of engagement for interrogations. And every interrogation within those boundaries. I never went out of boundaries during interrogation. Now what happened he directed by MPs. I would assume that.

ZAHN: And, of course, the accusation by Ken Davis is that you and your colleague, Mr. Cruz were di activities here.

KROL: He's wrong, of course.

ZAHN: Why is it do you think then in the conclusion of both of these reports that came out this week t come down pretty hard on military intelligence officers, and you've got attorneys out there representir soldiers who have been charged so far basically pointing at you guys.

KROL: That's probably their only line of defense, to blame everything on military intelligence. They ha defense to base it on. What else can they say?

ZAHN: But was it really clear who was in charge on most nights when you did your job?

KROL: It's very clear who was in charge when. For example, military intelligence is in charge of priso being interrogated...

ZAHN: Now these prisoners weren't being interrogated.

(b)(7)(C) -2
(b)(7)(C) -4

KROL: These prisoners are not intelligence value, these prisoners are not being interrogated, and no people talked to them. That's me, myself, Cruz, and [redacted], I don't believe [redacted] talked to them at al did not talk to them so that's not interrogation. We did not...

ZAHN: But why were you there?

KROL: Well...

ZAHN: Did you need to be there?

KROL: I explained why I went there, to talk to one of my prisoners, and I just -- I stood there like a mc admit that. [redacted] said the same thing, I believe. I'd like to say the same thing about Cruz, probably, I

other reasons to do it.

ZAHN: I'm interested in hearing you say that you thought there were clear lines of delineation betwee police were supposed to do and military intelligence officers because one of the criticisms of the Pent out in these reports is the fact that they didn't think the Pentagon gave you clear enough guidelines fc and sometimes that the chain of command within the prison was confused.

KROL: The Geneva Conventions for the interrogation was pretty clear. No physical abuse of prisoner say to a prisoner he's going to be tortured or basically general dislike and everybody stayed in those sure.

ZAHN: So you deny ever physically abusing a prisoner?

KROL: Of course.

ZAHN: Did you see any of your colleagues?

KROL: Military intelligence, no.

ZAHN: Hurt a prisoner?

KROL: Hurt a prisoner? No.

ZAHN: So why are there so many accusations flying out there that it was your guys' fault that it turnec they were taking orders? Attorneys for some of these seven soldiers are saying quite pointedly...

KROL: I understand -- people that are -- for example, Graner, I believe he's a sergeant and myself ar specialists. He is a higher rank than us. We physically cannot give him orders. Legally we cannot give do anything. OK, just, in our position, we cannot give order to anybody to do anything.

ZAHN: How many nightmares have you had about what you witnessed at Abu Ghraib and what you h accused of?

KROL: None.

ZAHN: You are at peace?

KROL: Yes.

ZAHN: With what you saw on one hand but troubled that you didn't react in a more aggressive way o

KROL: Yes, that's correct. That's exactly what I feel.

ZAHN: Is it hard for you?

KROL: I'm trying to forget what I saw back in Iraq. I think I can manage it.

ZAHN: Are you worried you're going to be charged?

KROL: Of course, I'm worried about I'm going to get charged.

ZAHN: Do you think you will be?

KROL: I think so, yes.

ZAHN: You think you will be charged?

KROL: I probably will be charged on not reporting information.

ZAHN: And how will you confront that charge? How do you plan to fight that charge?

KROL: I can't.

ZAHN: You can't? What do you mean?

KROL: Well, I was a witness of what you saw in the picture and there's nothing I can do about it, and

other reasons to do it.

ZAHN: I'm interested in hearing you say that you thought there were clear lines of delineation betwee police were supposed to do and military intelligence officers because one of the criticisms of the Pent out in these reports is the fact that they didn't think the Pentagon gave you clear enough guidelines fc and sometimes that the chain of command within the prison was confused.

KROL: The Geneva Conventions for the interrogation was pretty clear. No physical abuse of prisoner say to a prisoner he's going to be tortured or basically general dislike and everybody stayed in those sure.

ZAHN: So you deny ever physically abusing a prisoner?

KROL: Of course.

ZAHN: Did you see any of your colleagues?

KROL: Military intelligence, no.

ZAHN: Hurt a prisoner?

KROL: Hurt a prisoner? No.

ZAHN: So why are there so many accusations flying out there that it was your guys' fault that it turne they were taking orders? Attorneys for some of these seven soldiers are saying quite pointedly...

KROL: I understand -- people that are -- for example, Graner, I believe he's a sergeant and myself ar specialists. He is a higher rank than us. We physically cannot give him orders. Legally we cannot give do anything. OK, just, in our position, we cannot give order to anybody to do anything.

ZAHN: How many nightmares have you had about what you witnessed at Abu Ghraib and what you h accused of?

KROL: None.

ZAHN: You are at peace?

KROL: Yes.

ZAHN: With what you saw on one hand but troubled that you didn't react in a more aggressive way o

KROL: Yes, that's correct. That's exactly what I feel.

ZAHN: Is it hard for you?

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KROL: I can't.

ZAHN: You can't? What do you mean?

KROL: Well, I was a witness of what you saw in the picture and there's nothing I can do about it, and

ZAHN: So you are prepared to spend time in prison for what you describe as your indifference?

KROL: If the penalty for not reporting information that I saw is prison, then, yes.

ZAHN: And do you understand the outrage in the world about the kind of abuse that took place at Ab
Of course, I understand the outrage. What else can I say? I am just happy that I wasn't directing the
participating in it. Basically, by not reporting it, I know I also did the wrong thing, but people that were
pictures are my buddies also. Some of the MPs were my friends, they were my buddies. And also by
information, I guess, you can say by reporting the information I understand that would probably get th
trouble, that they are in right now. And one of their own people went public with the photos, of course
know.

ZAHN: And now you are fully expecting to face a prison sentence, basically, because you were trying
are saying, your colleagues under very difficult conditions.

KROL: That's not the main reason why I didn't report the information, but that was part of the reason.
same team, even though there were military police and military intelligence, but we work together. An
that they did were very disgusting. That was one of the reasons why I did not report the information y

ZAHN: Roman Krol, thank you for spending time with us this evening and telling us what you saw at

KROL: Thank you.

ZAHN: Good luck to you.

When we come back, the perspective on the events at Abu Ghraib from a reporter who has been foll
from day one.

(COMMERCIAL BREAK)

ZAHN: It will take some time to get a complete and accurate picture of what happened at Abu Ghraib
heard tonight was chilling. I was struck by the tragedy of two young men confronting a situation even
were neither emotionally nor professionally prepared for. Small wonder, then, that so many investigat
trouble getting to the truth.

With that in mind, we turn to a journalist who has written extensively on the abuse at Abu Ghraib. In V
Angeles Times" national security correspondent, Greg Miller. He is the co- author of a new book calle
Interrogators: Inside the Secret War Against al Qaeda."

Welcome, Greg. You have just heard these two men tell their story. Where does the truth lie?

GREG MILLER, L.A. TIMES: Paula, to me this shows you just how tangled this story is still, and it prc
some time. I mean, these two accounts from these two soldiers that you interviewed tonight, as gripp
they are somewhat contradicted by the Fay report. Davis says because the Fay report says -- conclu
description of this incident that MI was not controlling or directing this behavior, and Krol's because th
concludes that two military intelligence troops took part in the abuses last night, and other sources in
was one of them.

ZAHN: Specialist Krol, as you heard, adamantly denied he had anything to do with neither directing o
We have a statement for the lawyer for Specialist Armin Cruz, quote: "we adamantly deny that Speci
orchestrated anything." Your response.

(b)(7)(c)-4
(b)(6)-4
(b)(7)(c)-2
(b)(6)-2

MILLER: There – the third military intelligence soldier who was there last night is Specialist [redacted], a
different version of events. He has described Krol having taken part in the abuses by climbing up on
balconies in the tier and throwing footballs at the detainees, and Cruz of dumping water on the detain
them. So there are contradictions all around here.

ZAHN: The two gentlemen also contradicted each other's accounts of the chain of command. Mr. Ha
hand suggesting that it was a very confused situation. The last guest, Roman, saying that that wasn't
military police knew what they were supposed to do. They were in charge of the prison. The MI guys
the interrogations. You see a lot of gray area there, don't you?

MILLER: There's a lot of gray area there. It certainly doesn't look like anybody was totally in charge o
I mean, one of the striking things to me, having written a book about a prison in Afghanistan, is just th
much greater here. In Afghanistan, the largest prisons held 500, 600 prisoners at most, and at Abu G
many as 6,000. It was just a much more chaotic and large and sort of amok facility than anything I thi
prepared for.

ZAHN: I know this is early on, and everybody's accounts of what they believe went on in this very cha where should most of the blame be pointing right now?

MILLER: That's a tough question. I think that the Fay report makes it clear that this is no longer a cas can describe this as confined to a few bad apples taking advantage of their freedom on the night shift also says that there was no indication in many of these instances that this was being ordered or direc mean, I think that what has to happen now is just – the Pentagon and other agencies need to really s to reach some – arrive at some new policies that achieve some clarity that eliminates the possibility c a confusing environment in the future.

ZAHN: Just a final thought, a very personal reflection on the tragedy that both of these men confront account you buy into.

MILLER: Well, it's, you know, one of the things that I try to keep in mind as we write these stories is, a many readers and many of your viewers think about this as well. What would we have done in those hard to know. We saw Krol tonight talking about feeling indifferent toward this. He told me much the s interview recently several months ago, where he talked about he didn't report it because he simply di

And that's hard to understand. But when you talk to people who have worked in these prisons, you ur these are debilitating places to be, especially over a long period of time.

ZAHN: I think both of the gentlemen made that clear this evening. Greg Miller, thank you for your add We appreciate your time tonight.

MILLER: Thank you, Paula.

ZAHN: Just ahead, we move on to politics, as New York braces for the GOP's big show, and the dem are coming with it. That story when we come back.

(COMMERCIAL BREAK)

ZAHN: Well, if you are counting, we are 68 days from the election. In a CNN/"USA Today"/Gallup pol shows President Bush and John Kerry still locked in a statistical dead heat. We are also, of course, fo from the Republican convention here in New York, which was the subject of another poll. This one fro University. Well, the survey found President Bush has an approval rating of only 25 percent among N Those same New Yorkers apparently think more highly of themselves. 77 percent of them expect Ne good hosts for the convention. Still, not everyone is planning such a warm welcome. Maria Hinojosa l

(BEGIN VIDEOTAPE)

MARIA HINOJOSA, CNN CORRESPONDENT (voice-over): In New York City, not all protests look al

A group of women shoot this video as they sneak into Grand Central Station to send a very public me

UNIDENTIFIED FEMALE: It seems like people were so overjoyed and relieved to see those words g

HINOJOSA: An anti-Bush punching bag standing on a street corner. Self-described anarchists holdin meetings. A little flower store turned political rallying spot.

(on camera): What are you hearing from New Yorkers? Are you hearing New Yorkers saying, "I want that protest" or are you hearing New Yorkers saying, "I'm getting away."

UNIDENTIFIED MALE: No. The majority of them are going to be there, I think.

HINOJOSA: In a city where Democrats outnumber Republicans, 5 to 1, protesters want to send a me like these, pro- choice, gay-friendly, anti-war, have nothing in common with Republicans. But inside th the Republicans aren't buying into the caricature being painted outside. They are taking advantage of image of New York, where many top Republicans are Democratic converts and where party labels do

RUDOLPH GIULIANI, FMR. NEW YORK MAYOR: I believe one of the things we can accomplish is t demonstrate how broad the Republican party really is.

HINOJOSA: Former Republican Mayor Rudy Giuliani is one of the convention's top speakers. Once a has a history of taking more moderate stances on conservative issues.

GIULIANI: There are a substantial number of Republicans who you would describe as moderate Rep

that's probably the best way to describe them but who have some very, very strong conservative viev economy, on national defense. But on social views we tend to be moderates.

HINOJOSA: The "we" Giuliani is talking about includes Michael Bloomberg, another Democrat who b Republican and then became mayor of New York. And there's the state's moderate Republican Gove Pataki. Both will be convention speakers.

GOV. GEORGE PATAKI (R), NEW YORK: I've got elected three times in the state of New York beca Independents and enough Democrats believe that these principles and policies work for them, too.

HINOJOSA: Going after so-called swing voters means showing that Republican delegates inside the can address some of the issues the protesters are raising outside.

GEORGE ARZI, POLITICAL CONSULTANT: It might be a way in which to leverage opposition and tc people, the protesters out there. Because I don't know what these people out there are protesting abc these moderates we have inside.

HINOJOSA: But demonstrators want to send a message of their own that no matter how moderate a be, it's not enough.

BILL DOBBS, UNITED FOR PEACE AND JUSTICE: The Republicans have brought us four years of civil liberties, immigrant round-ups and now many of us are going to be marching under the banner, tl to the Bush agenda.

HINOJOSA: So as the opposition welcomes protesters to town, the Republicans are rolling out a mor image.

ARZI: If you look at the images outside, with all the protesters and you look at the images inside with the Karl Rove types will try to tell you, you see, we are much more moderate than people are trying tc

(END VIDEOTAPE) ZAHN: And that was Maria Hinojosa reporting for us this evening. And just one v President Bush accepts his party's nomination for the second time. You can see live prime-time cove Republican National Convention in New York starting Monday night right here on CNN.

Coming up next, a tale of two JFKs. The surprising connections you may not know.

(COMMERCIAL BREAK)

ZAHN: John Fitzgerald Kennedy, John Forbes Kerry. They share the same initials. They're from the s both served in the Navy during wartime and they both wanted to be president.

Well, after Kennedy achieved his goal, he made quite an impression on Kerry, even in person 42 yea

(BEGIN VIDEOTAPE)

ZAHN (voice-over): On an August day in 1962, President John Fitzgerald Kennedy is sailing off Newp One of his passengers is 18-year-old John Forbes Kerry. It is the summer before Kerry starts at Yale Janet Auchincloss, Jackie Kennedy's half-sister. Auchincloss invited Kerry to Hammersmith Farm wh married Kennedy nine years before.

The politically active Kerry idolizes Kennedy. They chat. They board the 60-foot Manitou for a cruise : (UNINTELLIGIBLE). A few weeks later, Kerry is invited back, this time to watch an America's Cup rac President Kennedy is there and again they have a private conversation.

"Thank you for a very unforgettable and exciting time," Kerry later would write the president. "I am, to ardent Kennedy supporter." Indeed he was like so many young Catholic men from Massachusetts. K political speech in a prep school debate was in support of Kennedy's 1960 presidential run. Kerry volı Kennedy's first Senate campaign in '62. And when the president campaigned for Democrats in Conn Kerry was in the crowd, a crowd peppered with disruptive hecklers.

JOHN F. KENNEDY, FMR. PRESIDENT OF THE UNITED STATES: But they will learn as this counti the Democratic party is best for them as it is for the country.

ZAHN: Kerry, in this October 1962 letter, apologizing for the, quote, "deplorable behavior of some of undergraduates here at Yale." The young Kerry added, "it is possible that you personally were not bo happened here, but the insult was made and there is no one here who is not now conscious of it."

A year later, President Kennedy was dead.

LOUIS DINATALE, UNIVERSITY OF MASSACHUSETTS: Kennedy's shadow on Massachusetts has been big for 30 or 40 years. ZAHN: Political science professor Lou Dinatale describes Kennedy as th the Democratic party.

DINATALE: Celebrity, good looks, coat over the shoulder, loosened tie around the neck. You know, t for Democrats and it's also a standard because it was unfulfilled.

ZAHN: After the late president's brother Bobby also fell to an assassin, Ted Kennedy became the sta the family mystique and eventually Kerry's mentor. The senator backed his first and unsuccessful run 1972. The two men have stood side by side for two decades in the Senate, and this year, Kennedy pl Kerry's presidency.

SEN. TED KENNEDY (D), MASSACHUSETTS: Let's give him a great Waterloo reception!

ZAHN: Kerry seems to be tapping into that JFK playbook, sometimes literally following his footsteps. same West Virginia diner Kennedy visited 44 years ago.

KERRY: Well, we're going to get to work on it.

ZAHN: Kennedy had PT 109, the small boat he commanded in the Pacific during World War II, swimi saving a man after being rammed by an enemy warship. Kerry has PCF 94, the Swift boat he comma saving a man and winning five medals in combat. Each a decorated veteran when he ran for presidei would make America safer than the Republican incumbent, whether against the communists or the te

DINATALE: The campaign actually is evolving precisely the way the 1960 campaign evolved, which i using his war record is finding himself -- is fighting the fight in the middle of the political spectrum, an a squeaker of an election just like Kennedy was in '60.

ZAHN: Many Democratic presidential candidates before Kerry have tried to capture the magic of JFK Whether through personal or political inadequacy, most of those efforts have fallen short except the r year-old at this White House handshake.

For John F. Kerry the Kennedy era was a sort of golden age and he hopes that the imagery and the s for him this year.

(END VIDEOTAPE)

ZAHN: For more on the imprint that John Kennedy left on John Kerry, I am joined from Washington b biographer Laurence Leamer. His most recent book is, "Sons Of Camelot, The Fate Of An American good to see you.

So the similarities in the two JFKs are certainly hard to ignore. But there are some very distinct differe there? LAURENCE LEAMER, KENNEDY FAMILY BIOGRAPHER: Yes, there certainly are. The idea some ways it's very similar in that they are both authentic heroes, although there have been aspersio of them, JFK during his lifetime as well. They both saved one of their sailors. They both deserve the r but the motivation is very different.

John F. Kennedy was a kind of reluctant hero. When his boat was cut in half by a Japanese destroye his men. He wasn't too comfortable with being called a hero. John Kerry, he's more like JFK's older b was the anointed, the golden one in the Kennedy family. He was brought up to be president of the Ur thought he would be president. He was opposed to World War II, but he entered because he thought president, I've got to be a hero. So he was a self-conscious hero and he sought the hero's medals an mouth and in the summer of 1944, he volunteered for a very risky mission and he was killed. And tha more similar case.

ZAHN: Laurence, when you see pictures of John Kerry with Ted Kennedy, for example, you are left w that they are close. But it hasn't always been that way, has it?

LEAMER: No, I mean Ted Kennedy is an 800-pound gorilla in Massachusetts. He doesn't like anyboc light, and in the -- during the early years, I mean, he was not too comfortable on Kerry and Senator K issues that, you know, didn't get him too close to Kennedy. Kerry wasn't going to have medical issue: wasn't going to get in the same way. Now, Senator Ted Kennedy sees the election of Kerry as being triumph. If he can't be in the White House, this is as close to him being in the White House as he can

ZAHN: How much do you think John Kerry has studied the life of John F. Kennedy?

LEAMER: Well, I mean, the two great political icons of the 20th century are John Kennedy and Ronal for most politicians that study them. You can't help but study them and emulate them. And that's Mich know. So, of course, he studied them. You know, he met him early on and that's similar, too. They co class that's probably 0.1 percent of the American population so when they met the summer of '62 the were and they aren't you and I.

ZAHN: They certainly aren't, are they?

LEAMER: No.

ZAHN: Somehow we didn't get to spend summers at Hammersmith Farm. Go figure, Laurence Leam

LEAMER: I was washing dishes. That's all I know.

ZAHN: I was a lifeguard. 50 cents an hour. Laurence Leamer, thanks for your time tonight. We appre right back.

(COMMERCIAL BREAK)

ZAHN: And that wraps it up for all of us this evening. Thanks so much for spending some time with us back same time, same place tomorrow night. Have a great night.

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LAST NAME, FIRST NAME, MIDDLE NAME	**SOCIAL SECURITY NUMBER**		**GRADE/STATUS**
CRUZ, Armin John	[redacted] (b)(7)(C)-5, (b)(6)-5		E4/SPC
ORGANIZATION OR ADDRESS			
HHSC, 502d Military Intelligence Bn, Camp Victory, Baghdad, Iraq, APO			

I, Armin John Cruz **want to make the following statement under oath:**

About 25 Oct 03, it was late evening but before midnight, SPC KROL came into the living area and said some MP's were punishing some detainee for raping another detainee. KROL asked me to go with him to the hardsite to see it. I agreed and we went over to the hardsite. I asked SPC [redacted] to go with us as well, so we all walked over. When we got there, the detainees were in their cells. I think we met SPC HARMAN when we got inside the hardsite. I don't remember the exact wording, but KROL went and was talking to HARMAN and HARMAN was explaining how they took care of detainees. She explained that they treated the detainees like soldiers in basic training by giving them PT, jumping jacks, and stuff like that, when a detainee needed discipline. She was talking to KROL, but we all were listening to the conversation. I asked her how the PT was done, and she showed me. I don't recall the exact words that was said, but she went and pulled one the detainees out of the cell. At this time, the people that were there started to cluster around. Those folks that were there besides myself was SPC HARMAN, SPC GRANER, SSG FREDERICK, PFC ENGLAND, SPC KROL, SPC [redacted], Mr. [redacted], SPC AMBUL and a soldier in the green BDU's. I believe he was an MP because I was asking him throughout this incident about the rules of engagment and stuff like that. Then SPC HARMAN went in a cell and pulled another detainee out, then someone else, I don't remember who, brought the third detainee out into hallway. I believe either GRANER or FREDERICK brought the third detainee over to where the other two were. I believe the detainees were still dressed at this time. I'm not sure who told them to, but they were ordered to get undress. I do recall once where SPC HARMAN told the detainees to get undressed. So the detainees took off their clothes or whatever it was they were wearing and this is when they started making the detainees do PT. They had them doing jumping jacks, low crawling, all that stuff while naked. As some point during all this, SPC HARMAN came up with the idea of handcuffing them together, then she went down and handcuffed them together. FREDERICK and GRANER helped her with the handcuffing, and FREDERICK and GRANER kind of took it all over at that point, with the handcuffing. The detainees were pretty much just laying on the floor. Now, during the PT, FREDERICK and GRANER were the big players. To me, it was like SPC HARMAN was the person with the ideas, then FREDERICK and GRANER pitched in and helped her. The detainees were stripped first, then given the PT, then the handcuffing occurred. Now, at first, only 2 of the detainee were handcuffed and KROL had the 3rd detainee over doing something else. Now, let me explain this. Two of the detainees were handcuffed to the cell. One of the detainees was handcuffed to the bars of a cell, on the outside of the cell, facing the inside of the cell. The second detainee was in the same position, but he was cuffed around the first detainee with the second detainees chest toughing the first detainees back. I'm pretty sure they were also nude at this point as well. SPC HARMAN and SPC GRANER were the ones who actually handcuffed them to the cell. The third detainee was over with KROL and I remember KROL had the detainee up in the collar area giving the appearance he was grabbing or choking him, then he began slapping in the face with an open hand. Then at some point, KROL brought this detainee over with the other two and that's when they made them get on the floor. Then they handcuffed all three detainees together on the floor and kept changing their positions. Everybody was downstairs in the tier for all of this except AMBUHL. She was down there for some if it, but

(b)(7)(C)-4
(b)(6)-4
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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF ____PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

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but she was also upstairs looking down and watching. Everybody that was downstairs participated in the PT of the detainees except fo[redacted] [redacted] was there, just watching. After they were on the floor, I saw one of the detainees was bleeding from his wrist from the handcuff, so I asked GRANER if he could take the handcuffs or loosen them. The first couple times I asked him, he didn't really do anything, and then he finally got up and loosens them. He saw the bleeding as well. As this was happening, I asked both FREDERICK and GRANER about the legality of what we were doing and FREDERICK said "We can't do this kind of stuff back home". GRANER made the comment "We love this shit". At some point while they were on the floor, I left. Now, I'm not sure how long before, but [redacted] left before I did. [redacted] was there, but he was kind of watching, not really doing anything, but he wasn't stopping anything either, just stand there.

(b)(7)(c)-4, (b)(6)-4
(b)(7)(c)-2, (b)(6)-2

(b)(7)(c)-4, (b)(6)-4
(b)(7)(c)-2, (b)(6)-2

Q. In regards to the football, who was involved with the football?

A. I don't know how, but somebody brought out a football. KROL picked it up, threw it at the detainees while they were lying on the floor and hit them. He hit them with it while he was downstairs and he also went upstairs and threw it from the upper tier, hitting the detainee. When I threw the football at the detainee's, I was upstairs, but I didn't hit either of them. I think I threw the football twice and I believe GRANER actually caught it, and KROL threw the football at least 3-4 times from upstairs and he hit the detainees at least 3 times. He also threw it at least 3-4 times while he was downstairs with them, hitting the detainees.

Q. You mentioned you put your foot on one of the detainees back to keep the detainee against the floor while low crawling.

A. Yes, I did.

Q. Did anyone else put their foot on the detainees, hit, kick or do anything else to the detainees while they were low crawling?

A. Yes, when the 3 detainees were handcuffed together, GRANER was like straddling two of the detainees and one of them moved or something and he didn't like it so he hit the detainee in the side of the face with his fist. FREDERICK was changing the position of the handcuff and he told me to push the detainees as close together as possible so they didn't strike out and hit anybody.

(b)(7)(c)-4
(b)(6)-4
(6)(7)(c)-2
(b)(6)-2

Q. What was the mood of those present there when all this was going on?

A. Everybody minus [redacted] and myself seemed to be enjoying. HARMAN was laughing about it and talking about how small their penises were. FREDERICK and GRANER were enjoying it. KROL wasn't really laughing, he just didn't care about what was happening. [redacted] was laughing, not as much as the MP's, but he was laughing. The MP in BDU's was laughing and he was using the bullhorn, just being really loud with it and taunting the detainees.

(b)(7)(c)-5
(b)(6)-5

(b)(7)(c)-5, (b)(6)-5

Q. What part did [redacted] play in this whole incident?

A. He was laughing some, he was interpreting some of what was being said, he even

actually helped adjust the detainees when they were handcuffed together on the floor.
Q. What role did AMBUHL play?
A. AMBUHL had a camera there when all this was going on. I don't know if she took pictures that night, but I know for sure the camera she had had pictures of detainees on it. I didn't look at all of them, but the ones I did see, they were like face shots of detainees, nothing I recall as abusive or anything.
Q. Did you see anyone in the tier when this was occurring other than the individuals you already mentioned?
A. I know SGT [redacted] sp), from my unit. He was there very briefly. He came in after I got there. He didn't participated at all; he walked in, saw what was going on and left. He wasn't there long at all. (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-3, (b)(6)-3
Q. I just showed you a picture, DSCp00005 (6).JPG, located on page 41 of 140 of the Photo Log with Metadata, do you see him in that photo?
A. Yes, I'm pretty sure that is SGT [redacted] (sp). (b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-3, (b)(6)-3
Q. Who was the most senior person you saw in the tier participating or observing this incident/
A. SSG FREDERICK, he was the most senior person there.
Q. The soldier in the green BDU uniform, what role did he play in the incident?
A. He was using the bullhorn to agitate them. He would put the detainees, one at a time, in the "hole", then put the speaker up against the cell and just yell at them. He would make all sorts of noises, beeps, and it was loud. He was tormenting them, calling rapist and all sorts of things.
Q. You mentioned you asked about the rules of engagement regarding disciplining detainees. Who did you and what did ask them?
A. I asked everyone that was there and I know I asked multiple times. I wanted to know if what we were doing was legal and I know I asked them all. Until the very last time I asked, everyone was saying it was legal and OK to do, we were in the green and within our rights to do it. The last time you asked, this was after the handcuffing incident, I asked again and FREDERICK said they didn't have an SOP, they were just winging it. That's when I left.
Q. Do you know if the incident ended when you left?
A. I sincerely doubt it. It was still ongoing when I was leaving.
Q. Do you know if this type activity occurred before you arrived?
A. I honestly believe this was part 2, and that they had done the same thing before I got there. When KROL came and got me, he said they were punishing detainees for raping a detainee and SPC HARMAN said they were taking a break when we got to the hardsite.
Q. Do you recall which detainee GRANER hit in the face with his fist?
A. No, I don't know.
Q. Do you recall which detainee KROL had by the collar?
A. No. I don't recall any of the detainees to be honest. I remember there were 3 of them, but that's about it.

Q. Earlier, you said AMBUHL was downstairs for some of the incident and upstairs for some. How did she participate in the incident?
A. I know she had the camera, but I can't say she was taking pictures. I really believe she took the picture of KROL throwing the football. I say this because when KROL was downstairs throwing the football, I saw a flash and when I looked up, she had the camera. That's when I went upstairs and looked at the camera and saw she had pictures of detainees. I just looked at a few photos and I told her she could not take pictures of detainees.
Q. Did at any time the MP in the BDU uniform hit, strike, touch or otherwise abuse the detainees?
A. I don't believe he did. He was primarily agitating them with the bull horn, making loud noises and sounds, but he was right there with us.
Q. When the detainees were crawling, did you see any of them get injured?
A. No, not that I saw.
Q. Do you recall if SGT Javal DAVIS was present?
A. No, not that I recall.
Q. Regarding this incident and this night, is there anything I haven't asked you about that you recall?
A. No, that's pretty much what I recall about that night.
Q. Do you have any other information regarding detainee abuse that may be of interest or important to know about? (b)(7)(c)-4, (6)(6)-4
A. Yes, I have some information about [redacted] I was in the hardsite one night about to do an interrogation and there was this guy that had this dark white, off colored, brownish white, I think it was shit and mud, on him. When I walked up there, FREDERICK told me this guy had a problem with shitting all over the place. This detainee had what I thought was shit all over him. FREDERICK told the detainee that if he wanted to look like shit, he was gonna wear shit. FREDERICK said he took the detainee outside, rolled him around in the mud next to this huge water tank that always leaked. He was telling me and he asked me to come on into the hallway between the cells and told me he wanted me to check something out. He pulled [redacted] out of the cell and starting pointing at the detainee's penis with his nightstick or baton. He asked me what was wrong with this picture, meaning the guys testicles, then he made a comment that the detainees "Beans were above his frank". I asked him what he was talking and then he poked the guy in the testicles. The detainee's testicles were above the level of his penis. FREDERICK said that's what happens when you get scared, your testicles rise up. I also need to mention FREDERICK said, before he took the detainee outside, that the detainee was shoving water bottles up his ass, cucumbers, tomatoes, anything up his ass and he had a problem of shitting all over himself. That's when FREDERICK said he told the detainee if he wanted to be dirty, he would help him, and then took him out to the mud. (b)(7)(c)-4 (6)(6)-4

Q. Did FREDERICK poked the detainee in a way to hurt him, or just touched him with the nightstick?
A. I don't think he was trying to hurt the detainee, but he did poke him.
Q. Did the detainee have any reaction as if it hurt?
A. No, not really, just like he was in shock or stunned, like he had given up hope. He was scared shitless, like frozen in place.
Q. You mentioned earlier more information concerning KROL.
A. I wanted to make sure I let you know that during the incident with the three detainees, he did pour cold water on them. Also, I want to talk about his interrogation techniques as well. One day, he and I were in the chow hall talking and he talked about things he could do in the booth, things he did to detainees. He said he would put the detainees in various stress position, he would make them strip down naked. He always talked about he would push the limits during his interrogations. He said it was a power thing with him, making sure they knew he was in charge. I also want to add that I heard a rumor about a female MP shaving another female MP's vagina or a MP shaving a female detainees vagina. I heard there was a picture of this, but I never saw it. I don't even recall who talked about it, but I do recall hearing about it. (b)(7)(c)-3, (b)(6)-3
Q. Is there any other information you want to provide at this time?
A. Yes, there was a civilian interrogator named [redacted]. He used a K9 to interrogate a detainee. I don't recall when or who the detainee was, but I remember this because the dogs were being used to search for guns and I remember because the dog bit one of the dog handlers. It was minor when he bit him.
Q. At this point, is there anything further you wish to add to this statement?
A. No///END OF STATEMENT/// AC

NOT AL
USED

AFFIDAVIT

I, Armin John Cruz HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statment)

WITNESSES: [redacted] (b)(7)(c)-3, (b)(6)-3
Attorney Representing me
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 11th DAY OF Sep 2004
AT Camp Victory, Iraq

[redacted] (b)(7)(c)-1 (b)(6)-1
(Name of Person Administering Oath)

[redacted] (b)(7)(c)-1 (b)(6)-1 (b)(2)-1
(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT AL | 4/6

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Camp Victory, Iraq	11 Sep 04	1434	0003-04-CID149-83130
LAST NAME, FIRST NAME, MIDDLE NAME	**SOCIAL SECURITY NUMBER**		**GRADE/STATUS**
CRUZ, Armin John	[redacted] (b)(7)(c)-5		E4/SPC
ORGANIZATION OR ADDRESS	(b)(6)-5		
HHSC, 502d Military Intelligence Bn, Camp Victory, Baghdad, Iraq, APO			

I, Armin John Cruz want to make the following statement under oath:

About 25 Oct 03, it was late evening but before midnight, SPC KROL came into the living area and said some MP's were punishing some detainee for raping another detainee. KROL asked me to go with him to the hardsite to see it. I agreed and we went over to the hardsite. I asked SPC [redacted] to go with us as well, so we all walked over. When we got there, the detainees were in their cells. I think we met SPC HARMAN when we got inside the hardsite. I don't remember the exact wording, but KROL went and was talking to HARMAN and HARMAN was explaining how they took care of detainees. She explained that they treated the detainees like soldiers in basic training by giving them PT, jumping jacks, and stuff like that, when a detainee needed discipline. She was talking to KROL, but we all were listening to the conversation. I asked her how the PT was done, and she showed me. I don't recall the exact words that was said, but she went and pulled one the detainees out of the cell. At this time, the people that were there started to cluster around. Those folks that were there besides myself was SPC HARMAN, SPC GRANER, SSG FREDERICK, PFC ENGLAND, SPC KROL, SPC [redacted] Mr [redacted], SPC AMBUL and a soldier in the green BDU's. I believe he was an MP because I was asking him throughout this incident about the rules of engagment and stuff like that. Then SPC HARMAN went in a cell and pulled another detainee out, then someone else, I don't remember who, brought the third detainee out into hallway. I believe either GRANER or FREDERICK brought the third detainee over to where the other two were. I believe the detainees were still dressed at this time. I'm not sure who told them to, but they were ordered to get undress. I do recall once where SPC HARMAN told the detainees to get undressed. So the detainees took off their clothes or whatever it was they were wearing and this is when they started making the detainees do PT. They had them doing jumping jacks, low crawling, all that stuff while naked. As some point during all this, SPC HARMAN came up with the idea of handcuffing them together, then she went down and handcuffed them together. FREDERICK and GRANER helped her with the handcuffing, and FREDERICK and GRANER kind of took it all over at that point, with the handcuffing. The detainees were pretty much just laying on the floor. Now, during the PT, FREDERICK and GRANER were the big players. To me, it was like SPC HARMAN was the person with the ideas, then FREDERICK and GRANER pitched in and helped her. The detainees were stripped first, then given the PT, then the handcuffing occurred. Now, at first, only 2 of the detainee were handcuffed and KROL had the 3rd detainee over doing something else. Now, let me explain this. Two of the detainees were handcuffed to the cell. One of the detainees was handcuffed to the bars of a cell, on the outside of the cell, facing the inside of the cell. The second detainee was in the same position, but he was cuffed around the first detainee with the second detainees chest toughing the first detainees back. I'm pretty sure they were also nude at this point as well. SPC HARMAN and SPC GRANER were the ones who actually handcuffed them to the cell. The third detainee was over with KROL and I remember KROL had the detainee up in the collar area giving the appearance he was grabbing or choking him, then he began slapping in the face with an open hand. Then at some point, KROL brought this detainee over with the other two and that's when they made them get on the floor. Then they handcuffed all three detainees together on the floor and kept changing their positions. Everybody was downstairs in the tier for all of this except AMBUHL. She was down there for some if it, but

(b)(7)(c)-4
(b)(6)-4
(b)(7)(c)-2
(b)(6)-2

(b)(7)(c)-4
(b)(6)-4
(b)(7)(c)-2
(b)(6)-2

(b)(7)(c)-
(b)(6)-

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (AUTOMATED)]

but she was also upstairs looking down and watching. Everybody that was downstairs participated in the PT of the detainees except for [redacted] was there, just watching. After they were on the floor, I saw one of the detainees was bleeding from his wrist from the handcuff, so I asked GRANER if he could take the handcuffs or loosen them. The first couple times I asked him, he didn't really do anything, and then he finally got up and loosens them. He saw the bleeding as well. As this was happening, I asked both FREDERICK and GRANER about the legality of what we were doing and FREDERICK said "We can't do this kind of stuff back home". GRANER made the comment "We love this shit". At some point while they were on the floor, I left. Now, I'm not sure how long before, but [redacted] left before I did. [redacted] was there, but he was kind of watching, not really doing anything, but he wasn't stopping anything either, just stand there.

(b)(7)(c)-4, (b)(6)-4
(b)(7)(c)-2, (b)(6)-2

(b)(7)(c)-4, (b)(6)-4
(b)(7)(c)-2, (b)(6)-2

Q. In regards to the football, who was involved with the football?
A. I don't know how, but somebody brought out a football. KROL picked it up, threw it at the detainees while they were lying on the floor and hit them. He hit them with it while he was downstairs and he also went upstairs and threw it from the upper tier, hitting the detainee. When I threw the football at the detainee's, I was upstairs, but I didn't hit either of them. I think I threw the football twice and I believe GRANER actually caught it, and KROL threw the football at least 3-4 times from upstairs and he hit the detainees at least 3 times. He also threw it at least 3-4 times while he was downstairs with them, hitting the detainees.
Q. You mentioned you put your foot on one of the detainees back to keep the detainee against the floor while low crawling.
A. Yes, I did.
Q. Did anyone else put their foot on the detainees, hit, kick or do anything else to the detainees while they were low crawling?
A. Yes, when the 3 detainees were handcuffed together, GRANER was like straddling two of the detainees and one of them moved or something and he didn't like it so he hit the detainee in the side of the face with his fist. FREDERICK was changing the position of the handcuff and he told me to push the detainees as close together as possible so they didn't strike out and hit anybody.

(b)(7)(c)-4
(b)(6)-4
(b)(7)(c)-2
(b)(6)-2

Q. What was the mood of those present there when all this was going on?
A. Everybody minus [redacted] and myself seemed to be enjoying. HARMAN was laughing about it and talking about how small their penises were. FREDERICK and GRANER were enjoying it. KROL wasn't really laughing, he just didn't care about what was happening. [redacted] was laughing, not as much as the MP's, but he was laughing. The MP in BDU's was laughing and he was using the bullhorn, just being really loud with it and taunting the detainees.

(b)(7)(c)-5
(b)(6)-5

Q. What part did [redacted] play in this whole incident? (b)(7)(c)-5, (b)(6)-5
A. He was laughing some, he was interpreting some of what was being said, he even

actually helped adjust the detainees when they were handcuffed together on the floor.
Q. What role did AMBUHL play?
A. AMBUHL had a camera there when all this was going on. I don't know if she took pictures that night, but I know for sure the camera she had had pictures of detainees on it. I didn't look at all of them, but the ones I did see, they were like face shots of detainees, nothing I recall as abusive or anything.
Q. Did you see anyone in the tier when this was occurring other than the individuals you already mentioned?
A. I know SGT [redacted] sp), from my unit. He was there very briefly. He came in after I got there. He didn't participated at all; he walked in, saw what was going on and left. He wasn't there long at all. (b)(7)(c)-2 (b)(6)-2 (b)(7)(c)-4 (b)(6)-4
Q. I just showed you a picture, DSCp00005 (6).JPG, located on page 41 of 140 of the Photo Log with Metadata, do you see him in that photo?
A. Yes, I'm pretty sure that is SGT [redacted] (sp). (b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-4, (b)(6)-4
Q. Who was the most senior person you saw in the tier participating or observing this incident/
A. SSG FREDERICK, he was the most senior person there.
Q. The soldier in the green BDU uniform, what role did he play in the incident?
A. He was using the bullhorn to agitate them. He would put the detainees, one at a time, in the "hole", then put the speaker up against the cell and just yell at them. He would make all sorts of noises, beeps, and it was loud. He was tormenting them, calling rapist and all sorts of things.
Q. You mentioned you asked about the rules of engagement regarding disciplining detainees. Who did you and what did ask them?
A. I asked everyone that was there and I know I asked multiple times. I wanted to know if what we were doing was legal and I know I asked them all. Until the very last time I asked, everyone was saying it was legal and OK to do, we were in the green and within our rights to do it. The last time you asked, this was after the handcuffing incident, I asked again and FREDERICK said they didn't have an SOP, they were just winging it. That's when I left.
Q. Do you know if the incident ended when you left?
A. I sincerely doubt it. It was still ongoing when I was leaving.
Q. Do you know if this type activity occurred before you arrived?
A. I honestly believe this was part 2, and that they had done the same thing before I got there. When KROL came and got me, he said they were punishing detainees for raping a detainee and SPC HARMAN said they were taking a break when we got to the hardsite.
Q. Do you recall which detainee GRANER hit in the face with his fist?
A. No, I don't know.
Q. Do you recall which detainee KROL had by the collar?
A. No. I don't recall any of the detainees to be honest. I remember there were 3 of them, but that's about it.

Q. Earlier, you said AMBUHL was downstairs for some of the incident and upstairs for some. How did she participate in the incident?
A. I know she had the camera, but I can't say she was taking pictures. I really believe she took the picture of KROL throwing the football. I say this because when KROL was downstairs throwing the football, I saw a flash and when I looked up, she had the camera. That's when I went upstairs and looked at the camera and saw she had pictures of detainees. I just looked at a few photos and I told her she could not take pictures of detainees.
Q. Did at any time the MP in the BDU uniform hit, strike, touch or otherwise abuse the detainees?
A. I don't believe he did. He was primarily agitating them with the bull horn, making loud noises and sounds, but he was right there with us.
Q. When the detainees were crawling, did you see any of them get injured?
A. No, not that I saw.
Q. Do you recall if SGT Javal DAVIS was present?
A. No, not that I recall.
Q. Regarding this incident and this night, is there anything I haven't asked you about that you recall?
A. No, that's pretty much what I recall about that night.
Q. Do you have any other information regarding detainee abuse that may be of interest or important to know about?
A. Yes, I have some information about (b)(7)(c)-4, (b)(6)-4 [redacted] I was in the hardsite one night about to do an interrogation and there was this guy that had this dark white, off colored, brownish white, I think it was shit and mud, on him. When I walked up there, FREDERICK told me this guy had a problem with shitting all over the place. This detainee had what I thought was shit all over him. FREDERICK told the detainee that if he wanted to look like shit, he was gonna wear shit. FREDERICK said he took the detainee outside, rolled him around in the mud next to this huge water tank that always leaked. He was telling me and he asked me to come on into the hallway between the cells and told me he wanted me to check something out. He pulled [redacted] out of (b)(7)(c)-4, (b)(6)-4 the cell and starting pointing at the detainee's penis with his nightstick or baton. He asked me what was wrong with this picture, meaning the guys testicles, then he made a comment that the detainees "Beans were above his frank". I asked him what he was talking and then he poked the guy in the testicles. The detainee's testicles were above the level of his penis. FREDERICK said that's what happens when you get scared, your testicles rise up. I also need to mention FREDERICK said, before he took the detainee outside, that the detainee was shoving water bottles up his ass, cucumbers, tomatoes, anything up his ass and he had a problem of shitting all over himself. That's when FREDERICK said he told the detainee if he wanted to be dirty, he would help him, and then took him out to the mud.

Q. Did FREDERICK poked the detainee in a way to hurt him, or just touched him with the nightstick?
A. I don't think he was trying to hurt the detainee, but he did poke him.
Q. Did the detainee have any reaction as if it hurt?
A. No, not really, just like he was in shock or stunned, like he had given up hope. He was scared shitless, like frozen in place.
Q. You mentioned earlier more information concerning KROL.
A. I wanted to make sure I let you know that during the incident with the three detainees, he did pour cold water on them. Also, I want to talk about his interrogation techniques as well. One day, he and I were in the chow hall talking and he talked about things he could do in the booth, things he did to detainees. He said he would put the detainees in various stress position, he would make them strip down naked. He always talked about he would push the limits during his interrogations. He said it was a power thing with him, making sure they knew he was in charge. I also want to add that I heard a rumor about a female MP shaving another female MP's vagina or a MP shaving a female detainees vagina. I heard there was a picture of this, but I never saw it. I don't even recall who talked about it, but I do recall hearing about it. (b)(7)(c)-9, (b)(6)-9
Q. Is there any other information you want to provide at this time?
A. Yes, there was a civilian interrogator named [redacted]. He used a K9 to interrogate a detainee. I don't recall when or who the detainee was, but I remember this because the dogs were being used to search for guns and I remember because the dog bit one of the dog handlers. It was minor when he bit him.
Q. At this point, is there anything further you wish to add to this statement?
A. No///END OF STATEMENT/// AC

NOT AR
USED

AFFIDAVIT

I, Armin John Cruz HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statment)

WITNESSES: [redacted] (b)(7)(c)-3, (b)(6)-3
Attorney Representing me
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 11th DAY OF Sep 2004
AT Camp Victory, Iraq

[redacted] (b)(7)(c)-1 (b)(6)-1
(Signature of Person Administering Oath)

(b)(7)(c)-1 (b)(6)-1 [redacted] (b)(2)-1
(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT AR

4/4

UNITED STATES	)	
	)	
v.	)	STIPULATION OF FACT
	)	
Cruz, Armin J. (b)(7)(c)-S, (b)(6)-S	)	
SPC, U.S. Army, [redacted]	)	
Headquarters and Headquarters	)	
Service Company,	)	
303rd Military Intelligence Battalion,	)	
504th Military Intelligence Brigade,	)	
III Corps,	)	4 September 2004
Victory Base, Iraq, APO AE 09342	)	

I. NATURE AND USES OF THE STIPULATION:

1. It is agreed between Specialist Armin J. Cruz ("the accused"), the Civilian Defense Counsel and Trial Counsel, that the following facts are true, susceptible to proof, and admissible in evidence. These facts may be considered by the military judge in determining the providence of the accused's plea of guilty; to establish the elements of all charges and specifications; and they may be considered by the sentencing authority in determining an appropriate sentence. For these purposes, the accused expressly waives any objection that he may have to the admission of these facts, and any referenced attachments, into evidence at trial under any evidentiary rule, applicable case law, or Rule for Courts-Martial that might otherwise make them inadmissible.

II. THE ACCUSED:

2. The accused is 24 years old and was 23 years old on the date of the charged offenses. The accused is a [redacted] The accused has a GT score of [redacted] He entered military service on 28 September 2000, attended basic training at Fort Leonard Wood, Missouri, and completed basic training in April 2001. He entered active duty in May 2002 to complete his MOS training and was released from active duty on 31 October 2002. The accused was activated for his current period of service in support of Operation Iraqi Freedom on 17 March 2003. The accused has a total of approximately 3 years and 11 months of service in the United States Army Reserve. As a civilian, the accused attends the [redacted] at [redacted] where he has a [redacted] The accused received Geneva Convention and UCMJ training during basic training.

(b)(7)(c)-S (b)(6)-S

(b)(7)(c)-S (b)(6)-S

(b)(7)(c)-S (b)(6)-S

3. At the time of the charged offenses, the accused was on active duty in the United States Army. He was originally assigned to 325th Military Intelligence Battalion and arrived in Iraq on 1 April 2003. The accused is now assigned to Headquarters and Headquarters Service Company, 502nd Military Intelligence Battalion. At all times relevant to the charged offenses, the accused was on active duty. This court has proper jurisdiction over the accused and the charged offenses.

III. THE MISCONDUCT

4. The Baghdad Central Confinement Facility (BCCF) is located in Abu Ghraib, a city located approximately 12 miles west of Baghdad, Iraq. Within the BCCF there are several compounds used to hold a large number of detainees. One of the compounds is actually a series of buildings built to contain individual cells. This compound is known as the "hard site" and consists of a number of halls, or tiers. Detainees in tier 1 were divided into two sub-tiers, tier 1A and tier 1B. During the relevant time, tier 1A was used for MI holds, those individuals who were believed to possess information of tactical, strategic, or operational value. Tier 1B was used to house certain sub-categories of civilian detainees including women, juveniles, and detainees who had caused disciplinary problems.

5. The accused was present in tier 1B on the night of 25 October 2003. A number of other MP personnel were also present including SSG Ivan Frederick, the night shift NCOIC of the hard site, CPL Charles Graner, the night shift NCOIC of tier 1A, SPC Megan Ambuhl, the NCOIC of tier 1B, and SPC Sabrina Harman, a soldier assigned to work in the hard site on the night shift. Also present were several non-MP individuals including SPC Roman Krol and SPC [redacted] both of the 325th Military Intelligence Battalion, and Mr. [redacted] an employee of the [redacted] Baghdad International Airport (BIAP), Baghdad, Iraq. Other individuals were present as well including Iraqi Corrections Officers and other members of the 372d MP Company, however, these individuals did not appear to have directly participated in the abuse of detainees that was to follow.

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-5 (b)(6)-5 (b)(7)(c)-5 (b)(6)-5

6. Upon arrival, the accused was notified by SPC Harman that the MP were "taking a break." It appeared to the accused as if the MP had previously been conducting some sort of activity with three detainees. The detainees were in a cell together, and all three were naked. The detainees appeared to be afraid and deeply distressed. The three detainees in the cell and that were later abused were Mr. [redacted] ISN # [redacted] Mr. [redacted], ISN # [redacted] and Mr. [redacted] ISN # [redacted]

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

7. SPC Harman then opened the cell and pulled the detainees into the hallway. SSG Frederick and CPL Graner were initially standing by and observing. SPC Megan Ambuhl was present and was holding a camera. SPC Lynndie England was also present. SSG Frederick, CPL Graner, and SPC Harman, began yelling at the detainees and forcing them to lay on the floor. SSG Frederick, CPL Graner, and SPC Harman then began to force the detainees to crawl along the floor dragging their genitals on the floor itself. The accused joined in this effort, yelling at the detainees and using his foot to keep the detainees from rising too high off the floor. The detainees, principally at CPL Graner's instruction, were also forced to roll on the ground and perform a variety of physical exercises while they were naked.

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8. At some point prior to this activity, the accused was told that the detainees had allegedly raped a 15-year-old boy, also detained in the facility. Mr. [redacted] Mr. [redacted] and Mr. [redacted] had denied doing so, confessed to the act, recanted, then apparently "confessed" again. At some point, the accused asked SSG Frederick if the abusive behavior the detainees were being subjected to was permissible. SSG Frederick told the accused something to the effect of "what you don't understand is that we don't get the chance to do this stuff in the civilian world." CPL Graner then added that he "loved this shit." When pressed, both SSG Frederick and CPL Graner stated that they were "within their rights" to abuse detainees. The accused observed that one of the detainees was bleeding from his wrist were he was still handcuffed or possibly the knee. The accused commented on this bleeding to the MP and asked if the abuse should stop. CPL Graner urged the accused and others to continue with the abuse, and the accused and other individuals participating in fact did continue.

9. Notwithstanding SSG Frederick and CPL Graner's assertions that the abusive behavior was "within their rights," the accused knew based on his training, experience, and education that such behavior was illegal, immoral, and without legal justification or excuse. Nevertheless, the accused assisted the MP in abusing the detainees.

10. SSG Frederick, CPL Graner, SPC Harman, SPC Krol, and the accused continued to abuse the detainees. The accused was present for one hour, but did not participate in the abuse of the detainees for the full hour. SPC Ambuhl stood by encouraging the other MP and holding a camera although the accused is not certain that pictures were taken with the camera. [redacted] translated for the MP and assisted in yelling at the detainees. SPC [redacted] did not take part in the abuse. During this period of abuse, the group of MP (SSG Frederick, CPL Graner, SPC Ambuhl, and SPC Harman), SPC Krol, and [redacted] entered into a silent agreement to abuse the detainees. Ultimately the detainees were handcuffed with their naked bodies pressed tightly together in such a fashion as to suggest that the men were sodomizing one another. While in this position, both CPL Graner and the accused used their feet to press the detainees closer together. At no time during the abuse did the detainees resist in any way or appear to be a threat. To the contrary, the detainees were in a state of terror, pain, and hopelessness throughout the abuse.

11. Prior to handcuffing the detainees together, the accused, along with SSG Frederick, CPL Graner, and SPC Harman, yelled loudly at the detainees and with their voices and with various hand signals, compelled the detainees to crawl along the floor and perform various exercises. The accused did this himself and also in conjunction with the other individuals. Additionally, SPC Krol poured cold water on the naked detainees anytime the detainees would try to close their eyes. Because it was November and night, the cold water greatly chilled the detainees. SPC Krol also threw a nerf football at the detainees, striking them while they were handcuffed on the floor. The accused threw the same ball as well at the detainees, but did not actually contact any of the detainees with the ball. At one point SPC Krol grabbed one detainee by the throat and slapped the detainee several times while asking the detainee "why he raped that kid." SPC Harman also screamed and laughed at the detainees pointing out that the detainees had "small dicks" and that she was not sexually interested in "anything these guys had."

This abuse was carried out in the open in tier 1B. In addition to the MI and MP soldiers present, Iraqi Corrections Officers and other detainees witnessed the humiliation of Mr. [redacted], Mr. [redacted] and Mr. [redacted].

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4

12. During the abuse of the detainees, CPL Graner and SPC Harman laughed at various times and seemed to be enjoying themselves throughout the abuse. From the actions, words, and demeanor of the individuals involved in the abuse, it was clear that the primary purpose of the abuse was simply to provide entertainment for those conducting the abuse, at least with regard to SSG Frederick, CPL Graner, SPC Harman, and SPC Krol. The accused, however, showed no signs of personal enjoyment while conducting the abuse but remained very serious during the incident. There was no indication whatsoever that the detainees were to be questioned for intelligence value or that the abuse had been directed by any military or civilian personnel other than SSG Frederick, CPL Graner, SPC Harman, and SPC Ambuhl. There were no civilian contract employees or other civilian government employees present encouraging or directing this conduct, nor was there any officers or NCOs senior to SSG Frederick. After the abuse ended, Iraqi Corrections Officers returned the detainees' clothes.

13. Of the three detainees involved, two were alleged to have raped another detainee, a boy aged 15. The boy was examined soon after the alleged rape and although showed signs of nervousness and fear, did not have any physical trauma that would normally be associated with multiple, forcible, anal sodomy. Further investigation revealed that the allegations of rape were unfounded. At the time of the abuse by the accused and his co-conspirators, the men were being detained for crimes against fellow Iraqis.

(b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-4, (b)(6)-4

14. During the time period of the abuse on 25 October 2003, the accused did not know whether or not the detainees had in fact raped anyone. Prior to the end of the abuse on or about 25 October, SPC [redacted] a friend of the accused, left the scene of abuse. SPC Rivera did not participate in the abuse. SPC [redacted] later testified during the Article 32 hearing of SPC Harman that the accused made the statement to him to the effect of [redacted] you're not going to tell anyone are you?" SPC [redacted] testified during the hearing that this statement was made as SPC [redacted] prepared to leave tier 1B the night of the abuse. SPC [redacted] left the hard site on the night of 25 October 2003 prior to the end of the abuse and before the accused left the hard site.

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IV. PROTECTIONS OF CIVILIAN DETAINEES

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

15. Mr [redacted] Mr [redacted] and Mr [redacted] while not enemy prisoners of war, were civilian internees entitled to the protections of Geneva Convention Relative to the Protection of Civilians in Time of War (GC IV). GC IV, Article 5 requires that civilian internees such as Mr [redacted] Mr [redacted] and Mr [redacted] be treated with humanity. GC IV, Article 100, requires that the disciplinary regime in places of interment shall be consistent with humanitarian principles and that under no

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

circumstances should a disciplinary regime include regulation imposing on internees any physical exertion involving physical or moral victimization. Further, Article 100 prohibits punishment drills.

16. Army Regulation 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and other Detainees also proscribes treatment for detainees such as Mr. [redacted], Mr. [redacted] and Mr. [redacted] Paragraph 1-5(b) prohibits inhuman treatment including corporal punishment and all cruel and degrading treatment. Paragraph 1-5(c) prohibits all acts of violence to include reprisals and those acts subjecting detainees to public curiosity.

17. Army Regulation 34-52, Intel Interrogation, states that the Geneva Conventions and U.S. policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation. This prohibition applies to all detainees and included, on 25 October 2003, Mr. [redacted] Mr. [redacted] and Mr. [redacted]

V. CHARGE 1, THE SPECIFICATION – CONSPIRACY TO MALTREATMENT
(In Violation of Article 81, UCMJ).

18. On or about 25 October 2003, at the BCCF, the accused entered into an unspoken agreement with CPL Graner, SSG Frederick, SPC Harman, SPC Roman Krol, Mr. [redacted] and others to maltreat subordinate, an offense under the Uniform Code of Military Justice. While this agreement continued to exist and while the accused remained party to the agreement, CPL Graner performed one of the overt acts alleged, that is, CPL Graner forced three detainees to conduct various physical exercises while the detainees were naked. While the agreement continued to exist and while the accused remained party to the agreement, SPC Krol also performed overt acts by throwing a nerf football and pouring water on the detainees during the time of the abuse.

19. The detainees abused the accused and his co-conspirators were subject to the orders of CPL Graner, SPC Krol, SSG Frederick, SPC Harman, and the accused. The detainees were required to follow the lawful orders of the accused with regard to their movements and behavior within the BCCF.

20. On or about 25 October 2003, at the BCCF, the accused maltreated these individuals by forcing the detainees to conduct various physical exercises while the detainees were naked and by handcuffing the detainees together on the floor while the detainees were naked. Forcing the detainees to perform these exercises and handcuffing the detainees together on the floor was harmful, abusive, rough and unjustifiable treatment. Under the circumstance this conduct resulted in physical pain and mental suffering and was unwarranted, unjustified, and unnecessary for any lawful purpose.

21. During the night of 25 October in which the detainees were abused in tier 1B, the accused never withdrew from the conspiracy. Specifically, the accused did not take an affirmative act wholly inconsistent with his adherence to the unlawful agreement that would show that he had severed all connection with the conspiracy. The next morning, SPC [redacted] reported the abuse to a supervisor.

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(b)(6)-2
(b)(7)(c)-2

VI. CHARGE II, THE SPECIFICATION – MALTREATMENT OF A DETAINEE
(In violation of Article 93, UCMJ)

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4

22. Mr. [redacted], Mr. [redacted], and Mr. [redacted] as detainees of the BCCF were subject to the orders of the accused. The detainees were required to follow the lawful orders of the accused with regard to their movements and behavior within the BCCF.

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

23. On or about 25 October 2003, at the BCCF, Abu Ghraib, Iraq the accused maltreated three detainees, [redacted] and [redacted] by forcing these men, while the men were naked, to crawl on the floor in such a manner as to cause the detainees' genitals to touch the floor and by handcuffing the said detainees to one another. Forcing the detainees to crawl in this manner and handcuffing the detainees to each other was harmful, abusive, rough and unjustifiable treatment. Under the circumstance this conduct resulted in physical pain and mental suffering and was unwarranted, unjustified, and unnecessary for any lawful purpose.

VII. ADDITIONAL INFORMATION IN AGGRAVATION:

24. The accused has since learned that the humiliating and sadistic acts of maltreatment and dehumanization described herein are unacceptable in any culture, but especially so in the Arab world. Homosexual acts are against Islamic law and Arab men consider it humiliating to be naked in front of others. Placing the detainees on top of one another in simulated acts of seriously violated the tenets of Islamic law and degraded the detainees.

25. Over the past few months, both Middle Eastern and Western media outlets have broadcast some of the attached photographs. The accused's and his co-conspirators' acts on the night of 25 October, as reflected in these photographs, contributed to tarnishing the reputation and image of the United States Armed Forces and the United States in the eyes of many Americans as well as many individuals throughout the world.

VIII. EXTENUATION AND MITIGATION:

26. On the evening of 20 September 2003, at approximately 2145 hours, Abu Ghraib was the target of a mortar attack. As the accused and his fellow soldiers prepared to begin interrogations that evening, a mortar impacted in very near proximity to the Interrogation Control Element tent where the accused was located. After initially seeking cover on the floor of the tent the accused and his fellow soldiers scrambled to

acquire their personal protective equipment from their indoor sleeping area. The soldiers had been told that a Risk Assessment had been completed and that it was safe to work outside. The accused and SSG [redacted] were out the door of the tent approximately 5-10 yards as SSG [redacted] breached the tent's doorway when suddenly a second mortar hit within 5-10 yards of them. Everyone hit the ground. SSG [redacted] yelled, "I'm hit, I'm hit". The accused almost immediately returned to SSG [redacted] side with SSG [redacted] in tow. SSG [redacted] had taken numerous shrapnel hits which SSG [redacted] began to triage immediately. The accused turned to go back to the impact site to continue to assist the wounded. He worked on a fellow Analyst by the name of SGT [redacted] for a long time who was one of two soldiers who were in the immediate impact zone of the second mortar. As SSG [redacted] handed SSG [redacted] off to the medics on the scene he came upon the accused still in attendance of SGT [redacted] SSG [redacted] began to assist the accused and the medics in revival and stabilization efforts of SGT [redacted] The accused performed chest compressions on SGT [redacted] and verbally comforted and encouraged him unfalteringly to hang in there, "you are going to make it, you can do this, and we are here for you". The accused and SSG [redacted] personally loaded SGT [redacted] ravaged body into the evac chopper and spent the next several hours performing evac operations of the other dead and wounded. The accused insisted that SSG [redacted] and he follow SGT [redacted] to the hospital to continue to see that he was being cared for which they were able to do once all of the casualties were transported to medical facilities and were being attended to. The accused learned from the hospital staff that SGT [redacted] was pronounced DOA. The accused and SSG [redacted] determined where he had been taken and secured another chopper ride to the morgue facility where they viewed SGT [redacted] in his interim resting place. The accused and SSG [redacted] said good-bye to their fallen comrade and together began their grieving process with a hand on SGT [redacted] body bag as they said goodbye to him. The accused was wounded during this mortar attack and was subsequently awarded the Purple Heart.

27. The accused has agreed to cooperate with the government in the investigation of misconduct within the BCCF. Additionally, the accused has cooperated with the government by waiving his Article 32 hearing, entering an Offer to Plead Guilty, and agreeing to a trial date convenient to the government. This cooperation has saved the government considerable time, expense, and effort in resolving the accused's case.

IX. STIPULATION TO ADMISSIBILITY OF EVIDENCE

28. The government and the defense agree that this stipulation of fact plus attached enclosures are admissible at trial and may be considered by the military judge in determining the providence of the accused's pleas and in determining an appropriate sentence.

[redacted]
Civilian Defense Counsel

ARMIN J. CRUZ
SPC, USA
Accused

[redacted]
MAJ, JA
Trial Counsel

PAULA ZAHN NOW
Who is to blame for Abu Ghraib? Interview with men who were there.
Aired August 26, 2004 - 20:00 ET
THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

PAULA ZAHN, HOST: Who is really to blame for Abu Ghraib? Military police? Military intelligence? Two men who were there, 2 different stories.
(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: It was told to us that military intelligence is in charge of this compound.

UNIDENTIFIED MALE: That's probably their only line of defense, to blame everything on military intelligence.

(END VIDEO CLIP)

ZAHN: Tonight, a CNN exclusive: Eyewitness to Abu Ghraib.

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Good evening. Welcome. Glad to have you with us tonight. The truth of what happened at Abu Ghraib is something we almost take for granted now. It is the abuse we've all seen in those horrid pictures.

The truth of how it happened, well, that is only still becoming clear, thanks in part to the reports out this week from army and independent investigators. They point to failure in leadership far up the chain of command. But they also widen the circle of blame on the ground.

When the pictures first appeared, the story focused on one detachment, the military police assigned to guard the prison. Now we know that more than two dozen military intelligence personnel may have been involved.

(BEGIN VIDEOTAPE)

ZAHN (voice-over): Under Saddam, the Abu Ghraib Prison was a place where people were tortured and disappeared. After Saddam's defeat, it became the U.S. Army's own house of horrors. All too familiar pictures like these, staining the American image in Iraq.

So far, 7 guards from the military police have been charged with mistreating detainees. But defense lawyers argue military intelligence agents, not the military police, created the atmosphere of abuse.

Nevertheless, testimony has shown the actions depicted in the worst photos had little to do with intelligence efforts. Lynndie England holding a leash, told an investigator this was no more than an effort to persuade a prisoner to move to another cell. The 3 men, hand-cuffed together in a naked tangle, were suspected in the rape a 15-year-old boy. The 7 prisoners in the human pyramid were thought to have incited a riot in another part of the prison compound.

Yet a Pentagon investigation has found military intelligence personnel, M.I. in shorthand, set the tone and took part in the abuse. Often joining in the interrogations.

MAJ. GEN. GEORGE FAY, U.S. ARMY: There were a few pictures that had military intelligence soldiers shown in them, and we do find instances where some military intelligence soldiers participated in the actual abuse.

ZAHN: Intelligence agents, none of them charged, could be seen in this picture of the rape suspects twisted in a pile on the floor. One was Roman Krol, a young reservist from Massachusetts. We'll talk with him in this hour. Krol says he was only an onlooker. Not so, says Sergeant Kenneth Davis, a guard. He tells us, M.I. orchestrated the abuse that night.

Abu Ghraib has become both a horror story and a mystery. How much more is yet to be told?

(END VIDEOTAPE)

ZAHN: And joining us now, former Army Reservist Kenneth Davis who says he saw naked detainees being humiliated at Abu Ghraib, and says military intelligence agents led and directed the abuse. Welcome.

KENNETH DAVIS, FRM. ARMY RESERVIST: Thank you, Paula.

ZAHN: Based on your experience at Abu Ghraib, how clear was the chain of command?

DAVIS: It was very unclear. It was very confusing. As MPs, we're used to

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being in charge, but when you are told military intelligence is in charge of you, it makes a confusing site.

ZAHN: How did it work on any given night? How were orders made?

DAVIS: I'm not sure how the orders were made, but I -- what I know is every time we'd question something or question who was in charge, it was explicit. It was told to us, military intelligence is in charge of this compound.

ZAHN: Who would you ask that of?

DAVIS: Either our lieutenants or our captain, anybody that would number the chain of command, even soldiers and sergeants would know. That's who is in charge of this place, because they make it very evident.

ZAHN: When is the first time you saw something that you thought was morally reprehensible and not only that, violated the Geneva Conventions?
DAVIS: Being unaware of what the Geneva Conventions actually say, because I've never been trained on the Geneva Convention, it would have been October 25, the night I walked up on Tier 1A Alpha.

ZAHN: Describe to us what you saw?

DAVIS: As I walk over to the tier, I saw who I thought was two MI, military intelligence officers, agents, at the back of the tier interrogating 2 naked detainees.

ZAHN: We're looking at that picture now.

What do you allege is happening now?

DAVIS: This is well after they had already done other things. Now 3 detainees are handcuffed together. They are in the middle of the floor screaming, because the MI would be positioning them in different positions. And that...

ZAHN: Where are you standing?

DAVIS: I am number 2 in that picture.

ZAHN: And number 1 you to allege is whom?

DAVIS: Is Krol, Specialist Krol. And then number 3 is Specialist Cruz, who are military intelligence.

ZAHN: And do you allege that they were directing this kind of treatment of the detainees, or just observing?

DAVIS: They were definitely directing, because when they brought in the third detainee, he still had on his orange jumpsuit on and they instructed him to take it off through the interpreter. He refused. They instructed him again. He refused again. And they look at Graner, he said Graner, he's refusing to take off his clothes, make him take them off.

ZAHN: So, you are saying both of these military intelligence officials at the same time told Soldier Graner what to do?

DAVIS: Yes.

ZAHN: And where it Mr. Graner in this picture?

DAVIS: Graner has his hand up against the wall in the back of that

picture. He has gloves on.

ZAHN: Did he seem to be disturbed by what he was being told to do?

DAVIS: He just seem like he was doing what they were telling him to do. He -- it was hard to tell if he was disturbed. A lot was going on that night. I had only been in country 2 1/2, 3 weeks. So, I felt like I had missed something, so I'm trying to pay attention to what's going on. I'm looking for blatant abuse, someone punching someone, someone kicking them, something that maybe that would cross the limit with me. Because I wasn't sure where the line was anymore, especially since military intelligence said they were interrogating. I don't know anything about interrogations, so I don't know what roughing someone up is in their books.

ZAHN: Did it strike you that what they were doing was wrong?

DAVIS: Oh, yes.

ZAHN: Did you challenge either Mr. Cruz or Mr. Krol?

DAVIS: Earlier in the -- what they were doing, they walked up to me when I calm on the Tier, Cruz did, and said, have we crossed the line? Kind of sarcastically. I said, I don't know. You are military intelligence.

He said, well, you are the MP.

I said, well, I'd have to say yes. In a question form thinking, what have I walked into. What am I seeing here.

He said, that's right, we're military intelligence, we know what we're doing.

ZAHN: So, the signal that sent to you was what? Don't say anything else to me?

DAVIS: Correct.

Plus not wearing rank or knowing who they were, there's no telling who they were, what rank they were.

ZAHN: So, what was the next step you took after witnessing what you allege was acts of degrading behavior on the part of the guards towards these detainees.

DAVIS: The following day we -- I ran my missions because we were -- my teams were in charge of running missions. Which was off site, outside of the compound. We would run into Baghdad and take detainees to court.

Well, coming back from the missions, my lieutenant was out back of our living facility. And I said, sir, I need to talk to you. And we started to talk.

And I said, military intelligence is doing some weird things to naked detainees over at the hard site.

He said what?

I said they are interrogating naked detainees and it's pretty weird.

And he said, that's military intelligence. They are in charge. Stay out of their way.

ZAHN: And who was this you spoke to?

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(b)(7)(c)-3
(b)(6)-3

DAVIS: My lieutenant, which is my platoon leader, Lieutenant [redacted] (ph).

ZAHN: I actually have a quote from your platoon leader when asked about some of your allegations. And he says quote, I don't recall my specific conversation with Davis, but no one reported to me any incidents of abuse.

all others
(b)(7)(c)-2
(b)(6)-2
(b)(7)(c)-4
(b)(6)-4

DAVIS: mm-hmm.

ZAHN: Are you saying he's lying?

DAVIS: I can't say he's lying, because if he doesn't recall a conversation, how does he recall what exactly was said. And if I'm saying they are doing some pretty weird things with naked detainees, how do you call it abuse at that time if that's proper interrogation techniques. You don't know if it's abuse. And who knows if he knew that or if I knew that.

ZAHN: Mr. Krol vehemently denies he participated in the abuse. He says he witnessed it. He was an observer, but he did not direct the abuse.

DAVIS: It's all on video. It's all in pictures. And he's in a lot more pictures than I or even Rivera, who was one of his military intelligence analysts, was in as well.

ZAHN: As a man of deep faith who carried pocket Bibles with him around in Iraq, occasionally sharing them with children in Iraq, how haunted are you by what you witnessed at Abu Ghraib?

DAVIS: It hurts. That's not what I went over there for. I didn't go over there to see abuses. I went over there to help a people. Help an Iraqi people that were now free.

But when you see this going on. And then you see a prison riot where detainees are shot inside their yard and three of them die and one of them is dropped at your feet, it changes you. You are wondering why am I even here? That's not what America brought me here for.

I really don't believe that a lot of soldiers went over there with the intention to hurt anybody. My biggest prayer was not to let me shoot an Iraqi. Don't let me shoot anybody's son or anybody's daughter or anybody. I just want to go over there and help these people.

And then you see this and you get confused thinking, why am I really here? And so that's what I live with.

ZAHN: How troubled are you by the fact that you weren't able to stop it?

DAVIS: Very troubled.

ZAHN: As you look back and place yourself in that prison on various occasions, do you think there was anything you could have done that would have stopped the madness?

DAVIS: Knowing what I know now, yes. I could have apprehended them all on the spot.

ZAHN: And you would have had the power to do that.

DAVIS: With what I know now, I would have.

ZAHN: Ken Davis, thank you very much for joining us tonight. Appreciate

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your sharing your painful observations with us.

DAVIS: Thank you.

(END VIDEOTAPE)

ZAHN: And the allegations you just heard leveled against former military intelligence Specialist Roman Krol are serious and carry severe penalties. When we come back, I will ask Roman Krol about those allegations in an exclusive interview.

(COMMERCIAL BREAK)

ZAHN: We are talking tonight about the abuse at Abu Ghraib prison in Iraq. And for the first time on television, we are about to hear from a member of military intelligence who was there. Roman Krol was an interrogator at the infamous prison. He joins us now in this exclusive interview. Welcome. Thanks so much for joining us.

ROMAN KROL, FORMER ABU GHRAIB INTERROGATOR: Thank you for having me, Paula.

ZAHN: Our pleasure. So you were assigned to the prison for six weeks, and there are two brand new reports out this week who describe the abuse that went on as freelance at the prison, much like the atmosphere of "Animal House." Is that a fair characterization based on what you saw?

KROL: I would have to say yes. Major General Fay's report is very accurate. I would -- I'm very impressed with it, actually. Especially the part about the atmosphere in Abu Ghraib. It was very well defined.

ZAHN: Describe that atmosphere to us tonight.

KROL: Well, lack of personnel, for one. The MPs, their job is to escort a prisoner to the cell and from the cell to the interrogation. Handcuff the prisoners and guard them. And because of the lack of MPs, MI personnel were forced to do that.

ZAHN: Were you forced to do that?

KROL: I was forced to walking prisoners to the interrogation booth and back.

ZAHN: So you were put into a position where you were physically handcuffing detainees?

KROL: Yes, I was.

ZAHN: Is that something you were trained to do?

KROL: No, I wasn't.

ZAHN: We're going to go through a series of pictures now so the audience can better understand more of what you witnessed. Up on the screen now, you'll see a picture of Lynndie England with a detainee on a leash.

KROL: Yes.

ZAHN: Describe to us your reaction when you say you stumbled on to this scene.

KROL: One word, indifference.

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ZAHN: Indifference?

KROL: Yes.

ZAHN: Were you shocked?

KROL: No.

ZAHN: Why indifference?

KROL: It might sound strange, but during the wartime, I was not shocked. If this happened at peacetime in a different country maybe, and I haven't seen a lot of war, it would probably shock me. But back then, I didn't feel anything.

ZAHN: So you weren't troubled on any level?

KROL: No. I wasn't.

ZAHN: You didn't think anything was wrong with this treatment of detainees?

KROL: Well, I thought something was wrong, but it wasn't my business. It was not my soldier. It was not my detainee. That's what I did. I just walked by.

ZAHN: When you look back on that now and reflect on how you felt at the time, as a human being, are you disappointed in yourself?

KROL: You can say that. But now it's all different. Now I'm back in the States. There's no war going on, of course. I feel different.

ZAHN: And as you look at that picture tonight, what are you thinking?

KROL: It's wrong, but it happened.

ZAHN: Let's fast forward to another picture. This picture taken in October, not long after you were assigned to Abu Ghraib prison. Describe to us what we're looking at here.

KROL: We have three detainees on the floor. They are stripped of their clothes. They are handcuffed, and that's myself here. I'm not sure who this is, and I'm not sure who the guy in the green uniform is.

ZAHN: We're going to look at this scene now from another angle...

KROL: OK.

ZAHN: ... where we have you clearly identified by a number.

KROL: Yes, yes, this is me right there.

ZAHN: Number 2. And Mr. Cruz is number 3.

KROL: I don't see number 3...

ZAHN: This is Charles Graner over here, number 1.

KROL: I believe so. OK.

ZAHN: Do you think that the treatment of those detainees that night was appropriate?

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KROL: No, no, I do not think so. It was definitely inappropriate. It was definitely humiliation. It was just plain wrong.

ZAHN: But that night you didn't think that way.

KROL: The reason why, I asked the MPs why are they -- people being treated that way. They said they raped a little boy. My feelings were a little different. Basically, the reason...

ZAHN: So because of how venal that alleged crime was, you thought these detainees deserved it?

KROL: I didn't think they deserved it. I didn't think they didn't deserve it. I was also indifferent back then, OK? The reason why I ended up there, because I went to talk to one of my prisoners that were assigned to me was on the second floor, and I took my interpreter, which is -- I don't believe he's pictured here, and Analyst Cruz, who I think might be this guy right there, but I'm not sure.

ZAHN: That's correct.

KROL: That's correct? ZAHN: OK. So once again, you are right here...

KROL: I'm right here.

ZAHN: ... and Mr. Cruz is there...

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KROL: And I'm not sure if this is Cruz, but...

ZAHN: ... and this is Ken Davis, a military police officer. The two of you on the right are with military intelligence.

KROL: That's correct. And myself and Cruz went to talk to one of the prisoners that was assigned to me, who was on the second floor. The same block that you are looking at right now. And we talked to them, and we looked down, and we see pretty much this, which you can see on this picture. I'm not going to go into details and describe what exactly happened there, even though I was there for about an hour, for a good hour.

ZAHN: We have also spoken with Ken Davis, who was this military police officer on duty that night.

KROL: OK.

ZAHN: And he describes the scene quite differently.

KROL: OK.

ZAHN: He says that you and Mr. Cruz directed the treatment of the detainees, and you two were the ones that actually handcuffed the detainees.

KROL: Not -- did not happen, because neither myself or Cruz are in position to order anything like that. We cannot handcuff detainees while the military intelligence -- military police present, excuse me.

ZAHN: So what you are saying, going back to what you said earlier is the only time you claim handcuffing you ever handcuffed detainees when you were alone.

KROL: Because of the lack of the MPs.

ZAHN: What about his accusation that you two directed Charles Graner to get tough on these detainees because they refused to take their clothes off.

KROL: When I arrived there, they were naked. So I don't see how that accusation can be considered legitimate.

all :

ZAHN: Why would he say that? Why would he make that up?

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KROL: I have no idea who Davis is, actually, even looking at this picture, I couldn't identify him. Maybe he mistakened myself or Cruz for another person. I don't know. Maybe he's trying to help a friend. I have no idea why. But as (UNINTELLIGIBLE) testified, I believe in his testimony, he did say that he arrived and the detainees were already naked, handcuffed, on the floor, and the same thing happened.

ZAHN: Roman, if you wouldn't mind standing by, we want to hear much more of what you have to say this evening. We're going to take a short break and continue our conversation on the other side. We'll be right back.

(COMMERCIAL BREAK)

ZAHN: Welcome back. Thanks so much for staying with us. We continue an exclusive conversation about what went on inside Iraq's Abu Ghraib prison. My guest is Roman Krol who was an interrogator at the prison. Welcome back.

Before we went to the break we talked about what some of your early exposure was to Abu Ghraib. You witnessed Lynndie England with a detainee on a leash. You said you were quite indifferent about it that night. You feel differently tonight.

KROL: Yes.

ZAHN: But what about the picture of the three detainees who are naked on the floor and you are sort of standing right above them with sort of no expression on your face.

KROL: Yes, as you can see, I do have no expression on my face. It's -- I have very accurately described my feelings, just plain indifference. I found out what those people did, and I was just indifferent. Just completely indifferent.

ZAHN: So you -- in your heart, you made no attempt to stop the treatment of these prisoners?

KROL: No.

ZAHN: What about your understanding of the Geneva Conventions at that time, which bars not just torture, but cruel, inhumane or degrading treatment?

KROL: Military intelligence have their rules of engagement for interrogations. And every interrogation that I did, I stayed within those boundaries. I never went out of boundaries during interrogation. Now what happened here was, obviously, directed by MPs. I would assume that.

ZAHN: And, of course, the accusation by Ken Davis is that you and your colleague, Mr. Cruz were directing the activities here.

KROL: He's wrong, of course.

ZAHN: Why is it do you think then in the conclusion of both of these

reports that came out this week that both of them come down pretty hard on military intelligence officers, and you've got attorneys out there representing the seven soldiers who have been charged so far basically pointing at you guys.

KROL: That's probably their only line of defense, to blame everything on military intelligence. They have no other defense to base it on. What else can they say?

ZAHN: But was it really clear who was in charge on most nights when you did your job?

KROL: It's very clear who was in charge when. For example, military intelligence is in charge of prisoners while they are being interrogated...

ZAHN: Now these prisoners weren't being interrogated.

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KROL: These prisoners are not intelligence value, these prisoners are not being interrogated [redacted] and none of the MI people talked to them. That's me, myself, Cruz, and [redacted], I don't believe [redacted] talked to them at all. Myself and Cruz did not talk to them so that's not interrogation. We did not...

ZAHN: But why were you there?

KROL: Well...

ZAHN: Did you need to be there?

KROL: I explained why I went there, to talk to one of my prisoners, and I just -- I stood there like a moron, I will have to admit that. [redacted] said the same thing, I believe. I'd like to say the same thing about Cruz, probably, unless he had other reasons to do it.

ZAHN: I'm interested in hearing you say that you thought there were clear lines of delineation between what the military police were supposed to do and military intelligence officers because one of the criticisms of the Pentagon that comes out in these reports is the fact that they didn't think the Pentagon gave you clear enough guidelines for interrogations and sometimes that the chain of command within the prison was confused.

KROL: The Geneva Conventions for the interrogation was pretty clear. No physical abuse of prisoners. No -- we can't say to a prisoner he's going to be tortured or basically general dislike and everybody stayed in those lines, I'm pretty sure.

ZAHN: So you deny ever physically abusing a prisoner?

KROL: Of course.

ZAHN: Did you see any of your colleagues?

KROL: Military intelligence, no.

ZAHN: Hurt a prisoner?

KROL: Hurt a prisoner? No.

ZAHN: So why are there so many accusations flying out there that it was your guys' fault that it turned into this? That they were taking orders? Attorneys for some of these seven soldiers are saying quite pointedly...

KROL: I understand -- people that are -- for example, Graner, I believe he's a sergeant and myself and Cruz were specialists. He is a higher rank than us. We physically cannot give him orders. Legally we cannot give him an order to do anything. OK, just, in our position, we cannot give order to anybody to do anything.

ZAHN: How many nightmares have you had about what you witnessed at Abu Ghraib and what you have been accused of?

KROL: None.

ZAHN: You are at peace?

KROL: Yes.

ZAHN: With what you saw on one hand but troubled that you didn't react in a more aggressive way on the other hand?

KROL: Yes, that's correct. That's exactly what I feel.

ZAHN: Is it hard for you?

KROL: I'm trying to forget what I saw back in Iraq. I think I can manage it.

ZAHN: Are you worried you're going to be charged?

KROL: Of course, I'm worried about I'm going to get charged.

ZAHN: Do you think you will be?

KROL: I think so, yes.

ZAHN: You think you will be charged?

KROL: I probably will be charged on not reporting information.

ZAHN: And how will you confront that charge? How do you plan to fight that charge?

KROL: I can't.

ZAHN: You can't? What do you mean?

KROL: Well, I was a witness of what you saw in the picture and there's nothing I can do about it, and I did not report it.

ZAHN: So you are prepared to spend time in prison for what you describe as your indifference?

KROL: If the penalty for not reporting information that I saw is prison, then, yes.

ZAHN: And do you understand the outrage in the world about the kind of abuse that took place at Abu Ghraib? KROL: Of course, I understand the outrage. What else can I say? I am just happy that I wasn't directing the abuse. I wasn't participating in it. Basically, by not reporting it, I know I also did the wrong thing, but people that were pictured in those pictures are my buddies also. Some of the MPs were my friends, they were my buddies. And also by reporting the information, I guess, you can say by reporting the information I understand that would probably get them in a lot of trouble, that they are in right now. And one of their own people went public with the photos, of course, as you already know.

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ZAHN: And now you are fully expecting to face a prison sentence, basically, because you were trying to protect, you are saying, your colleagues under very difficult conditions.

KROL: That's not the main reason why I didn't report the information, but that was part of the reason. We were on the same team, even though there were military police and military intelligence, but we work together. And even the things that they did were very disgusting. That was one of the reasons why I did not report the information yes.

ZAHN: Roman Krol, thank you for spending time with us this evening and telling us what you saw at Abu Ghraib.

KROL: Thank you.

ZAHN: Good luck to you.

When we come back, the perspective on the events at Abu Ghraib from a reporter who has been following this story from day one.

(COMMERCIAL BREAK)

ZAHN: It will take some time to get a complete and accurate picture of what happened at Abu Ghraib, but what we've heard tonight was chilling. I was struck by the tragedy of two young men confronting a situation even they admit they were neither emotionally nor professionally prepared for. Small wonder, then, that so many investigators are having trouble getting to the truth.

With that in mind, we turn to a journalist who has written extensively on the abuse at Abu Ghraib. In Washington is "Los Angeles Times" national security correspondent, Greg Miller. He is the co- author of a new book called "The Interrogators: Inside the Secret War Against al Qaeda."

Welcome, Greg. You have just heard these two men tell their story. Where does the truth lie?

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GREG MILLER, L.A. TIMES: Paula, to me this shows you just how tangled this story is still, and it probably will be for some time. I mean, these two accounts from these two soldiers that you interviewed tonight, as gripping as they are, they are somewhat contradicted by the Fay report. Davis says because the Fay report says -- concludes in its description of this incident that MI was not controlling or directing this behavior, and Krol's because the Fay report concludes that two military intelligence troops took part in the abuses last night, and other sources indicate that Krol was one of them.

ZAHN: Specialist Krol, as you heard, adamantly denied he had anything to do with neither directing or executing abuse. We have a statement for the lawyer for Specialist Armin Cruz, quote: "we adamantly deny that Specialist Cruz orchestrated anything." Your response.

MILLER: There -- the third military intelligence soldier who was there last night is Specialist [redacted] and he has a different version of events. He has described Krol having taken part in the abuses by climbing up on one of the top balconies in the tier and throwing footballs at the detainees, and Cruz of dumping water on the detainees, shouting at them. So there are contradictions all around here.

ZAHN: The two gentlemen also contradicted each other's accounts of the chain of command. Mr. Harris (sic) on one hand suggesting that it was a very confused situation. The last guest, Roman, saying that that wasn't

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the case, the military police knew what they were supposed to do. They were in charge of the prison. The MI guys were in charge of the interrogations. You see a lot of gray area there, don't you?

MILLER: There's a lot of gray area there. It certainly doesn't look like anybody was totally in charge of this facility at all. I mean, one of the striking things to me, having written a book about a prison in Afghanistan, is just the magnitude is so much greater here. In Afghanistan, the largest prisons held 500, 600 prisoners at most, and at Abu Ghraib they had as many as 6,000. It was just a much more chaotic and large and sort of amok facility than anything I think anybody was prepared for.

ZAHN: I know this is early on, and everybody's accounts of what they believe went on in this very chaotic situation, but where should most of the blame be pointing right now?

MILLER: That's a tough question. I think that the Fay report makes it clear that this is no longer a case where people can describe this as confined to a few bad apples taking advantage of their freedom on the night shift. But the report also says that there was no indication in many of these instances that this was being ordered or directed from above. I mean, I think that what has to happen now is just -- the Pentagon and other agencies need to really step back and try to reach some -- arrive at some new policies that achieve some clarity that eliminates the possibility of there being such a confusing environment in the future.

ZAHN: Just a final thought, a very personal reflection on the tragedy that both of these men confront no matter whose account you buy into.

MILLER: Well, it's, you know, one of the things that I try to keep in mind as we write these stories is, and probably for many readers and many of your viewers think about this as well. What would we have done in those situations? And it's hard to know. We saw Krol tonight talking about feeling indifferent toward this. He told me much the same thing in an interview recently several months ago, where he talked about he didn't report it because he simply didn't care.

And that's hard to understand. But when you talk to people who have worked in these prisons, you understand that these are debilitating places to be, especially over a long period of time.

ZAHN: I think both of the gentlemen made that clear this evening. Greg Miller, thank you for your additional insights. We appreciate your time tonight.

MILLER: Thank you, Paula.

ZAHN: Just ahead, we move on to politics, as New York braces for the GOP's big show, and the demonstrators who are coming with it. That story when we come back.

(COMMERCIAL BREAK)

ZAHN: Well, if you are counting, we are 68 days from the election. In a CNN/"USA Today"/Gallup poll out this evening shows President Bush and John Kerry still locked in a statistical dead heat. We are also, of course, four days away from the Republican convention here in New York, which was the subject of another poll. This one from Quinnipiac University. Well, the survey found President Bush has an approval rating of only 25 percent among New York voters. Those same New Yorkers apparently think more highly of themselves. 77 percent of them expect New Yorkers will be good hosts for the convention. Still, not everyone is planning such a warm welcome.

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Maria Hinojosa has more.

(BEGIN VIDEOTAPE)

MARIA HINOJOSA, CNN CORRESPONDENT (voice-over): In New York City, not all protests look alike.

A group of women shoot this video as they sneak into Grand Central Station to send a very public message.

UNIDENTIFIED FEMALE: It seems like people were so overjoyed and relieved to see those words going up.

HINOJOSA: An anti-Bush punching bag standing on a street corner. Self-described anarchists holding organizational meetings. A little flower store turned political rallying spot.

(on camera): What are you hearing from New Yorkers? Are you hearing New Yorkers saying, "I want to be out there at that protest" or are you hearing New Yorkers saying, "I'm getting away."

UNIDENTIFIED MALE: No. The majority of them are going to be there, I think.

HINOJOSA: In a city where Democrats outnumber Republicans, 5 to 1, protesters want to send a message that voters like these, pro- choice, gay-friendly, anti-war, have nothing in common with Republicans. But inside the convention hall, the Republicans aren't buying into the caricature being painted outside. They are taking advantage of a progressive image of New York, where many top Republicans are Democratic converts and where party labels don't always fit.

RUDOLPH GIULIANI, FMR. NEW YORK MAYOR: I believe one of the things we can accomplish is to show and demonstrate how broad the Republican party really is.

HINOJOSA: Former Republican Mayor Rudy Giuliani is one of the convention's top speakers. Once a Democrat, he has a history of taking more moderate stances on conservative issues.

GIULIANI: There are a substantial number of Republicans who you would describe as moderate Republicans. I guess that's probably the best way to describe them but who have some very, very strong conservative views on the economy, on national defense. But on social views we tend to be moderates.

HINOJOSA: The "we" Giuliani is talking about includes Michael Bloomberg, another Democrat who became a Republican and then became mayor of New York. And there's the state's moderate Republican Governor George Pataki. Both will be convention speakers.

GOV. GEORGE PATAKI (R), NEW YORK: I've got elected three times in the state of New York because a lot of Independents and enough Democrats believe that these principles and policies work for them, too.

HINOJOSA: Going after so-called swing voters means showing that Republican delegates inside the convention hall can address some of the issues the protesters are raising outside.

GEORGE ARZI, POLITICAL CONSULTANT: It might be a way in which to leverage opposition and to defuse the people, the protesters out there. Because I don't know what these people out there are protesting about. Look at all these moderates we have inside.

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HINOJOSA: But demonstrators want to send a message of their own that no matter how moderate a Republican might be, it's not enough.

BILL DOBBS, UNITED FOR PEACE AND JUSTICE: The Republicans have brought us four years of war, attacks on civil liberties, immigrant round-ups and now many of us are going to be marching under the banner, the world says no to the Bush agenda.

HINOJOSA: So as the opposition welcomes protesters to town, the Republicans are rolling out a more progressive image.

ARZI: If you look at the images outside, with all the protesters and you look at the images inside with the moderates, the Karl Rove types will try to tell you, you see, we are much more moderate than people are trying to portray us.

(END VIDEOTAPE) ZAHN: And that was Maria Hinojosa reporting for us this evening. And just one week from tonight, President Bush accepts his party's nomination for the second time. You can see live prime-time coverage of the Republican National Convention in New York starting Monday night right here on CNN.

Coming up next, a tale of two JFKs. The surprising connections you may not know.

(COMMERCIAL BREAK)

ZAHN: John Fitzgerald Kennedy, John Forbes Kerry. They share the same initials. They're from the same state. They both served in the Navy during wartime and they both wanted to be president.

Well, after Kennedy achieved his goal, he made quite an impression on Kerry, even in person 42 years ago.

(BEGIN VIDEOTAPE)

ZAHN (voice-over): On an August day in 1962, President John Fitzgerald Kennedy is sailing off Newport, Rhode Island. One of his passengers is 18-year-old John Forbes Kerry. It is the summer before Kerry starts at Yale and he is dating Janet Auchincloss, Jackie Kennedy's half-sister. Auchincloss invited Kerry to Hammersmith Farm where Jackie had married Kennedy nine years before.

The politically active Kerry idolizes Kennedy. They chat. They board the 60-foot Manitou for a cruise around (UNINTELLIGIBLE). A few weeks later, Kerry is invited back, this time to watch an America's Cup race. Again, President Kennedy is there and again they have a private conversation.

"Thank you for a very unforgettable and exciting time," Kerry later would write the president. "I am, to say the least, an ardent Kennedy supporter." Indeed he was like so many young Catholic men from Massachusetts. Kerry's first known political speech in a prep school debate was in support of Kennedy's 1960 presidential run. Kerry volunteered for Ted Kennedy's first Senate campaign in '62. And when the president campaigned for Democrats in Connecticut that fall, Kerry was in the crowd, a crowd peppered with disruptive hecklers.

JOHN F. KENNEDY, FMR. PRESIDENT OF THE UNITED STATES: But they will learn as this country has learned that the Democratic party is best for them as it is for the country.

ZAHN: Kerry, in this October 1962 letter, apologizing for the, quote,

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"deplorable behavior of some of my fellow undergraduates here at Yale." The young Kerry added, "it is possible that you personally were not bothered by what happened here, but the insult was made and there is no one here who is not now conscious of it."

A year later, President Kennedy was dead.

LOUIS DINATALE, UNIVERSITY OF MASSACHUSETTS: Kennedy's shadow on Massachusetts has been big and it's been big for 30 or 40 years. ZAHN: Political science professor Lou Dinatale describes Kennedy as the romantic icon of the Democratic party.

DINATALE: Celebrity, good looks, coat over the shoulder, loosened tie around the neck. You know, that is the standard for Democrats and it's also a standard because it was unfulfilled.

ZAHN: After the late president's brother Bobby also fell to an assassin, Ted Kennedy became the standard bearer of the family mystique and eventually Kerry's mentor. The senator backed his first and unsuccessful run for Congress in 1972. The two men have stood side by side for two decades in the Senate, and this year, Kennedy played kingmaker in Kerry's presidency.

SEN. TED KENNEDY (D), MASSACHUSETTS: Let's give him a great Waterloo reception!

ZAHN: Kerry seems to be tapping into that JFK playbook, sometimes literally following his footsteps, like this stop in the same West Virginia diner Kennedy visited 44 years ago.

KERRY: Well, we're going to get to work on it.

ZAHN: Kennedy had PT 109, the small boat he commanded in the Pacific during World War II, swimming for hours and saving a man after being rammed by an enemy warship. Kerry has PCF 94, the Swift boat he commanded in Vietnam, saving a man and winning five medals in combat. Each a decorated veteran when he ran for president. Each saying he would make America safer than the Republican incumbent, whether against the communists or the terrorists.

DINATALE: The campaign actually is evolving precisely the way the 1960 campaign evolved, which is to say Kerry using his war record is finding himself -- is fighting the fight in the middle of the political spectrum, and is going to be in a squeaker of an election just like Kennedy was in '60.

ZAHN: Many Democratic presidential candidates before Kerry have tried to capture the magic of JFK's new frontier. Whether through personal or political inadequacy, most of those efforts have fallen short except the man who was a 16-year-old at this White House handshake.

For John F. Kerry the Kennedy era was a sort of golden age and he hopes that the imagery and the success will work for him this year.

(END VIDEOTAPE)

ZAHN: For more on the imprint that John Kennedy left on John Kerry, I am joined from Washington by Kennedy family biographer Laurence Leamer. His most recent book is, "Sons Of Camelot, The Fate Of An American Dynasty." Always good to see you.

So the similarities in the two JFKs are certainly hard to ignore. But there are some very distinct differences, aren't there? LAURENCE LEAMER,

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KENNEDY FAMILY BIOGRAPHER: Yes, there certainly are. The idea of heroism. In some ways it's very similar in that they are both authentic heroes, although there have been aspersions cast about both of them, JFK during his lifetime as well. They both saved one of their sailors. They both deserve the medals they have, but the motivation is very different.

John F. Kennedy was a kind of reluctant hero. When his boat was cut in half by a Japanese destroyer, he saved one of his men. He wasn't too comfortable with being called a hero. John Kerry, he's more like JFK's older brother Joe who was the anointed, the golden one in the Kennedy family. He was brought up to be president of the United States. He thought he would be president. He was opposed to World War II, but he entered because he thought, if I want to be president, I've got to be a hero. So he was a self-conscious hero and he sought the hero's medals and the canon's mouth and in the summer of 1944, he volunteered for a very risky mission and he was killed. And that, to me is a much more similar case.

ZAHN: Laurence, when you see pictures of John Kerry with Ted Kennedy, for example, you are left with the impression that they are close. But it hasn't always been that way, has it?

LEAMER: No, I mean Ted Kennedy is an 800-pound gorilla in Massachusetts. He doesn't like anybody to get in his light, and in the -- during the early years, I mean, he was not too comfortable on Kerry and Senator Kerry had to pick issues that, you know, didn't get him too close to Kennedy. Kerry wasn't going to have medical issues for instance, he wasn't going to get in the same way. Now, Senator Ted Kennedy sees the election of Kerry as being his ultimate triumph. If he can't be in the White House, this is as close to him being in the White House as he can get.

ZAHN: How much do you think John Kerry has studied the life of John F. Kennedy?

LEAMER: Well, I mean, the two great political icons of the 20th century are John Kennedy and Ronald Reagan, really, for most politicians that study them. You can't help but study them and emulate them. And that's Michael Jordan, you know. So, of course, he studied them. You know, he met him early on and that's similar, too. They come from a social class that's probably 0.1 percent of the American population so when they met the summer of '62 they knew who they were and they aren't you and I.

ZAHN: They certainly aren't, are they?

LEAMER: No.

ZAHN: Somehow we didn't get to spend summers at Hammersmith Farm. Go figure, Laurence Leamer.

LEAMER: I was washing dishes. That's all I know.

ZAHN: I was a lifeguard. 50 cents an hour. Laurence Leamer, thanks for your time tonight. We appreciate it. We'll be right back.

(COMMERCIAL BREAK)

ZAHN: And that wraps it up for all of us this evening. Thanks so much for spending some time with us tonight. We'll be back same time, same place tomorrow night. Have a great night.

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OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

The Record of Trial has been reviewed for release under the provisions of the Freedom of Information Act. The documents described as follows have been removed from this copy of the record because the release would be in violation of the DOD Freedom of Information Act Program, DOD 5400.7-R, Exemptions 6, 7(C), and 7(F):

BATES Pages 15666-15670, Photographic Exhibits

DEPARTMENT OF THE ARMY
Headquarters, III Corps
Victory Base, Iraq
APO AE 09342-1400

JAN 26 2005

AFZF-CG

MEMORANDUM FOR Assistant Secretary of the Army (Manpower and Reserve Affairs), ATTN: Criminal Law Division, Office of the Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209

(b)(7)(c)-s
(b)(6)-s

SUBJECT: Request for Approval of Involuntary Order to Active Duty of Specialist Roman Krol [redacted], Headquarters and Headquarters Company, III Corps (Forward), Victory Base, Iraq, APO AE 09342-1400.

1. I request your approval of my order to recall Specialist Roman Krol to active duty.

2. The provisions of 10 United States Code, Section 802(d), authorize ordering Reserve Component (RC) and National Guard (NG) Soldiers to active duty for investigation and disposition of offenses allegedly committed in violation of the UCMJ while in a Title 10 duty status. Per AR 27-10, para. 21-3(c), only an Active Army General Court-Martial Convening Authority (AA GCMCA) is authorized to order to active duty RC and NG Soldiers for, among other things, trial by court-martial. However, RC and NG Soldiers ordered to active duty may not be involuntarily confined or deprived of liberty, or sentenced to confinement until the Secretary of the Army, or his designee, approves the order to active duty.

3. On 13 December 2004, as an AA GCMCA, I ordered Specialist Krol to active duty for investigation pursuant to Article 32, UCMJ, and, if warranted, for trial by court-martial. Per AR 27-10, para. 21-3 (c) the RC and AA Staff Judge Advocate personnel were consulted regarding potential charges against Specialist Krol. On 8 January 2005, charges were preferred against Specialist Krol for his alleged involvement in detainee abuse at the Baghdad Central Confinement Facility at Abu Ghraib, Iraq. Specialist Krol was on active duty as a member of his reserve unit, the 325th Military Intelligence Battalion, at the time he allegedly committed the offenses. On 24 January 2005, Specialist Krol submitted an Offer to Plead Guilty which I accepted. The court-martial is scheduled to take place at Fort Hood, Texas on or about 1 February 2005.

4. I request that you approve my order returning Specialist Krol to active duty. Your approval of the order will make Specialist Krol eligible for post-trial confinement if the court-martial adjudges such punishment.

5. POC is Captain [redacted] (b)(7)(c)-2, (b)(6)-2 email: [redacted]@us.army.mil.

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

Encls.
1. Referred Charge Sheet
2. Order to Active Duty, 13 Dec 04

015671

DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS
VICTORY BASE, IRAQ
APO AE 09342-1400

REPLY TO
ATTENTION OF

DEC 13 2004

AFZF-CG

MEMORANDUM FOR Commander, 94th Regional Readiness Command, Fort Devens, MA 01434

(b)(7)(c)-5, (b)(6)-5

SUBJECT: Involuntary Order to Active Duty of Specialist Roman Krol, [redacted], A Company, 325th Military Intelligence Battalion, 94th Regional Readiness Command, Fort Devens, MA 01434

1. Pursuant to Title 10 United States Code Section 802(d); Uniform Code Military Justice (UCMJ), Article 2(d); Army Regulation 27-10, paragraph 21-3, I hereby order Specialist Roman Krol, [redacted] A Company, 325th Military Intelligence Battalion, 94th Regional Readiness Command, to active duty for purposes of investigation pursuant to Article 32, UCMJ; trial by court-martial; or Article 15, UCMJ, proceedings.

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(b)(6)-5

2. Specialist Krol will be assigned to HHC, III Corps (Forward) with duty at Fort Hood, Texas.

(b)(7)(c)-2, (b)(6)-2

3. POC is Captain [redacted] at DSN [redacted]

(b)(7)(c)-2, (b)(6)-2

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

015672

DEPARTMENT OF THE ARMY
94TH REGIONAL READINESS COMMAND
11 SARATOGA BOULEVARD
DEVENS, MASSACHUSETTS 01434-4449

ORDERS 04-364-00001

29 December 2004

KROL, ROMAN [redacted] (b)(7)(c)-S, (b)(6)-S
(b)(7)(c)-S, (b)(6)-S

[redacted] (b)(7)(c)-S, (b)(6)-S SPC
0325 MI BN CO A(ANL&CTL)HQ (WZP4A0)
AYER, MA 01432-4449

You are ordered to Active Duty as a member of your Reserve Component unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: 0325 MI BN CO A(ANL&CTL)HQ (WZP4A0), BLDG 641, 3 LAFAYETTE ST, AYER, MA 01432-4449 Report On: 29 December 2004
Report to: Fort Hood, Building 121, Reception Center, Fort Hood, TX 76544 Report On: 02 January 2005
Period of active duty: 365 Days
Purpose: Mobilization for IRAQI FREEDOM (IRAQ) (2003 - TBD)
Mobilization category code: "V"
Additional instructions: (01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 20) See page 2

FOR ARMY USE
AUTHORITY: Pursuant to Titl 10 USC Sect 802(d); UCMJ Art 2 AR 27-1- Para 21-3
Accounting classification:
215 2010.0000 01-1100 2A20.000011**/12**PAMPF3205 5570 FSN:012120
2152020.0000 0 76-2041 11501501300SJA 21T1 21T2 252G 41STEG
Sex: M
MDC: PME5
PMOS/AOC/ASI/LIC: 97E1
HOR: [redacted] (b)(7)(c)-S, (b)(6)-S
PEBD: 03 January 2001
DOR: 14 October 2001
Security clearance: NONE
Comp: USAR
Format: 165

FOR THE COMMANDER:

****
* *
* OFFICIAL *
* 94TH RRC *
* *
****

[redacted] (b)(7)(c)-2, (b)(6)-2
COL, GS
Deputy Chief of Staff, G-1

DISTRIBUTION: M1 PLUS
INDIVIDUAL CONCERNED (4)
FAMILY ASSISTANCE OFFICER (1)
MPRJ
FILE (ORIGINAL + 1)

015673

Additional instructions:

01. Sure pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
02. Early reporting is not authorized.
03. Unaccompanied baggage shipment is not authorized.
04. Movement of household goods and dependents is not authorized.
05. Travel by privately owned vehicle is not authorized.
06. Rental car is not authorized.
07. Nontemporary storage of household goods is authorized.
08. Excess accompanied baggage is not to exceed 120 pounds.
09. Bring with you complete military clothing bag and appropriate personal items.
10. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records.
11. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate of natural children, or documentation of dependency or child support.
12. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldiers pay or status.
13. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
14. Government quarters and mess will be used.
15. Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check online at www.esgr.org if you have questions regarding your employment/reemployment rights
16. Your family members may be eligible for TRICARE (military health care) benefits.For details call 1-888-DoD-CARE (1-888-363-2273) or go to web address https://www.tricare.osd.mil/reserve/ or email TRICARE_help@amedd.army.mil
17. In an effort to share information between soldiers, employers and the Department of Defense on their rights, benefits and obligations, mobilized USAR soldiers are strongly encouraged to provide employer information at https://www.dmdc.osd.mil/udpdri/owa/rc.home
18. NA
19. NA
20. If upon reporting for active duty you fail to meet deployment medical standards (whether because of a temporary or permanent medical condition), then you may be released from active duty, returned to your prior reserve status, and returned to your home address, subject to a subsequent order to active duty upon resolution of the disqualifying medical condition. If, upon reporting for active duty, you are found to satisfy medical deployment standards, then you will continue on active duty for a period not to exceed the period specified in this order, such period to include the period (not to exceed 25 days) required for mobilization processing.

ACKNOWLEDGEMENT OF RECEIPT

(b)(7)(c)-S, (b)(6)-S

I, Roman Krol, [redacted] HHC, III Corps, hereby acknowledge receipt of my referred charges, dated 26 January 2004, on this the 26 day of January 2005, at 1100 hours.

Roman Krol
SPC, USA
[redacted] (b)(7)(c)-S, (b)(6)-S

015675

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
KROL, Roman	[redacted] (b)(7)(C)-5, (b)(6)-5	SPC	E-4

5. UNIT OR ORGANIZATION	6. CURRENT SERVICE	
	a. INITIAL DATE	b. TERM
Headquarters and Headquarters Company, III Corps, Victory Base, Iraq, APO AE 09342-1400	1 Dec 00	6 years

7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
$1,877.00	$ 0.00	$1,877.00	None	

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

SPECIFICATION: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 93

SPECIFICATION 1: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor.

SPECIFICATION 2: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor .

(SEE CONTINUATION SHEET)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
[redacted] (b)(7)(C)-2, (b)(6)-2	0-5	HEADQUARTERS BATTALION, III CORPS (FWD)

d. [redacted] (b)(7)(C)-2, (b)(6)-2 e. DATE 8 JAN 05

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 8 day of JANUARY, 2005, and signed the foregoing charges and specifications under oath that he/~~she~~ is a person subject to the Uniform Code of Military Justice and that he/~~she~~ either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/~~her~~ knowledge and belief.

[redacted] (b)(7)(C)-2, (b)(6)-2
Typed Name of Officer

HHC, 3d Signal Brigade
Organization of Officer

Captain

Article 136(a), UCMJ – Trial Counsel
Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

[redacted] (b)(7)(C)-2, (b)(6)-2

DD FORM 458, MAY 2000 PREVIOUS EDITION IS OBSOLETE.

COURT-MARTIAL CHARGES
(FH PAM 27-7)

PART I

TO	FROM	DATE
Commander, 42nd Military Police Brigade	**Commander, Headquarters Command**	11 JAN 05

1. Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Forms 2627) and the accused's DA Forms 2 and 2-1 are attached as Enclosure 2.
2. **Krol, Roman** **SPC/E-4** [redacted] (b)(7)(c)-5, (b)(6)-5

Name Rank SSN

HHC, III Corps, Victory Base, Iraq w/ duty at Fort Hood, Texas

Organization

I recommend:

( ) Summary Court-Martial ( ) Special Court-Martial ( ) BCD Special Court-Martial

(X) General Court-Martial

NAME OF COMMANDER SIGNATURE

LTC [redacted] (b)(7)(c)-2, (b)(6)-2 [redacted] (b)(7)(c)-2, (b)(6)-2 LTC, PA

PART II

TO	FROM	DATE
	Commander, 42nd Military Police Brigade	13 JAN 05

I have reviewed the attached charges and conclude that each offense is supported by the evidence.

I ~~(recommend)~~ (direct):

( ) Summary Court-Martial ( ) Special Court-Martial (X) BCD Special Court-Martial

(Y) Article 32 Investigation

NAME OF COMMANDER [redacted] (b)(7)(c)-2, (b)(6)-2

COL [redacted]

(b)(7)(c)-2, (b)(6)-2

PART III

TO	FROM	DATE
Commander, III Corps	**Commander, 42nd Military Police Brigade**	

I have reviewed the attached charges and the Article 32 investigation and conclude that each offense is supported by the evidence.

I (recommend) (direct):

( ) Summary Court-Martial ( ) Special Court-Martial ( ) BCD Special Court-Martial

( ) General Court-Martial

NAME OF COMMANDER SIGNATURE OF COMMANDER

COL [redacted] (b)(7)(c)-2, (b)(6)-2

015677

12.
On 11 JAN, 05, the accused was informed of the charges against him/her and of the name(s) of
The accuser(s) known to me *(See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)*

[redacted] (b)(7)(C)-2, (b)(6)-2
Typed Name of Immediate Commander

Headquarters Command, III Corps
Organization of Immediate Commander

O-5
Grade

[redacted] (b)(7)(C)-2, (b)(6)-2
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.
The sworn charges were received at 1442 hours, 11 JAN 05 at Headquarters Command, III Corps
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE: [1]

[redacted] (b)(7)(C)-2 (b)(6)-2
Typed Name of Officer

Commanding
Official Capacity of Officer Signing

O-5
Grade

[redacted] (b)(7)(C)-2 (b)(6)-2
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
Headquarters, II Corps	Victory Base, Iraq	26 January 2005

Referred for trial to the Special court-martial convened by Court-Martial Convening Order Number 2, dated 14 January 2004, as amended by Court-Martial Convening Order Number 6, dated 24 July 20 04, subject to the following instructions: [2]

empowered to adjudge a bad-conduct discharge

By Command of ~~Com~~ Lieutenant General Metz
Command or Order

[redacted] (b)(7)(C)-2, (b)(6)-2
Typed Name of Officer

Chief, Military Justice
Official Capacity of Officer Signing

Major
Grade

[redacted] (b)(7)(C)-2, (b)(6)-2
Signature

15.
On 26 January, 20 05, I (caused to be) served a copy hereof on ~~(each of)~~ the above named accused.

[redacted] (b)(7)(C)-2, (b)(6)-2
Typed Name of Trial Counsel

Capt/2LT
Grade or Rank of Trial Counsel

[redacted] (b)(7)(C)-2, (b)(6)-2
Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

DD FORM 458 (BACK), MAY 2000

015678

UNITED STATES	)	
	)	
v.	)	WITNESS REQUEST
	)	
KROL, ROMAN (b)(7)(c)-5, (b)(6)-5	)	
SPC, U.S. Army, [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	25 January 2005
APO AE 09342-1400	)	

****

Sentencing Witnesses

1. IAW R.C.M. 701(b)(1)(B), 703(a), 703(b)(2), 703(c)(2) and 1001(e), the Defense both notifies the Government that it intends to call during pre-sentencing proceedings and requests that the Government produce the following witnesses at the above trial:

(b)(7)(c)-4, (b)(6)-4, (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-2, (b)(6)-2

a. CPT [redacted] Commander, [redacted] 325th Military Intelligence Battalion, Devens, Massachusetts, 01432

Synopsis: Will testify as to the duty performance and rehabilitative potential of the accused

(b)(7)(c)-4, (b)(6)-4, (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-2, (b)(6)-2

b. CPT [redacted] Former Commander, [redacted] 325th Military Intelligence Battalion, Devens, Massachusetts, 01432

Synopsis: Will testify as to the duty performance and rehabilitative potential of the accused

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4

c. 1SG [redacted] First Sergeant (Retired), [redacted], 325th Military Intelligence Battalion, Devens, Massachusetts, 01432

Synopsis: Will testify as to the duty performance and rehabilitative potential of the accused

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4

d. Mr. [redacted]

Synopsis: Will testify as to the family life and upbringing of the accused

[redacted] (b)(7)(c)-2, (b)(6)-2

(b)(7)(c)-2, (b)(6)-2

CPT, JA
Defense Counsel

015679

DEPARTMENT OF THE ARMY
Headquarters, III Corps
Victory Base, Iraq
APO AE 09342-1400

JAN 2 6 2005

AFZF-CG

MEMORANDUM FOR Assistant Secretary of the Army (Manpower and Reserve Affairs), ATTN: Criminal Law Division, Office of the Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209

(b)(7)(c)-s
(b)(6)-s

SUBJECT: Request for Approval of Involuntary Order to Active Duty of Specialist Roman Krol [redacted], Headquarters and Headquarters Company, III Corps (Forward), Victory Base, Iraq, APO AE 09342-1400.

1. I request your approval of my order to recall Specialist Roman Krol to active duty.

2. The provisions of 10 United States Code, Section 802(d), authorize ordering Reserve Component (RC) and National Guard (NG) Soldiers to active duty for investigation and disposition of offenses allegedly committed in violation of the UCMJ while in a Title 10 duty status. Per AR 27-10, para. 21-3(c), only an Active Army General Court-Martial Convening Authority (AA GCMCA) is authorized to order to active duty RC and NG Soldiers for, among other things, trial by court-martial. However, RC and NG Soldiers ordered to active duty may not be involuntarily confined or deprived of liberty, or sentenced to confinement until the Secretary of the Army, or his designee, approves the order to active duty.

3. On 13 December 2004, as an AA GCMCA, I ordered Specialist Krol to active duty for investigation pursuant to Article 32, UCMJ, and, if warranted, for trial by court-martial. Per AR 27-10, para. 21-3 (c) the RC and AA Staff Judge Advocate personnel were consulted regarding potential charges against Specialist Krol. On 8 January 2005, charges were preferred against Specialist Krol for his alleged involvement in detainee abuse at the Baghdad Central Confinement Facility at Abu Ghraib, Iraq. Specialist Krol was on active duty as a member of his reserve unit, the 325th Military Intelligence Battalion, at the time he allegedly committed the offenses. On 24 January 2005, Specialist Krol submitted an Offer to Plead Guilty which I accepted. The court-martial is scheduled to take place at Fort Hood, Texas on or about 1 February 2005.

4. I request that you approve my order returning Specialist Krol to active duty. Your approval of the order will make Specialist Krol eligible for post-trial confinement if the court-martial adjudges such punishment.

5. POC is Captain [redacted] email: [redacted]@us.army.mil.
(b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

Encls.
1. Referred Charge Sheet
2. Order to Active Duty, 13 Dec 04

015680

DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS
VICTORY BASE, IRAQ
APO AE 09342-1400

REPLY TO
ATTENTION OF

DEC 13 2004

AFZF-CG

MEMORANDUM FOR Commander, 94th Regional Readiness Command, Fort Devens, MA 01434

(b)(7)(c)-S, (b)(6)-S

SUBJECT: Involuntary Order to Active Duty of Specialist Roman Krol, [redacted] A Company, 325th Military Intelligence Battalion, 94th Regional Readiness Command, Fort Devens, MA 01434

1. Pursuant to Title 10 United States Code Section 802(d); Uniform Code Military Justice (UCMJ), Article 2(d); Army Regulation 27-10, paragraph 21-3, I hereby order Specialist Roman Krol, [redacted] A Company, 325th Military Intelligence Battalion, 94th Regional Readiness Command, to active duty for purposes of investigation pursuant to Article 32, UCMJ; trial by court-martial; or Article 15, UCMJ, proceedings.

(b)(7)(c)-S
(b)(6)-S

2. Specialist Krol will be assigned to HHC, III Corps (Forward) with duty at Fort Hood, Texas.

(b)(7)(c)-Z, (b)(6)-Z

3. POC is Captain [redacted] at DSN [redacted]

(b)(7)(c)-Z, (b)(6)-Z

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

015631

DEPARTMENT OF THE ARMY
94TH REGIONAL READINESS COMMAND
11 SARATOGA BOULEVARD
DEVENS, MASSACHUSETTS 01434-4449

ORDERS 04-364-00001

29 December 2004

KROL ROMAN [redacted] (b)(7)(c)-5, (b)(6)-5
[redacted] (b)(7)(c)-5, (b)(6)-5

[redacted] (b)(7)(c)-5, (b)(6)-5 SPC
0325 MI BN CO A(ANL&CTL)HQ (WZP4A0)
AYER, MA 01432-4449

You are ordered to Active Duty as a member of your Reserve Component unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: 0325 MI BN CO A(ANL&CTL)HQ (WZP4A0), BLDG 641, 3 LAFAYETTE ST, AYER, MA 01432-4449 Report On: 29 December 2004
Report to: Fort Hood, Building 121, Reception Center, Fort Hood, TX 76544 Report On: 02 January 2005
Period of active duty: 365 Days
Purpose: Mobilization for IRAQI FREEDOM (IRAQ) (2003 - TBD)
Mobilization category code: "V"
Additional instructions: (01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 20) See page 2

FOR ARMY USE
AUTHORITY: Pursuant to Titl 10 USC Sect 802(d); UCMJ Art 2 AR 27-1- Para 21-3
Accounting classification:
215 2010.0000 01-1100 2A20.000011**/12**PAMPF3205 5570 FSN:012120
2152020.0000 0 76-2041 11501501300SJA 21T1 21T2 252G 41STEG
Sex: M
MDC: PME5
PMOS/AOC/ASI/LIC: 97E1
HOR: [redacted] (b)(7)(c)-5, (b)(6)-5
PEBD: 03 January 2001
DOR: 14 October 2001
Security clearance: NONE
Comp: USAR
Format: 165

FOR THE COMMANDER:

****
* *
* OFFICIAL *
* 94TH RRC *
* *
****

[redacted] (b)(7)(c)-2, (b)(6)-2
COL, GS
Deputy Chief of Staff, G-1

DISTRIBUTION: M1 PLUS
INDIVIDUAL CONCERNED (4)
FAMILY ASSISTANCE OFFICER (1)
MPRJ
FILE (ORIGINAL + 1)

015682

Additional instructions:

01. Sure pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
02. Early reporting is not authorized.
03. Unaccompanied baggage shipment is not authorized.
04. Movement of household goods and dependents is not authorized.
05. Travel by privately owned vehicle is not authorized.
06. Rental car is not authorized.
07. Nontemporary storage of household goods is authorized.
08. Excess accompanied baggage is not to exceed 120 pounds.
09. Bring with you complete military clothing bag and appropriate personal items.
10. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records.
11. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate of natural children, or documentation of dependency or child support.
12. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldiers pay or status.
13. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
14. Government quarters and mess will be used.
15. Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check online at www.esgr.org if you have questions regarding your employment/reemployment rights
16. Your family members may be eligible for TRICARE (military health care) benefits.For details call 1-888-DoD-CARE (1-888-363-2273) or go to web address https://www.tricare.osd.mil/reserve/ or email TRICARE_help@amedd.army.mil
17. In an effort to share information between soldiers, employers and the Department of Defense on their rights, benefits and obligations, mobilized USAR soldiers are strongly encouraged to provide employer information at https://www.dmdc.osd.mil/udpdri/owa/rc.home
18. NA
19. NA
20. If upon reporting for active duty you fail to meet deployment medical standards (whether because of a temporary or permanent medical condition), then you may be released from active duty, returned to your prior reserve status, and returned to your home address, subject to a subsequent order to active duty upon resolution of the disqualifying medical condition. If, upon reporting for active duty, you are found to satisfy medical deployment standards, then you will continue on active duty for a period not to exceed the period specified in this order, such period to include the period (not to exceed 25 days) required for mobilization processing.

REPORT DATE: 2004/12/29

*** THIS REPORT MAY BE SUBJECT TO THE PRIVACY ACT OF 1974 (PL 93-579) ***

PCN: HOH-R07

TOTAL ARMY PERSONNEL DATABASE - RESERVE (TAPDB-R)
PERSONNEL QUALIFICATION RECORD
(ENLISTED)

RCS: AG-883

TYPE RECORD: SPECIAL REQUEST

UNIT: 0325 MI BN CO A(ANL&CTL)HC
BLDG 641 3 LAFAYETTE ST
AYER, MA 14324-4450

UIC: WZP4A0

MUSARC: 1K - 94TH REGIONAL READINESS COMMAND

TCC: 1F31

all:
(b)(7)(c)-5, (b)(6)-5

015634

** ---- SECTION I - PERSONAL DATA ---- **

1. NAME: KROL ROMAN
2. SSN: [redacted]
3. VSSN: A - SSN VERIFIED ON NAME, DATE OF BIRTH AND SEX
4. DOB: 1981/05/14
5. SEX: M - MALE
6. MARITAL STATUS: [redacted]
7. MIL SPOUSE / SSN:
8. NUM DEPENDENTS:

8A. SOLE PARENT INDICATOR: [redacted]
9. FAMILY CARE PLAN STATUS:
FAMILY CARE STATUS DATE:
10. RACE:
11. ETHNIC GROUP:
12. CITIZENSHIP:

13. REL DENOM: [redacted]
14. ADDR STREET: [redacted]
CITY, STATE ZIP: [redacted]
15. ADDR VAL CD/DATE: 4 / 2001/07/23
16. CIVILIAN OCC CAT: [redacted]

** ---- SECTION II - SERVICE DATA ---- **

1. MIL PER CLASS: E - ENLISTED
2. GRADE / GR ARMD SVC: SPC /
3. DATE OF RANK: 2001/10/14
4. TRNG PAY CAT: A - SELECTED RESERVE INDIVIDUALS TRAINED IN UNITS
5. DEPLOYABILITY:
6. YRMO DEPLOY END:
7. PEBD: 2001/01/03
8. EXP RDY RES OBLG: 2008/12/14

9. EXPN STAT OBLG: 2008/11/30
10. EXPN TPU SVC: 2006/12/14
11. QUAL RETN STAT:
12. QUAL RETN YRMO:
13. INITIAL ENTRY MIL: 2000/12/01
14. INITIAL ENTRY RES: 2000/12/01
15. 20 YEAR CERT:
16. SOURCE MPC: G - VOL ENL IN RC ON OR AFTER 3 SEPT 63, TITLE 10 USC 511D
17. AD CALL-UP EVENT:
18. YRS ACT FED SVC: 02.43

19. DATE LAST REL AD: 2001/08/07
20. DATE LAST EVAL REG:
21. YRMO ELIG AFRM: 2010/12
22. YRMO ARCAM SUSP: 2004/12
23. IND INCENT STATUS CD:
IND INCENTIVE EFF DATE:
INCENTIVE BONUS TYPE:
INCENTIVE PROGRAM CD:
TERM REASON CODE:
TERMINATION EFF DATE:

** ---- SECTION III - QUALIFICATION DATA ---- **

1. PMOS / SMOS / AMOS: 97E1 / /
2. SQI(s) / ASI(s): L O /
3. DLAB SCORE:
4. YRMO DLAB TEST:
5. CURR AERO RATE:
6. CURR FLY STATUS:
7. PHYS CAT / PULHES: / [redacted]
8. YRMO LAST PHYS EXAM: [redacted]
9. YRMO LAST HIV TEST:
10. YRMO DRUG TEST:

11. DENT XRAY LOC: D - DEERS REPOSITORY, CA
12. DNA SAMPLE INDIC: Y
13. HEIGHT / WEIGHT: [redacted]
14. HGT WT INDIC / YRMO: M / 2004/10
15. APRT INDIC / YRMO: P / 2004/10
16. FLD DETM PSSTAT: Y - NONE
17. DTE FLD DETM PSSTAT:
18. PS INVEST TYPE / DATE: Q / 2001/01/04
19. DEPT DETM PSSTAT: Y - NONE

20. AFQT PCTL / GRP: [redacted]
21. MIL EDUC ENRLD:
22. MIL EDUC COMPL:
23. CIV EDUC LEVEL: [redacted]
24. CIV EDUC CERT: [redacted]
25. MAJ COLL SUBJ:

REPORT DATE: 2004/12/29

*** THIS REPORT MAY BE SUBJECT TO THE PRIVACY ACT OF 1974 (PL 93-579) ***

PCN: HOH-R07

TOTAL ARMY PERSONNEL DATABASE - RESERVE (TAPDB-R)
PERSONNEL QUALIFICATION RECORD
(ENLISTED)

RCS: AG-883

TYPE RECORD: SPECIAL REQUEST

TCC: 1F31

UNIT: 0325 MI BN CO A(ANL&CTL)HQ
BLDG 641, 3 LAFAYETTE ST
AYER, MA 14324-4430

UIC: WZP4A0

MUSARC: 1K - 94TH REGIONAL READINESS COMMAND

011685

all: (b)(7)(C)-5, (b)(6)-5

NAME: KROL ROMAN

SSN: [redacted]

** ---- SECTION IV - UNIT DATA ---- **

1. CURR UIC / FPC: WZP4A0 / 0
2. UNIT NAME: 0325 MI BN CO A(ANL&CTL)HQ
3. EFF DATE ASG: 2004/10/02
4. PROJ YRMO DPRT:
5. RSN PROJ LOSS:
6. DATE CONDL REL:
7. PREVIOUS UIC:
8. DATE ASG PREV UIC:
9. DATE DPRT PREV UIC:
10. UIC OF ATTACH:
11. EFF DATE ATTACH:
12. REASON ATTACH:
13. EXPN DATE ATTACH:

** ---- SECTION V - POSITION DATA ---- **

1. POSITION NBR: 9993
2. PARA / LINE NBR: /
3. POSITION TITLE:
4. POSN ASG DATE: 2004/12/16
5. DUTY POSITION: 97E1P
6. DUTY QUAL CODE: Q - QUALIFIED
7. AUTH GRADE:
8. AUTH BRANCH:
9. AUTH MPC:
10. AUTH SEX:
11. PS INVEST RQRD:
12. POSITION PSSTAT:

** ---- SECTION VI - EDUCATION ASSISTANCE PROGRAM (GI BILL) DATA ---- **

1. ELIG STATUS: M - ELIG SUSPENDED-AWAITING FINAL DETERM OF UNSAT PARTN/PERFORM
2. BENEFIT RECOUP: 9 - UNKNOWN
3. DATE START MGIB: 2001/08/08
4. DATE TERM MGIB: 2003/01/24
5. INIT CONTRACT DATE: 2000/12/15
6. 2ND CONTRACT DATE:

** ---- SECTION VII - LANGUAGE PROFICIENCY DATA ---- **

1. LANGUAGE IDENT CODE: [redacted]
PROFICIENCY SOURCE:
YRMO PROFICIENCY TEST:
LISTENING PROF LEVEL:
LISTENING EVAL METHOD:
SPEAKING PROF LEVEL:
SPEAKING EVAL METHOD:
READING PROF LEVEL:
READING EVAL METHOD:

2. LANGUAGE IDENT CODE: [redacted]
PROFICIENCY SOURCE:
YRMO PROFICIENCY TEST:
LISTENING PROF LEVEL:
LISTENING EVAL METHOD:
SPEAKING PROF LEVEL:
SPEAKING EVAL METHOD:
READING PROF LEVEL:
READING EVAL METHOD:

I BELIEVE THAT (I AM)/(I AM NOT) EMPLOYED IN A KEY POSITION WITH THE FEDERAL, STATE, OR LOCAL GOVERNMENT OR SUPPORTING DEFENSE AGENCY / INDUSTRY; OR PREPARING FOR THE MINISTRY, OR HAVE AN OBLIGATION TO PERFORM MISSIONARY WORK; OR MY ENTRY ON EXTENDED ACTIVE DUTY WOULD CREATE AN EXTREME PERSONAL OR COMMUNITY HARDSHIP.

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT I HAVE NO MEDICAL CONDITION OR PHYSICAL DEFECT THAT WOULD PREVENT MY PERFORMANCE OF ACTIVE MILITARY SERVICE EXCEPT AS FOLLOWS:

SIGNATURE: _____ DATE REVIEWED: _____

ATRRS
Army Training Requirements And Resources System

"The Link To A Trained And Ready Force"

Input Parameters: SSN: [redacted] (b)(7)(c)-5, (b)(6)-5

Student Management Menu

Student Portal - Reservations By Student Function (RS)

Jump To Another Portal

SSN: [redacted] (b)(7)(c)-5, (b)(6)-5

Name: KROL ROMAN | Pay Grade: E4 | Gender: MALE | DLAB: 125

Address: BLDG 5991 | City: FORT DIX | State: NJ | ZIP: 08640-0000

Duty Position: SM | MOS: 97E1

E-Mail: [redacted]@us.army.mil (b)(7)(c)-5, (b)(6)-5

Security Clearance: F | Branch: | Functional Area: | Civilian Series:

Handicapped: No | Career Program: | Unit ID Code: W1E81V | Rank:

DLPT (LRS): | DTDLPT (YYMM):

ASI: SQI: LIC: MEL: MES:

Student Reservations

8 total reservations
Page 1 of 1

Expand All Records: ○ Yes ◉ No

	FY	School	Course	Ph	Class	RS	IS	OS	RC	ReasonRS	QS	CP	Remark	ShipStat
○	2003	803A	CLC		M07	R	I	G			WT	RET	325 MI BN	
○	2002	680	680-2-PLDC		009	R	I	G			TI	AER	P2 MC	
○	2002	553	081 F11		001		I	G			6A	4EA		
○	2001	301	241-97E10		004		Q	G			MJ	RNM		
○	2001	301	241-97E10		003	R	I	L	A		MJ	RNM		
○	2001	807	750-BT		010	R	N				MJ	RNM		
○	2001	807	750-BT		011		I	G			MJ	RNM		
○	2001	807	RECBN		041		I	G			MJ	RNM		

Update Student Info

8 total reservations
Page 1 of 1

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015686

Requirements and Resources System (ATRRS).

DoD Warning and Usage Statement

DEPARTMENT OF THE ARMY
Headquarters, III Corps
Victory Base, Iraq
APO AE 09342-1400

AFZF-CG

MEMORANDUM FOR Staff Judge Advocate

SUBJECT: Disposition of the Court-Martial Charges Preferred Against Specialist Roman Krol [redacted] (b)(7)(c) - 5, (b)(6) - 5

The recommendations of the Staff Judge Advocate are approved. The attached charges and their specifications are referred to a general court-martial convened by Court-Martial Convening Order Number 2, dated 14 January 2004, as amended by Court-Martial Convening Order Number 6, dated 24 July 2004.

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

JAN 26 2005

015688

JAN 2 6 2005

AFZF-JA-MJ

MEMORANDUM FOR Commander, III Corps, Victory Base, Iraq, APO AE 09342-1400

SUBJECT: Advice on Disposition of the Court-Martial Charges Preferred Against Specialist Roman Krol [redacted]—ACTION MEMORANDUM
(b)(7)(c)-5, (b)(6)-5

1. Purpose. To forward for disposition, in accordance with Rule for Court-Martial (RCM) 407, the court-martial charges against Specialist Roman Krol, Headquarters and Headquarters Company, III Corps, Victory Base, Iraq, APO AE 09342.

2. Recommendations.

a. *Chain of Command.* As reflected on the attached court-martial charges transmittal memoranda, the soldier's battalion commander recommended referral of the charges to a general court-martial. On 13 January 2005, the brigade commander appointed an Article 32 officer to investigate the charges.

b. *Article 32 Investigation*: The accused waived the Article 32 investigation as part of his Offer to Plead Guilty.

c. *Staff Judge Advocate.* Pursuant to the offer to plead guilty, I recommend you refer the attached charges and their specifications to a special court-martial empowered to adjudge a bad conduct discharge, pursuant to RCM 601, and refer the case to trial by Court-Martial Convening Order Number 2, dated 14 January 2004, as amended by Court-Martial Convening Order Number 6, dated 24 July 2004.

3. Staff Judge Advocate Review. In accordance with RCM 406 and Article 34, Uniform Code of Military Justice (UCMJ), I have reviewed the attached charges and supporting documentation. It is my legal conclusion that:

a. The specifications allege offenses under the UCMJ;

b. The allegations of the offenses are warranted by the evidence indicated in the attached documentation; and

c. The court-martial will have jurisdiction over the accused and the offenses alleged.

4. POC is MAJ [redacted] at DSN [redacted]
(b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2

Encls
1. Charge Sheet
2. Transmittal Memoranda
3. Allied Documents

[redacted]
COL, JA
Staff Judge Advocate

015689

RECORD OF PROCEEDINGS OF COURT-MARTIAL

015690

Apr 05
0515

***** MILITARY JUDGES' ERRATA SHEET *****							
UNITED STATES V SPC KROL, Roman, [redacted] (b)(7)(c)-5, (b)(6)-5							
MILITARY JUDGE: COL [redacted] (b)(7)(c)-2, (b)(6)-2 return record to [redacted] (b)(7)(c)-2 (b)(6)-							
PAGE NUMBER	JUDGE'S INITIALS	PAGE NUMBER	JUDGE'S INITIALS	PAGE NUMBER	JUDGE'S INITIALS	PAGE NUMBER	JUDGE'S INITIALS

NO ERROR

NOTICE: The above page(s) (has) (have) correction(s). A copy of each corrected page must be inserted into all copies of the record of trial [redacted] (b)(7)(c)-2, (b)(6)-2

Signature of Military Judge: [redacted] Date: 10 May 05

FHT Form 27-X22 (SJA) 1 NOV 94

Appendix G, 3d Judicial Circuit Rules of Court (Military Judges' Errata Sheet) **015691**

RECORD OF TRIAL

of

KROL, Roman [redacted] (b)(7)(c)-5, (b)(6)-5 Specialist
(Name, Last, First, MI) *(Social Security Number)* *(Rank)*

Headquarters and Headquarters Company, III Corps, US Army Victory Base, Iraq 09342
(Unit/Command Name) *(Branch of Service)* *(Station or Ship)*

By

SPECIAL COURT-MARTIAL

Convened by COMMANDER
(Title of Convening Authority)

III Corps
(Unit/Command of Convening Authority)

Tried at

Fort Hood, Texas 76544 **on** 1 - 2 February 2005
(Place or Places of Trial) *(Date or Dates of Trial)*

INDEX	RECORD
Article 39(a) Sessions:	
On 1 February 2005	R-2
On	R-
On	R-
On	R-
Introduction of Counsel	R-2
Challenges	R-
Arraignment	R-10
Motions	R-
Pleas	R-11
Amendments to the charge sheet	R-56
Prosecution evidence	R-14
Defense Evidence	R-
Instructions on Findings	R-
Findings	R-71
Prosecution evidence	R-73
Defense evidence	R-74, 77, 79, 81
Sentence	R-92
Appellate rights advisement	R-92
Proceedings in revision	R-94

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TESTIMONY			
NAME OF WITNESS (LAST, FIRST, MIDDLE INITIAL)	DIRECT AND REDIRECT	CROSS AND RECROSS	COURT
PROSECUTION			
DEFENSE (b)(6)-4			
CPT [redacted] (b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-4	74		
1SG [redacted] (b)(7)(c)-4, (b)(6)-4	77		
CPT [redacted] (b)(7)(c)-2, (b)(6)-2, (b)(7)(c)-4, (b)(6)-4	79		
SPC KROL, Roman -- Unsworn	81		
COURT			

EXHIBITS ADMITTED IN EVIDENCE				
Brief Description	Page Offered	Page Admitted	Page Rejected	Page W/D
PROSECUTION EXHIBITS				
1. Stipulation of Fact, dtd 24 Jan 05	14	17		
2. Personnel Qualification Record	72	73		
3.				
4.				
DEFENSE EXHIBITS				
A.				
B.				
C.				
D.				

APPELLATE EXHIBITS	Page Marked
I. Judge Alone Request	8
II. Offer to Plead Guilty	57
III. Quantum	57
IV. Post-Trial and Appellate Rights	92
V.	
VI.	
VII.	

015693

COPIES OF RECORD

_____ copy of record furnished the accused or defense counsel as per attached certificate or receipt.

_____ copy(ies) of record forwarded herewith.

RECEIPT FOR COPY OF RECORD

I hereby acknowledge receipt of a copy of the record of trial in the case of the United States v. Specialist KROL, Roman, [redacted] (b)(7)(C)-5, (b)(6)-5

Delivered to me at _____ this _____ day of _____ 2005.

_____
(Signature of accused)

015694

CERTIFICATE IN LIEU OF RECEIPT

_____ _____
(Place) (Date)

I certify that on this date a copy of the record of trial in the case of the United States v. Specialist KROL, Roman, [redacted], was transmitted (delivered) to the accused, Specialist KROL, Roman, (b)(7)(c)-5, (b)(6)-5 [redacted] at _____
(b)(7)(c)-5, (b)(6)-5 *(Place/Means of delivery)*
and that the receipt of the accused had not been received on the date this record was forwarded to the convening authority. The receipt of the accused will be forwarded as soon as it is received.

_____
(Signature of trial counsel)

OR

_____
(Place) (Date) (b)(7)(c)-5, (b)(6)-5

I certify that on this date a copy of the record of trial in the case of the United States v. Specialist KROL, Roman, [redacted], was transmitted (delivered) to the accused's defense counsel, CPT [redacted], at _____ by, _____ because (it was impracticable to serve the record of trial on the accused because he/she was transferred to _____)
(b)(7)(c)-2, (b)(6)-2
(the accused requested such at trial)
(the Place sent to)
(accused so requested in writing, which is attached)
(the accused is absent without leave)

(_____).
(Other reason)

_____
(Signature of trial counsel)

OR
The accused was not served personally because (he/she is absent without leave)

(_____).
(Other Reason)

Accused has no defense counsel to receive the record because (defense counsel has been excused under RCM 505(d)(2)(B))
(_____).

_____ _____
(Date) (Signature of trial counsel)

015695

PROCEEDINGS OF A SPECIAL COURT-MARTIAL

The military judge called the Article 39(a) session to order at 1409, 1 February 2005, pursuant to the following orders:

Court-Martial Convening Order Number 2, Headquarters, III Corps, Victory Base, Iraq, dated 14 January 2004, as amended by Court-Martial Convening Order Number 6, same headquarters, dated 24 July 2004.

[END OF PAGE]

DEPARTMENT OF THE ARMY
Headquarters, III Corps
Victory Base, Iraq
APO AE 09342-1400

COURT-MARTIAL CONVENING ORDER NUMBER 6 — 24 July 2004

The following personnel are detailed as members of the special court-martial convened by Court-Martial Convening Order Number 2, this headquarters, dated 14 January 2004:

COL [redacted], SC, HHC, 3d Sig Bde (b)(7)(c)-2, (b)(6)-2
LTC [redacted], SC, HHC, 57th Sig Bn (b)(7)(c)-2, (b)(6)-2
COL [redacted], AG, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted], MI, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted], FA, HHC, III Corps (b)(7)(c)-2, (b)(6)-2

VICE

COL [redacted], GC, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
COL [redacted], AR, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted], SC, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
MAJ [redacted], AR, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
MAJ [redacted], MS, HHC, III Corps (b)(7)(c)-2, (b)(6)-2

Relieved permanently.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(c)-2, (b)(6)-2
CPT, JA
Chief, Criminal Law Division

DISTRIBUTION:
Each individual indicated (1)
Cdr, III Corps (SJA) (1)
Record Set (1)
Reference Set (1)

015697

DEPARTMENT OF THE ARMY
Headquarters, III Corps
APO AE 09342-1400

COURT-MARTIAL CONVENING ORDER NUMBER 2

14 January 2004

A special court-martial is convened with the following members:

COL [redacted], MI, 504th MI Bde (b)(7)(c)-2, (b)(6)-2
COL [redacted], CM, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
COL [redacted] GC, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
COL [redacted], QM, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
COL [redacted] AR, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted], TC, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted] SC, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted], AD, HHC Corps (b)(7)(c)-2, (b)(6)-2
MAJ [redacted], AR, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
MAJ [redacted], MS, HHC, III Corps (b)(7)(c)-2, (b)(6)-2

In the event an accused requests that the membership of the court-martial include enlisted persons, the following members are detailed to the special court-martial convened by this order:

MEMBERS

CSM [redacted], HHC, III Corps (b)(7)(c)-2, (b)(6)-2
CSM [redacted] 504th MI Bde (b)(7)(c)-2, (b)(6)-2
SGM [redacted], HHC, III Corps (b)(7)(c)-2, (b)(6)-2
MSG [redacted] HHC, 89th MP Bde (b)(7)(c)-2, (b)(6)-2
MSG [redacted], HHC, 3d Sig Bde (b)(7)(c)-2, (b)(6)-2

VICE

COL [redacted] CM, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
COL [redacted], QM, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted] SC, HHC, III Corps (b)(7)(c)-2, (b)(6)-2
LTC [redacted] AD, HHC Corps (b)(7)(c)-2, (b)(6)-2
MAJ [redacted], AR, HHC, III Corps (b)(7)(c)-2, (b)(6)-2

Relieved only for trials in which an accused requests that the membership of the court-martial include enlisted persons.

BY COMMAND OF LIEUTENANT GENERAL METZ:

[redacted] (b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2
MAJ, JA
Chief, Criminal Law Division

DISTRIBUTION:
Each individual indicated (1)
Cdr, III Corps (SJA) (1)

015698

[The Article 39a Session was called to order at 1409 hours, 1 February 2005.]

MJ: Court is called to order.

TC: This court-martial is convened by Court-Martial Convening Order Number 2, Headquarters, III Corps, dated 14 January 2004, as amended by Court-Martial Convening Order Number 6, same headquarters, dated 24 July 2004, copies of which have been furnished to the military judge, counsel, and the accused, and which will be inserted at this point in the record.

The charges have been properly referred to this court for trial and were served on the accused on 26 January 2005.

The prosecution is ready to proceed in the case of The United States vs. Specialist Roman Krol.

The accused and the following persons detailed to this court are present:

COLONEL [redacted], MILITARY JUDGE; (b)(7)(c)-2, (b)(6)-2

CAPTAIN [redacted], TRIAL COUNSEL; (b)(7)(c)-2, (b)(6)-2

MAJOR [redacted], ASSISTANT TRIAL COUNSEL; (b)(7)(c)-2, (b)(6)-2

CAPTAIN [redacted], DEFENSE COUNSEL. (b)(7)(c)-2, (b)(6)-2

The members are absent.

Sergeant [redacted] has been detailed reporter for (b)(7)(c)-2, (b)(6)-2 this court and has been previously sworn.

015699

All members of the prosecution have been detailed to this court-martial by Major [redacted]. All members of (b)(7)(c)-2, (b)(6)-2 the prosecution are qualified and certified under Article 27[b] and sworn under Article 42[a], Uniform Code of Military Justice. No member of the prosecution has acted in any manner, which might tend to disqualify us in this court-martial.

MJ: Specialist Krol, you have the right to be represented by Captain [redacted], your military detailed (b)(7)(c)-2, (b)(6)-2 counsel. He is provided to you at no expense to you.

Do you understand that?

ACC: Yes, Your Honor.

MJ: You also have the right to request a different military lawyer to represent you. If the person you request is reasonably available, he or she would be appointed to represent you free of charge.

Do you understand that?

ACC: Yes, Your Honor.

MJ: If your request for this other military lawyer were granted, however, you would not have the right to keep the services of your detailed defense counsel because you are entitled to only one military lawyer. Now, you may ask his superiors to let him stay on the case, but your request would not have to be granted.

015700

Do you understand that?

ACC: Yes, Your Honor.

MJ: In addition, you have the right to be represented by a civilian lawyer. A civilian lawyer would be provided by you at no expense to the government. If you are represented by a civilian lawyer, you can also keep your military lawyer on the case to assist your civilian lawyer, or you can excuse your military lawyer and be represented only by your civilian lawyer.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Do you have any questions about your rights to counsel?

ACC: No, Your Honor.

MJ: By whom do you wish to be represented?

ACC: Captain [redacted] Your Honor. (b)(7)(c)-2, (b)(6)-2

MJ: And him alone?

ACC: Yes, Your Honor.

MJ: Captain [redacted], please put your qualifications (b)(7)(c)-2, (b)(6)-2 and detailing on the record.

DC: Your Honor, I have been detailed to this court-martial by Major [redacted] Senior Defense Counsel, (b)(7)(c)-2, (b)(6)-2 Fort Hood, Texas. I'm qualified and certified under Article 27[b] and sworn under Article 42[a], Uniform Code

015701

of Military Justice. I have not acted in any manner which might tend to disqualify me in this court-martial.

MJ: I have been properly certified and sworn and detailed to this court-martial. Counsel for both sides have the requisite qualifications and all personnel required to be sworn have been sworn.

Trial counsel, announce the general nature of the charges.

TC: Your Honor, the general nature of the charges in this case is:

One Specification of Conspiracy to Maltreat a Subordinate; two Specifications of Maltreatment of a Subordinate; and one Specification of Assault.

The charges were preferred by Lieutenant Colonel [redacted] and forwarded with recommendations as to (b)(7)(c)-2, (b)(6)-2 disposition by Lieutenant Colonel [redacted] (b)(7)(c)-2, (b)(6)-2

Your Honor, are you aware of any matter which might be a ground for challenge against you?

MJ: I am aware that there has been a number of co-accused involved in these cases. I was the military judge in the Staff Sergeant Freddrick case, accepted his Guilty Plea and sentenced him. I was the judge in Corporal Graner's case, it was a members case, the members found him Guilty and sentenced him; I was the military judge in

Specialist Cruz's case, he pled Guilty before me and I sentenced him. I am the judge in the Sabrina Harman case, however, that case is still pending, I have not done it yet. I acted in none of these cases in the determination of Guilt or Innocence, simply accepted Guilty Pleas and I do not believe I have any grounds for challenge against me, but does either side desire to question or to challenge me?

DC: No, Your Honor.

TC: No, Your Honor.

MJ: Captain [redacted], you discussed my previous (b)(7)(c)-2, (b)(6)-2 involvement in these companion cases with your client and he knows all about it?

DC: Yes, Your Honor.

MJ: And that's true, Specialist Krol?

ACC: Yes, Your Honor.

MJ: Okay.

You have the right to be tried by a court of at least three officer members. Also you can request to be tried by a court consisting of not less than one-third enlisted members, but no enlisted members come from your company and no member of the court will be junior in rank to you.

Do you understand what I've said so far?

ACC: Yes, Your Honor.

MJ: Now if you're tried by court members, the members will vote by secret, written ballot and two-thirds of the members must agree before you could be found guilty of any offense. And if you're found guilty two-thirds must also agree in voting on a sentence.

Do you understand that?

ACC: Yes, Your Honor.

MJ: You also have the right to request a trial by military judge alone and if approved there will be no court members and the judge alone will decide whether you're guilty or not guilty. And if found guilty the judge alone will determine your sentence.

Do you understand the difference between trial before members and trial before military judge alone?

ACC: Yes I do, Your Honor.

MJ: Do you understand the choices you have?

ACC: [Pause.]

MJ: Do you understand the choices that you have?

ACC: Yes I do.

MJ: By what type of court do you wish to be tried?

ACC: Judge alone, Your Honor.

MJ: Is there a written request for trial by judge alone?

DC: Yes, Your Honor.

[The court reporter marked the request and handed it to the military judge.]

MJ: It has been marked as **Appellate Exhibit I**.

Specialist Krol, I have before me what is marked as **Appellate Exhibit I**, a request for trial by military judge alone. Is that your signature on this request?

ACC: Yes it is, Your Honor.

MJ: At the time you signed this request did you know I would be the military judge in your case?

ACC: Yes, Your Honor.

MJ: My name was typed in there at the top?

ACC: Yes, Your Honor.

MJ: Okay. Now, is your request a voluntary one and by that I mean are you making this request of your own free will?

ACC: Yes, Your Honor.

MJ: Now, if I approve your request for trial by me alone you give up your right to be tried by a court composed of members.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Do you still wish to be tried by me alone?

ACC: Yes, Your Honor.

MJ: Captain [redacted] is the request for trial by (b)(7)(c)-2 (b)(6)-2 military judge alone part of a pretrial agreement in this case?

DC: Yes, Your Honor.

MJ: Specialist Krol, I'm going to discuss the terms of your pretrial agreement in greater detail later on, but I want to go over this provision with you now. Your Pretrial Agreement states you agree to waive, that is, give up trial by members and select trial by military judge alone. Is that correct?

ACC: Yes, Your Honor.

MJ: Do you understand the difference between trial before members and trial by military judge alone as I explained them to you earlier?

ACC: I do, Your Honor.

MJ: Did you understand these differences in the various types of trial when you signed your pretrial agreement?

ACC: Yes, Your Honor.

MJ: Did you understand you were giving up trial with members when you signed your pretrial agreement?

ACC: Yes, Your Honor.

MJ: And is that waiver a free and voluntary act on your part?

ACC: Yes, sir.

MJ: Your request for trial by military judge alone is approved, court is assembled, and the accused will now be arraigned.

TC: Your Honor, all parties to the trial have been furnished with a copy of the charges.

Does the accused want them read?

DC: Your Honor, the accused waives the reading.

MJ: The reading of the charges may be omitted.

[THE CHARGE SHEET FOLLOWS AND IS NOT A NUMBERED PAGE.]

[END OF PAGE]

015707

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
KROL, Roman	[redacted] (b)(7)(c)-5, (b)(6)-5	SPC	E-4

5. UNIT OR ORGANIZATION	6. CURRENT SERVICE	
	a. INITIAL DATE	b. TERM
Headquarters and Headquarters Company, III Corps, Victory Base, Iraq, APO AE 09342-1400	1 Dec 00	6 years

7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
$1,877.00	$ 0.00	$1,877.00	None	

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

SPECIFICATION: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, conspire with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit an offense under the Uniform Code of Military justice, to wit: maltreatment of subordinates, and in order to effect the object of the conspiracy the said Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and the said Specialist Cruz forced naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 93

SPECIFICATION 1: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by pouring water on said detainees while the detainees were naked and forced to crawl on the floor.

SPECIFICATION 2: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, maltreat several detainees, persons subject to his orders, by throwing a football at said detainees while the detainees were naked, handcuffed, and laying in a pile on the floor .

(SEE CONTINUATION SHEET)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
[redacted] (b)(6)-2 (b)(7)(c)-2	0-5	HEADQUARTERS BATTALION, III CORPS (FWD)

d. [redacted] (b)(7)(c)-2, (b)(6)-2	e. DATE
	8 JAN 05

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 8 day of JANUARY, 2005, and signed the foregoing charges and specifications under oath that he/~~she~~ is a person subject to the Uniform Code of Military Justice and that he/~~she~~ either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/~~her~~ knowledge and belief.

[redacted] (b)(7)(c)-2, (b)(6)-2	HHC, 3d Signal Brigade
Typed Name of Officer	*Organization of Officer*
Captain	Article 136(a), UCMJ – Trial Counsel
[redacted] (b)(7)(c)-2, (b)(6)-2	*Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer)*

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12.
On 11 JAN, 05, the accused was informed of the charges against him/her and of the name(s) of
The accuser(s) known to me *(See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)*

[redacted] (b)(7)(c)-2, (b)(6)-2 — Headquarters Command, III Corps
Typed Name of Immediate Commander — *Organization of Immediate Commander*

[redacted] 0-5
Grade

[redacted] (b)(7)(c)-2, (b)(6)-2

IV. REC[redacted]BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.
The sworn charges were received at 1442 hours, 11 JAN 05 at Headquarters Command, III Corps
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE: [1]

[redacted] (b)(7)(c)-2, (b)(6)-2 — Commanding
Typed Name of Officer — *Official Capacity of Officer Signing*

O-5
Grade

[redacted] (b)(7)(c)-2, (b)(6)-2

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND [redacted] CONVENING AUTHORITY	b. PLACE	c. DATE
Headquarters, II Corps	Victory Base, Iraq	26 January 2005

Referred for trial to the Special court-martial convened by Court-Martial Convening Order Number 2, dated 14 January 2004, as amended by Court-Martial Convening Order Number 6, dated 24 July 20 04, subject to the following instructions: [2]
empowered to adjudge a bad-conduct discharge

By Command of [redacted] (b)(7)(c)-2, (b)(6)-2 Lieutenant General Metz
Command or Order

[redacted] (b)(7)(c)-2, (b)(6)-2 Chief, Military Justice
Typed Name of Officer — *Official Capacity of Officer Signing*

Major
Grade

[redacted] (b)(7)(c)-2, (b)(6)-2
Signature

15.
On _____, 20 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel — *Grade or Rank of Trial Counsel*

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

DD FORM 458 (BACK), MAY 2000

015709

CONTINUATION SHEET, *United States v. SPC Roman Krol*, [redacted] (b)(7)(c)-5, (b)(6)-2
Headquarters and Headquarters Company, III Corps, Victory Base, Iraq

CHARGE III: VIOLATION OF ARTICLE 107:

(b)(7)(c)-2, (b)(6)-2

SPECIFICATION: In that Specialist Roman Kro[redacted] serves, did, at or near dismissed 25 Jan 05
(b)(7)(c)-5, (b)(6)-5 [redacted] on or about 31 Ja[redacted] n intent to deceive, [redacted]
b)(7)(c)-1 make to Special Agent [redacted] an o[redacted]t, to wit: that he did not (b)(7)(c)-2
(b)(6)-1 throw a football at a pile of detainees, whi[redacted] as false in that the said (b)(6)-2
Specialist Krol had intentionally thrown a football at said detainees, and was then known by the said Specialist Krol to be so false.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 128

SPECIFICATION: In that Specialist Roman Krol, U.S. Army Reserves, did, at or near Baghdad Central Confinement Facility, Abu Ghraib, Iraq, on or about 25 October 2003, unlawfully grab a detainee by the throat and slap the face of said detainee with his hand.

TC: The charges are signed by Lieutenant Colonel [redacted], a person subject to the Code as accuser; are (b)(7)(c)-2 (b)(6)-2 properly sworn to before a commissioned officer of the armed forces authorized to administer oaths; and are properly referred to this court for trial by Lieutenant General Thomas F. Metz, The Convening Authority.

MJ: Accused and defense counsel please rise.

[The accused and his counsel did as directed.]

Specialist Roman Krol, I'm asking you, how do you plead? Before receiving your plea, however, I advise you that any motion to dismiss or to grant other appropriate relief should be made at this time. Your defense counsel will speak for you.

DC: Your Honor, there are no motions. The accused Specialist Roman Krol, pleads as follows:

To Charge I and Its Specification:	**Guilty.**
To Charge II and Its Specifications:	**Guilty.**
To Charge III and Its Specification:	**Not Guilty.**
To Charge IV and Its Specification:	**Not Guilty.**

MJ: Please be seated.

[The accused and his counsel did as directed.]

Just to make sure that we're all on the same sheet of music here. Although you entered a plea to The Specification of Charge III, Charge III has been dismissed as of the 25th of January, correct?

TC: That's correct, Your Honor.

MJ: For clarity sake let's not -- so he was actually only arraigned on Charge I, II, and IV. So those should be the only charges that appear on the Result of Trial.

Trial counsel, if the accused is provident as plead does the government intend to go forward on Charge IV?

TC: No, Your Honor.

MJ: Specialist Krol, your counsel has entered a plea of guilty for you to three of the charges and specifications -- two of the charges and three specifications. Your plea of guilty will not be accepted unless you understand its meaning and effect.

I'm going to discuss your plea of guilty with you and if at any time you have any questions feel free to stop and ask them.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Now a plea of guilty is equivalent to a conviction and is the strongest form of proof known to the

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law. On your plea alone and without receiving any evidence this court can find you guilty of the offenses to which you have pled guilty.

Your plea will not be accepted unless you realize that by your plea you admit every act or omission and element of the offenses to which you have pled guilty; and that you're pleading guilty because you actually are, in fact, guilty. If you do not believe that you are guilty, then you should not for any reason plead guilty.

Do you understand what I've said so far?

ACC: Yes, Your Honor.

MJ: By your plea of guilty you give up three important rights, but you give up these rights solely with respect to the offenses to which you have pled Guilty.

First of all against self-incrimination, that is, the right to say nothing at all; second the right to a trial of the facts by this court, that is, your right to have this court-martial decide whether or not you're guilty based upon evidence the prosecution presented and any evidence you would produce; third, the right to be confronted by and to cross-examine any witness called against you.

Do you have any questions about any of these rights?

ACC: No, Your Honor.

MJ: Do you understand that by pleading guilty you no longer have these rights?

ACC: Yes I do.

MJ: If you continue your guilty plea you will be placed under oath and I will question you to determine whether you're, in fact, guilty. Anything you tell me may be used against you in the sentencing portion of the trial.

Do you understand that?

ACC: Yes, Your Honor.

MJ: If you tell me anything that is untrue your statements may be used against you later for charges of perjury or making false statements.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Trial counsel, place the accused under oath.

TC: Specialist Krol, please stand and face me.

[The accused did as directed, raised his right hand, and was sworn.]

Have a seat.

[The accused did as directed.]

MJ: There is a Stipulation of Fact, it has been marked **Prosecution Exhibit 1 for identification**, is that true trial counsel?

TC: Yes, Your Honor.

MJ: Do you have a copy of this document in front of you Specialist Krol?

ACC: I do, Your Honor.

MJ: Did you sign this document on the sixth page?

ACC: Yes I did, Your Honor.

MJ: Just to make sure that you and I both have the same thing, attached to the six-page narrative are five photographs?

ACC: Yes, Your Honor.

MJ: Now, did you read this document thoroughly before you signed it?

ACC: Yes, Your Honor.

MJ: Do both counsel agree to the stipulation and do your signatures appear on the document?

TC: Yes, sir.

DC: Yes, sir.

MJ: Specialist Krol, a Stipulation of Fact is an agreement among the trial counsel, your defense counsel, and you that the contents of the stipulation are true and if entered into evidence are the uncontradicted facts in this case. No one can be forced to enter into a stipulation so you should enter into it only if you truly want to do so.

Do you understand that?

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ACC: Yes, Your Honor.

MJ: Are you voluntarily entering into this stipulation because you believe it's in your best interest to do so?

ACC: Yes, Your Honor.

MJ: Now if I admit this stipulation into evidence it will be used in two ways. First, I will use it to determine if you're, in fact, guilty of the offenses to which you have pled guilty; and second, I will use it to determine an appropriate sentence for you.

Do you understand and agree to this use of the stipulation?

ACC: Yes, Your Honor.

MJ: Do both counsel also agree to this use?

TC: Yes, Your Honor.

DC: Yes, Your Honor.

MJ: Okay.

Specialist Krol, a Stipulation of Fact ordinarily cannot be contradicted. If it should be contradicted after I accept your guilty plea, I will reopen this inquiry. You should therefore let me know if there is anything whatsoever that you disagree with or feel is untrue.

Do you understand that?

ACC: Yes, Your Honor.

MJ: At this time I want you to read your copy of the stipulation silently to yourself as I read it to myself.

[The accused did as directed.]

Have you had a chance to read the stipulation?

ACC: Yes, sir.

MJ: Is everything in the stipulation true?

ACC: Yes, Your Honor.

MJ: Is there anything in the stipulation that you do not wish to admit is true?

ACC: No, Your Honor.

MJ: Do you agree that all of the matters contained in the stipulation are true and correct to the best of your knowledge and belief?

ACC: Yes, Your Honor.

MJ: Defense counsel, do you have any objection to **Prosecution Exhibit 1 for identification**?

DC: No, Your Honor.

MJ: **Prosecution Exhibit 1 for identification** is admitted subsequent to my acceptance of the accused guilty plea.

Trial counsel, before I explain the elements to the accused I have a question for you. On the conspiracy specifications you list four soldiers as co-conspirators

and others, who are the others? In the Stipulation of Fact it appears it was the translator, would that be--?

TC: Yes, a Mr. [redacted], the civilian translator. (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-5, (b)(6)-5

MJ: Okay, he was a civilian?

TC: Yes, sir.

MJ: And it's the government theory that, although he's not subject to the UCMJ therefore could he commits maltreatment?

TC: Yes.

MJ: Major [redacted] (b)(7)(c)-2, (b)(6)-2 would you like to address that?

ATC: Yes, sir. We believe he could join in that maltreatment as a co-conspirator.

MJ: He could be a co-conspirator and commit an offense, even an offense he himself may not be liable for?

ATC: Yes, sir.

MJ: Okay.

Defense, do you agree with that?

DC: Yes, Your Honor.

MJ: Yes, I believe that's a correct statement of the law.

Specialist Krol, at this time I'm going to explain to you the elements of the offenses to which you have pled guilty. By "elements" I mean those facts, which the prosecution would have to prove, beyond a reasonable doubt

before you could be found guilty if you had pled not guilty. When I explain each element, ask yourself two things. First, is the element true; and second, whether you wish to admit that it's true. After I list the elements for you be prepared to talk about the facts regarding the offenses.

Do you have a copy of the charge sheet there?

ACC: Yes I do.

MJ: We'll start with Charge II. In Specification 1 of Charge II you have pled guilty to maltreatment of subordinates in violation of Article 93 of the Uniform Code of Military Justice.

As alleged and pled, this offense has the following two elements:

One, that several unnamed detainees were subject to your orders; and

Two, that at or near Baghdad Central Correctional Facility, Abu Ghraib, Iraq, on or about 25 October 2003 you maltreated several unnamed detainees by pouring water on said detainees while the detainees were naked and forced to crawl on the floor.

In Specification 2 Of Charge II you've also pled guilty to maltreatment of subordinates.

As alleged and pled, this offense has the following two elements:

One that several unnamed detainees were subject to your orders; and

Two, that at or near Baghdad Central Correctional Facility, Abu Ghraib, Iraq, on or about 25 October 2003 you maltreated several unnamed detainees by throwing a football at said detainees while the detainees were naked, handcuffed, laying in a pile on the floor.

Now "subject to the orders of" include persons directly or immediately in command of you and all persons who by reason of some duty are required to obey the lawful orders of you, even if those persons are not in your direct chain of command.

The maltreatment must be real, although it does not have to be physical. The imposition of necessary or proper duties and the requirements of those duties to be performed does not establish this offense, even though the duties are hard, difficult, or hazardous.

Maltreatment refers to treatment that when viewed objectively under all the circumstances is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose and that results in physical or mental harm

or suffering or reasonably could have caused physical or mental harm or suffering.

Assault or improper punishment may constitute this offense.

Now look at Charge I.

[The accused did as directed.]

In The Specification of Charge I you have also -- you have pled guilty to conspiracy to maltreat subordinates in violation of Article 81 of the UCMJ.

As alleged and pled, this offense has the following two elements:

That at or near Baghdad Central Correctional Facility, Abu Ghraib, Iraq, on or about 25 October 2003 you entered into an agreement with Staff Sergeant Ivan Frederick, II, Corporal Charles Graner, Jr., Specialist Armin J. Cruz, Specialist Sabrina Harman, and others, to commit maltreatment of subordinates, an offense under the Uniform Code of Military Justice; and

Two, that while the agreement continued to exist, while you remained a party to the agreement, two of your co-conspirators performed the overt acts alleged, that is, Corporal Graner forced the detainees to conduct various physical exercises while the detainees were naked and Specialist Cruz forced naked detainees to crawl on the

ground in such manner as to cause the detainees' genitals to drag across the floor, for the purpose of bringing about the object of the agreement.

The elements of the offense to which you were charged with conspiracy to commit, namely maltreatment, are as I told you earlier for Charge I.

Proof that the offense of maltreatments of subordinates actually occurred is not required, however, it must be proved, beyond a reasonable doubt that the agreement included every element of the offense of maltreatment of subordinates.

The agreement of conspiracy does not have to be in any particular form or expressed in formal words, it is sufficient if the minds of the parties reach a common understanding to accomplish the object of the conspiracy and this may be proved by the conduct of the parties. The agreement does not have to express the manner in which the conspiracy be carried out or what part each conspirator is to play.

The overt act required for this offense does not have to be a criminal act, but must be a clear indication that the conspiracy is being carried out. The overt act must be done either -- may be done either at the time or following the agreement. The overt act must be totally independent

of the agreement itself, that is, it must be more than merely the act of entering into the agreement or an act necessary to reach the agreement. There is no requirement that all co-conspirators be named in the specification, or that all co-conspirators be subject to the military law.

Now, Specialist Krol, do you understand the elements and definitions as I've read them to you and as they apply to each specification?

ACC: Yes, Your Honor.

MJ: Do you have any questions about any of them?

ACC: No, Your Honor.

MJ: Do you understand your plea of guilty admits that these elements accurately describe what you did?

ACC: Yes, Your Honor.

MJ: Do you believe and admit the elements and the definitions taken together correctly describe what you did?

ACC: Yes, Your Honor.

MJ: Okay, Specialist Krol, I now want to talk about what happened, but first of all, how old are you?

ACC: I'm 23, Your Honor.

MJ: What is your hometown?

ACC: [redacted] (b)(7)(c)-5, (b)(6)-5

MJ: How much civilian education have you completed?

ACC: [redacted] Your Honor. (b)(7)(c)-5, (b)(6)-5

(b)(7)(c)-5, (b)(6)-5

MJ: [redacted] okay. Are you a reserve component soldier?

ACC: Yes, Your Honor.

MJ: And that's The Army Reserve, not the National Guard, right?

ACC: Roger, sir.

MJ: Okay. Now, were you activated at some time to support Operation Iraqi Freedom?

ACC: Yes, Your Honor.

MJ: When did that happen, approximately?

ACC: January of 2003, Your Honor.

MJ: January of 2003?

ACC: Yes, sir.

MJ: Okay. And --okay, and how long----

ACC: ----January/February, Your Honor.

MJ: Okay and how long were you activated for? When did you go off active duty?

ACC: For 12 months, Your Honor.

MJ: Okay, and so you left active duty approximately January of '04?

ACC: Yes, Your Honor.

MJ: Okay, and when you left active duty in January of '04, were you still in the reserves?

ACC: Yes, Your Honor.

MJ: Okay, and later on in '04, in December, were you ordered back to active duty?

ACC: Yes, Your Honor.

MJ: And that was to bring you here for this, correct?

ACC: Yes, Your Honor.

MJ: Okay. Now, when were you scheduled to be ETSed from the reserves?

ACC: 2006, December.

MJ: 2006?

ACC: [Pause.]

MJ: December of 2006----

ACC: ----yes, sir.

MJ: Okay. That was your -- what you had signed up for?

ACC: Yes, Your Honor.

MJ: Okay.

Defense counsel, since you're sitting and you're pleading guilty I assume there is no issue that he is properly before this court at this time?

DC: There's no issue, Your Honor.

MJ: Okay.

Let's go back to your activation the first time.

ACC: Yes, sir.

MJ: You were activated in January/February, now did you eventually go to Kuwait?

ACC: Yes, Your Honor.

MJ: Okay, and your MOS is what?

ACC: A 97 Echo, Your Honor, it's----

MJ: ----what is that----

ACC: ----an interrogator----

MJ: ----an interrogator?

ACC: Yes, sir.

MJ: You went to basic and AIT at Fort Huachuca?

ACC: Yes, Your Honor.

MJ: Okay. And what does an interrogator do? What's your normal mission as an interrogator?

ACC: Uh, in Iraq, Your Honor?

MJ: No just your MOS. What were you trained----

ACC: ----a section of human intelligence.

MJ: Okay. Now you deployed as an interrogator in support of Operation Iraqi Freedom?

ACC: Yes, Your Honor.

MJ: Okay. Now you talked about earlier you went to Kuwait first and then you went to Iraq?

ACC: Yes, Your Honor.

MJ: When did you first go to Abu Ghraib, when did you get there?

ACC: I got there in September, Your Honor. September of 2003.

MJ: Okay. When did you leave?

ACC: November 15th 2003, Your Honor.

MJ: Where did you go in November?

ACC: Al Jahrah in Kuwait, Your Honor.

MJ: Okay, and then you eventually redeployed and were inactivated in the January timeframe?

ACC: December, Your Honor.

MJ: December of '03?

ACC: Yes, sir.

MJ: Okay. Now when you got to Abu Ghraib in September of '03 what was your job?

ACC: Interrogator -- interrogation, Your Honor.

MJ: Okay. And who were you interrogating? And don't get into any classified material just what was your day-to-day activities during interrogating?

ACC: First I was assigned to former regime loyalists.

MJ: Okay.

ACC: Then I was doing general interrogations of Iraqi prisoners.

MJ: Okay. You have interrogated Iraqi prisoners, were these MI holds or criminals or--?

ACC: I did all of them, Your Honor.

MJ: All of them, okay. Would it kind of be that you wouldn't know what they -- value they had until you actually talked to them?

ACC: Uh--.

MJ: I mean in some ways you would -- you would just get dropped off at the prison?

ACC: Sometimes I do, Your Honor, yes.

MJ: Okay, your normal interrogations at least how many people would be involved in an interrogation?

ACC: It's always an interrogator, an analyst, and an interpreter, sometimes there's more, Your Honor.

MJ: Okay. And so you worked in at least teams of three?

ACC: Roger, Your Honor.

MJ: Okay. And were the MPs there during the interrogations?

ACC: Only to bring a prisoner in and take them out, Your Honor.

MJ: Okay. Did you ever use the MPs in your own interrogation to assist you in any way other than bringing them in and taking them back?

ACC: No, Your Honor.

MJ: Okay. Now the 25th of October -- now, who's Specialist Cruz?

ACC: He's a member of my unit, Your Honor.

MJ: Okay, was he another MI guy?

ACC: He's an analyst, Your Honor.

MJ: He's an analyst, so he -- were you -- did you and him work together in some of this?

ACC: Only a couple of times, Your Honor.

MJ: Okay. So on the 25th of October did you wake him up, in 2003?

ACC: Your Honor, I don't remember whether I woke him up or not, but I know I got him -- well, I went to get him.

MJ: You went to get him, you don't know whether he was awake or not, but was he in his bunk at the time or--?

ACC: He was in the general area.

MJ: Okay. Why did you go get him?

ACC: Because I found out that the MPs caught the prisoners that were suspected of raping the 15-year-old boy, Your Honor.

MJ: Okay. Now in the Stipulation of Fact there's a minor point, it says you woke up Specialist Cruz, although you're not sure whether you did, are you convinced that that's actually true?

ACC: Yes, Your Honor.

MJ: Okay, yet I don't think it goes to any culpability issue, just simply a small thing. So the MPs had these guys that were accused of raping a 15-year-old boy somewhere else in the prison?

ACC: Yes, Your Honor.

MJ: Okay. How did you find out about that?

ACC: I talked to Specialist Harman about it and Specialist Harman told me about it.

MJ: And what did Harman tell you? She told you that they caught these guys and did she say anything else?

ACC: I don't remember exactly, Your Honor, but -- [pause] to the best of my memory it -- I found out that Specialist Harman had the two -- had two detainees -- all the MPs that were there had two detainees in separate stalls and they put them there because they -- they suspected them of raping a 15-year-old boy, that's all I remember, Your Honor.

MJ: Okay, but you said you went to get -- what did you tell Cruz when you got him?

ACC: I told him the MPs got the two suspected rapists, Your Honor.

MJ: Okay. Now, you went and got Cruz and brought him over to where they had these suspected rapists?

ACC: Yes, Your Honor.

MJ: Okay. Why did you have any interest in what they were going to do with the rapists? Did you know that they were going to do something with them?

ACC: I didn't know what they were going to do, Your Honor.

MJ: Why would you waste your time going over there then? I mean if they just had put people in cells what was the interest -- why were you particularly interested in going over there? Or did Harman tell you they were going to do something else?

ACC: No, Your Honor, she didn't say anything. I was just curious what they were going to do, Your Honor.

MJ: Curious of -- but I'm trying to figure this out is that you get Cruz wherever -- whatever he's doing and Rivera also, did you get [redacted] too? (b)(7)(c)-4, (b)(6)-4

ACC: Cruz got [redacted] Your Honor. (b)(7)(c)-4 (b)(6)-4

MJ: Okay. And the three of you go from one point to inside the hard site to see these three alleged rapists and you have no idea that anything was going to happen?

ACC: No, Your Honor, I didn't.

MJ: Then why did you go? Were you just interested in seeing how they put people in jail -- in cells, hadn't you seen that before?

ACC: Um -- [paused], I just had nothing better to do, Your Honor----

MJ: ----okay, how----

ACC: ----I was just curious what they were going to do to them.

MJ: Yeah, no that's -- I suspect there's periods of a great excitement and periods of great boredom during the time you were there?

ACC: Yes.

MJ: Okay. So you get over there and what happened when you get there?

ACC: Um--.

MJ: First of all just tell me who is there when you get there?

ACC: Staff Sergeant Fredrick, Specialist Harman, Specialist Cruz, and Specialist [redacted] Specialist Graner, um, the civilian interpreter [redacted] and I think that's it, sir.

(b)(7)(c)-4, (b)(6)-4

(b)(7)(c)-4, (b)(7)(c)-5
(b)(6)-4, (b)(6)-4

MJ: Okay. And how many -- at this point how many of these prisoners were there?

ACC: Two, Your Honor.

MJ: Two?

ACC: Yes, Your Honor.

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MJ: And when you first walk in there where was everybody? What was happening the first time you walked in -- now this was in Tier One Alpha?

ACC: Yes, Your Honor.

MJ: Okay, was this between the cells on the floor like -- that are shown in the pictures?

ACC: Yes, Your Honor.

MJ: Okay. You walked in with [redacted] and Cruz, (b)(7)(c)-4, (b)(6)-4 right?

ACC: Yep -- yes, sir.

MJ: And everybody that you just told me was already there with the two detainees?

ACC: The two detainees were still in the cell, sir.

MJ: Oh, they were in cells?

ACC: Yes, Your Honor.

MJ: Okay. What -- in your own words just kind of tell me what happens next?

ACC: Your Honor, one of the MPs went to all of the cells, brought out the detainees. The other MP handcuffed them and then Specialist Cruz told one of the detainees to crawl on the floor where their genitals were dragging on the floor. Um, then Corporal Graner had a detainee doing some kind of PT, like, um--.

MJ: And why were they making these guys do this?

ACC: I believe as a punishment, Your Honor.

MJ: Okay, so you -- punishment for raping the little -- or the 15 year old?

ACC: I would assume, Your Honor.

MJ: Okay. Did you think it was okay to punish them like that?

ACC: I don't, Your Honor.

MJ: I'm sorry?

ACC: I don't think so, Your Honor.

MJ: Okay and at that point what were you doing?

ACC: At that point I was just standing there. As soon as Specialist Cruz had a detainee crawl on the floor I had a bottle of water in my hand from drinking -- I was drinking from and I splashed some water on the detainee, Your Honor.

MJ: Okay. Why did you do that?

ACC: It was a dumb thing to do, Your Honor.

MJ: I didn't ask you how smart it was. I asked you why you did it?

ACC: There was no reason for it, Your Honor. I was -- [paused], well if I found out what those people did I had -- I really had a reason to believe that these detainees raped a boy.

MJ: Okay.

ACC: I didn't mean to do it as a punishment or anything like that, it was just -- I had done -- a reaction or something, Your Honor.

MJ: Were they threatening you?

ACC: No, Your Honor.

MJ: At this point they were naked, were they still zip-tied?

ACC: They were naked and, um, oh, yes, they were handcuffed together, Your Honor.

MJ: Okay, so no threat to you?

ACC: No, Your Honor.

MJ: Okay, but you were mad at them for raping the little boy -- or the teenager?

ACC: Yes, Your Honor.

MJ: Okay, and so you threw water on them?

ACC: Yes I splashed them with water, Your Honor.

MJ: And again I go back to -- you said you did that as punishment for them?

ACC: I can't justify my actions, Your Honor.

MJ: I'm not asking you to justify, I'm asking you to explain. You said you believed at the time that these guys had raped a 15 year old boy in another part of the prison, right?

ACC: Yes, Your Honor.

MJ: Okay. You saw what the MPs were doing. First of all, was anybody questioning these guys or were they just messing with them?

ACC: People were questioning them -- well they were trying to get them to admit what they did.

MJ: Okay.

ACC: Nobody was actually questioning them.

MJ: Okay, did you see this as a -- just a interrogation of criminals?

ACC: No, Your Honor.

MJ: Are the MPs -- who was doing the questioning the MPs or the MI guys or both?

ACC: I'm sorry, Your Honor.

MJ: Who was questioning them? You said that----

ACC: ----everybody, Your Honor.

MJ: What did you say, didn't you rape the little boy or----

ACC: ----yes, Your Honor, everybody was questioning them.

MJ: Well do you think what they were doing was trying to get them to give them information about what happened?

ACC: I'm not sure, Your Honor, it could have been.

MJ: It could have been?

ACC: Mm, huh.

MJ: I mean if they had raped a 15 year old boy and they wanted to confess do you think making them do jumping jacks naked was wrong?

ACC: I thought it was wrong, Your Honor.

MJ: Why do you say that? Why do you think that was wrong?

ACC: Because maltreatment of subordinates, Your Honor.

MJ: No, that's the legal conclusion. What training have you had about how you interrogate people?

ACC: Well, I have my Rules of Engagement for Interrogations, Your Honor, I always follow them----

MJ: ----okay, but -- well you had those before that day? Before the 25th of October did you have those Interrogation Rules of Engagement?

ACC: Yes, Your Honor.

MJ: Okay. And did they include physical training of naked detainees?

ACC: No, Your Honor.

MJ: Okay, so if somebody is doing that that's not an authorized technique?

ACC: Yes, Your Honor.

MJ: And who was making them do it anyway, an MP?

ACC: Jumping jacks, yes, Your Honor.

MJ: And that was Corporal Graner?

ACC: I'm not sure, Your Honor.

MJ: Okay. And then when you said Specialist Cruz forced a detainee to low crawl on the ground such as his genitals drug across the floor----

ACC: ----yes, Your Honor.

MJ: Cruz is an MI guy?

ACC: Yes, Your Honor.

MJ: Okay, was that in accordance with the Interrogation Rules of Engagement?

ACC: No, Your Honor.

MJ: Either of these activities that you saw, was it any type of authorized technique to get people to confess or talk?

ACC: No, Your Honor.

MJ: Okay, so you -- when you saw this you knew both of these things were wrong?

ACC: Yes, Your Honor.

MJ: Okay, did you try and stop it?

ACC: No, Your Honor.

MJ: What did you do?

ACC: Well I did nothing, sir, just poured water on one of them.

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MJ: Okay. Now when you poured water on the guy was he still walking across the floor -- or low crawling across the floor?

ACC: He was lying -- he was just laying on the floor, Your Honor.

MJ: Had he finished low crawling?

ACC: Yes, Your Honor.

MJ: Okay. After he -- now was that the first time you did anything to participate in this activity?

ACC: Your Honor, I'm not quite sure what I did first, the nerf ball or the water, but they were about the same timeframe, Your Honor----

MJ: ----okay----

ACC: ----I'm not exactly sure which one happened first, Your Honor.

MJ: Okay, well let me -- let's go through the sequence of events then, did -- you said you got there and these guys were in the cell, correct?

ACC: Yes, Your Honor.

MJ: Okay. And then the MPs took them out of the cells and what, cuffed them to the cells?

ACC: No to each other, Your Honor.

MJ: To each other okay. At that point was it clear in your own mind what they were going to do with these detainees?

ACC: I wasn't clear, Your Honor, I--.

MJ: When did it become clear to you that they were there to abuse the detainees and not to do anything that was authorized?

ACC: When they started yelling at them and--.

MJ: And when was that?

ACC: Pretty much the time -- well they handed them to -- handcuffed them together----

MJ: ----okay----

ACC: ----and then they brought them in the middle and they put them down on the floor and started yelling at them. At that moment I realized what was going on.

MJ: Okay. At that point -- and who was doing that at that point?

ACC: Corporal Graner, Staff Sergeant Fredrick, and Cruz was participating in it some.

MJ: Okay. What about Harman, was she there too?

ACC: She was there, Your Honor.

MJ: And what, was she participating along with the other MPs?

ACC: Just participated in some of it, sir.

MJ: Okay. Well was she the one who let them out of their cells and pulled them into the hallway?

ACC: I'm sorry, Your Honor.

MJ: Was Harman the one who let them out of the cells and put them in the hallway?

ACC: She was the one that unlocked the cell, Your Honor, I'm not sure which MP pulled them in the middle, sir.

MJ: Your Stipulation of Fact says that she did that, do you believe that to be true?

ACC: Yes, Your Honor.

MJ: Now, did you begin yelling at the detainees to confess to the rape?

ACC: I made a couple of comments, Your Honor.

MJ: Okay, then were you yelling at them?

ACC: Yes, Your Honor.

MJ: What did you say?

ACC: I don't know, something along the lines like you rapist or--.

MJ: Okay, and was this before the jumping jacks in the hall?

ACC: This was when the detainees were in the middle handcuffed.

MJ: Okay, was that before or after Corporal Graner had them start doing naked jumping jacks?

ACC: It -- I believe it was before, Your Honor.

MJ: Okay. At that point were you operating as an interrogator as your training had taught you?

ACC: No, Your Honor.

MJ: Well why were you yelling at them?

ACC: I was just in that effect, Your Honor.

MJ: I'm sorry?

ACC: I was under the effect, Your Honor.

MJ: The effect of what?

ACC: Well, I found out other people did it and I was just----

MJ: ----were you just mad at them?

ACC: Yes, Your Honor.

MJ: Do you feel that you -- did you have to yell at them?

ACC: No I didn't, Your Honor.

MJ: Could you have chosen not to?

ACC: Yes, Your Honor.

MJ: But you chose to yell at them?

ACC: Yes, Your Honor.

MJ: And you told me earlier that that wasn't part of any type of interrogation?

ACC: No, Your Honor.

MJ: Okay. And with your training would that be an effective interrogation technique anyway?

ACC: No, Your Honor.

MJ: Now, Specialist [redacted] is there at this time, right? (b)(7)(c)-4 (b)(6)-4

ACC: Yes, Your Honor.

MJ: And what is he doing?

ACC: He's just standing next to me and watching, Your Honor.

MJ: Okay and so he's right next to you and he chose not to get involved?

ACC: Yes, sir.

MJ: But you chose to get involved?

ACC: Yes, Your Honor.

MJ: And the time you chose to get involved by your actions were you joining in an agreement with the others to maltreat these detainees?

ACC: On a silent agreement, yes, Your Honor.

MJ: I mean you saw -- at that point you saw they weren't interrogating, they were abusing them, correct?

ACC: Yes, Your Honor.

MJ: Okay and then you joined the abuse rather than walk away and do nothing like [redacted] (b)(7)(c)-4, (b)(6)-4

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ACC: Yes, Your Honor.

MJ: And by doing that, as I explained the law of conspiracy to you, do you believe you joined the agreement to maltreat these detainees?

ACC: Yes, Your Honor.

MJ: Okay and the other people at that point were Fredrick, Graner, Specialist Cruz, Harman, and the translator?

ACC: Yes, Your Honor.

MJ: Okay, so once you start yelling at all these other people do you -- I'm sure counsel explained how you'd be in an agreement for the conspiracy even without talking about it, just by your actions?

ACC: Yes, Your Honor.

MJ: And so by your actions do you feel you joined this conspiracy of all those other people I just named?

ACC: Yes, Your Honor.

MJ: You said [redacted] just stands there and does nothing? (b)(7)(c)-4, (b)(6)-4

ACC: Yes, Your Honor.

MJ: Okay. And then after you started yelling at them is that when Graner did the naked jumping jacks?

ACC: Then the -- I don't know what MP uncuffed the detainees, and they were separated. Specialist Cruz was

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with one of them, had them low crawling. Corporal Graner was with the other and had him doing some PT, jumping jacks naked.

MJ: Okay, now do you believe and admit that at the time that Graner -- I'm talking about Graner first and then Specialist Cruz, that then Corporal Graner was doing this to further maltreat the detainees?

ACC: Yes, Your Honor.

MJ: That this was part of the agreement, even though you had a silent agreement, and remember what I told you about conspiracy, that all the conspirators don't have to necessarily know exactly how it is to be carried out?

ACC: Yes, Your Honor.

MJ: So you guys didn't say anything, correct?

ACC: Yes, Your Honor.

MJ: So it wasn't like Graner says I'm going to do this and Cruz says let me do this and you said I'm going to do this, by your actions you all independently and together maltreated the detainees?

ACC: Yes, Your Honor.

MJ: And then when Corporal Graner had them do the exercise when they were naked and things like that, do you believe that was to further the maltreatment of the detainees?

ACC: I don't know, Your Honor, but I think so, yeah.

MJ: You think so?

ACC: Yes, Your Honor.

MJ: Okay you went from I think so to yes, Your Honor. And this -- I understand that this is sometimes a complicated legal concept, but there's two elements of conspiracy I explained to you earlier. First, you've got the agreement to commit a crime, in this case, maltreatment of subordinates. And then the overt act or acts to further the crime -- or further the conspiracy.

Do you understand that?

ACC: Yes, Your Honor.

MJ: So you told me that when you started yelling at them you joined in this silently, this agreement among all of these guys that started abusing the detainees or maltreated them.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Okay and then later on Corporal Graner has them do naked, physical exercises, and my question to you is do you honestly believe that he was doing that to continue to mess with the detainees?

ACC: Yes, Your Honor.

MJ: Okay, it wasn't for any legitimate military purpose?

ACC: No, Your Honor.

MJ: You were just trying to mess with them to maltreat them?

ACC: Yes, Your Honor, and punish them I guess.

MJ: Yeah. Well punish them, do you think it's an authorized punishment?

ACC: I don't think it's an authorized punishment, Your Honor.

MJ: You knew that making them do this stuff was illegal?

ACC: Yes, Your Honor.

MJ: Okay, and you knew through your military intelligence background training that policy and Rules of Engagement authorize certain things and don't authorize other things, true?

ACC: Yes, Your Honor.

MJ: Do they authorize what Corporal Graner was doing that day?

ACC: No, Your Honor.

MJ: And you knew that at the time?

ACC: Yes, Your Honor.

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MJ: How about what Specialist Cruz was doing, the same thing?

ACC: Yes, Your Honor.

MJ: Okay and even though Specialist Cruz is an MI soldier also, when he had the guy low crawl was that part of the continuing pattern or continuing agreement to maltreat the detainees?

ACC: Yes, Your Honor.

MJ: Okay. Now, at this point you have the two guys separated and Specialist Cruz has got one, Corporal Graner has got the other one, and that's when you threw the water on the one that Specialist Cruz had or was that after the guy had come back?

ACC: Um--.

MJ: I know it has been a long time.

ACC: Your Honor, I don't remember at what particular time that I----

MJ: ----okay----

ACC: ----I remember that there were two detainees on the floor naked and I splashed some water. I don't remember exactly what had happened.

MJ: Okay, now was this -- this was after you had -- sequentially, do you remember yelling at the detainees in

the pile and having joined the agreement at that point, correct?

ACC: Yes, sir.

MJ: And after that, that's when Specialist Cruz low crawled the one guy and Corporal Graner had that other guy do naked PT for him, but----

ACC: ----yeah, after that I----

MJ: ----okay----

ACC: ----splashed water on him.

MJ: Okay, then after that is when you splashed water against him?

ACC: Yes, Your Honor.

MJ: Okay, and this was in -- now were the -- how many people splashed water on them?

ACC: Just me, Your Honor.

MJ: No, no, no, no, on how many----

AC: ----on?

MJ: Yeah, how many people did you hit?

ACC: I splashed on one person and it probably got on the other, a couple drops, Your Honor.

MJ: Okay, do you believe it hit more than one detainee?

ACC: It mostly hit one detainee. It could have hit the other detainee a little bit.

MJ: Now when you said you poured water on them, where did this water come from?

ACC: I had a drinking bottle, Your Honor.

MJ: How big of a bottle was it? Was it one of those long----

ACC: ----one pint probably.

MJ: Okay, one of those big ones made out of cheap plastic that we found all through Iraq?

ACC: Yes, Your Honor.

MJ: Okay. Was the water room temperature or cold?

ACC: Room temperature, Your Honor.

MJ: Okay and what was the room temperature at the time?

ACC: It was hot, Your Honor.

MJ: It was hot?

ACC: It was 80, I don't know. It was October in Iraq, Your Honor, it was pretty hot.

MJ: Okay. Do you think the water was cold enough to chill the detainees?

ACC: 80 degree----

MJ: ----doesn't sound like it.

ACC: It made them wet, Your Honor, but I don't think it chilled them, Your Honor.

MJ: Okay, why did you pour water on them?

ACC: Just the stupid thing I did, Your Honor.

MJ: Specialist Krol, if it was a smart thing I don't think you would be sitting here so I'm not asking you that. I'm asking you why did you do it at the time? Did you do it for a legitimate reason or for -- you say you were mad at them, wanted to punish them, just why did you do it?

ACC: Well as an explanation, Your Honor----

MJ: ----that's all I want. Not----

ACC: ----not that I----

MJ: ----not excuses, give me your explanation of why you did it at the time?

ACC: Well I believe those three people raped a boy and well, I guess to punish them, Your Honor.

MJ: Did you think that you were -- it was okay for you to decide to punish them that way?

ACC: No, Your Honor.

MJ: Did you know it was wrong at the time?

ACC: Yes, Your Honor.

MJ: Is that based on your training as a military intelligence agent?

ACC: No, Your Honor.

MJ: No, I'm saying based on your training and experience you knew it was wrong to throw water at them no

matter what they did?

ACC: Yes, Your Honor.

MJ: Later on did a football get involved?

ACC: Yes, Your Honor, a nerf ball.

MJ: Tell me what happened with the nerf football?

ACC: I don't know how it got in there in the first place but then the MPs and Cruz were throwing it around, it got to me, I threw it in the direction of the detainees, hit one of the detainees, but it was a nerf ball, Your Honor, sponge.

MJ: Then how many detainees were there at that point?

ACC: Three, Your Honor.

MJ: Okay, were they handcuffed?

ACC: Yes, Your Honor.

MJ: Were they naked?

ACC: Yes, Your Honor.

MJ: Were they lying on a pile on the floor?

ACC: Yes, Your Honor.

MJ: Did you mean to throw the football at them?

ACC: Yes, Your Honor.

MJ: Did you hit them?

ACC: Yes, Your Honor.

MJ: And when you poured the water on the detainees how many were there at that time?

ACC: At least two, Your Honor.

MJ: Okay. Were they naked?

ACC: Yes, Your Honor.

MJ: And were these the ones to be forced to crawl on the floor?

ACC: One of----

MJ: ----these are the----

ACC: ----them was, Your Honor.

MJ: Okay. Do you think the water hit them or both or just that one?

ACC: It mostly hit one, Your Honor; the other one might have got some on him.

MJ: Okay. Do you believe it hit both or do believe it only hit one?

ACC: I believe it hit one, Your Honor.

MJ: Okay. And all of this occurred on 25 October 2005 at Abu Ghraib, Iraq?

ACC: Yes, Your Honor.

MJ: Now when all of this is going on what was the primary purpose of doing this to these guys?

ACC: I think it was punishment, Your Honor.

MJ: Okay, was it an authorized punishment?

ACC: No, Your Honor.

MJ: Did you know it was wrong when you did it?

ACC: Yes, Your Honor.

MJ: It was wrong to join these people and do it?

ACC: Yes, Your Honor.

MJ: Okay, there's -- the accused has raised a couple of issues that go tangentially to the plea, but I just got to know where everybody stands. He's charged with maltreatment of several unnamed detainees and pouring water on them. He says he actually poured water on only one. He also says that it wasn't cold, but the Stipulation of Fact said the water greatly chilled the detainees. He also said that the primary purpose was punishment when the Stipulation of Fact says to provide entertainment for those conducting the abuse.

We're going to take a recess and then I want both sides to tell me what they want me to do with these issues.

Court is in recess.

[The court-martial recessed at 1409 hours, 1 February 2005.]

[The court-martial was called to order at 1503 hours, 1 February 2005.]

MJ: Court is called to order. All parties again present that were present when court recessed.

During the recess I had an 802 with counsel. At that time both sides thought they could reach an agreement on modifying the Stipulation of Fact to reflect the accused's providence inquiry and I now see a lot of pen and ink changes on **Prosecution Exhibit 1** and those will reflect the changes, correct?

TC: Yes, Your Honor.

MJ: Defense?

DC: Yes, Your Honor.

MJ: And Specialist Krol, do you agree to those changes?

ACC: Yes, Your Honor.

MJ: Okay. Similar with regards to Specification 1 of Charge II, the government at the 802 indicated that they would -- had no objections to changing the plural to the singular of detainee, true?

TC: True, Your Honor.

MJ: So the specification will now read maltreat a detainee instead of several detainees by pouring water on said detainee while the detainee was naked and forced to crawl on the floor?

TC: Yes, Your Honor.

MJ: Okay. Any objection to that -- modifying the specification?

TC: No, Your Honor, it's clarified.

MJ: Specification 1 of Charge II is amended, deleting the word "several", adding the word "a". Changing "detainees" to "detainee" on three separate parts of the specification. Changing the word "were" to "was". The government's motion to amend accordingly is granted.

MJ: Does either side believe any further inquiry is required?

TC: No, Your Honor.

DC: No, sir.

MJ: Also in Specification 1 of Charge II, change "persons" to "person". And of course there will be no changes to the original charges sheet since this is the charge sheet he was arraigned on. Okay, back to my question.

Does either side believe any further inquiry is required?

TC: No, Your Honor.

MJ: Defense?

DC: No, Your Honor.

MJ: Trial counsel, what do you calculate to be the maximum punishment in this case based solely on the accused's guilty plea?

TC: Sir, confinement for one year; reduction to the grade of private (E-1); forfeiture of two-thirds pay per month for 12 months; and a bad-conduct discharge.

MJ: Defense, do you agree?

DC: Yes, Your Honor.

MJ: Specialist Krol, the maximum punishment authorized in this case based solely on your guilty plea is confinement for one year; forfeiture of two-thirds pay per month for 12 months; reduction to the grade of private (E-1); and a bad-conduct discharge.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Do you understand that based on your plea alone this court could sentence you to the maximum punishment which I just stated?

ACC: Yes, Your Honor.

MJ: Now, trial counsel, there's a pretrial agreement in this case?

TC: Yes, Your Honor.

MJ: Mark the Offer portion as **Appellate Exhibit II**, the Quantum as **Appellate III**. Let me see **Appellate Exhibit II**.

[The court reporter handed **AE II** to the military judge as directed.]

MJ: And, defense, have copies of both in front of the accused.

[The defense counsel did as directed.]

Specialist Krol, I have before me what is marked as **Appellate Exhibit II**, which is the offer portion of your pretrial agreement. Your defense should be showing you both this document as also **Appellate Exhibit III**, the quantum portion of your pretrial agreement. Did you sign this pretrial agreement?

ACC: Yes, Your Honor.

MJ: Did you read it thoroughly before you signed it?

ACC: Yes, Your Honor.

MJ: Do you understand the contents of your pretrial agreement?

ACC: Yes, Your Honor.

MJ: Do you agree to the contents of the pretrial agreement?

ACC: Yes, Your Honor.

MJ: Did anyone force you in anyway to enter into this agreement?

ACC: No, Your Honor.

MJ: Does this agreement contain all the understandings or agreements that you have in this case?

ACC: Yes, Your Honor.

MJ: Has anyone made any promises to you that are not written in this agreement in an attempt to get you to plead guilty?

ACC: No, Your Honor.

MJ: Counsel, are **Appellate Exhibits II and III** the full and complete agreement in this case and are you satisfied there are no other agreements?

TC: Yes, Your Honor.

DC: Yes, Your Honor.

MJ: Specialist Krol, basically a pretrial agreement means you agree to plead guilty. In return the convening authority agrees to take some favorable action in your case, usually in the form of limiting the sentence that he will approve.

Do you understand that?

ACC: Yes, Your Honor.

MJ: The law requires that I discuss this agreement with you. Let's look at **Appellate Exhibit II** together.

First paragraph is relatively straight forward that you offered to plead, as you've done. Now, you offered to plead in Charge III and Its Specification and you didn't enter a plea to that because that had been dismissed prior to trial. But to avoid the confusion we've kept the

specifications numbered as they -- or the charges numbered as in the agreement so you offered to plead, as you've done, to the four charges and you've done that. It's pretty straightforward.

Do you have any questions about that paragraph?

ACC: No, Your Honor.

MJ: Paragraph 2 says you -- you're going to do this and in return the convening authority will take the action set for in Appendix I, which is now **Appellate Exhibit III**. And the second part is what you just told me, there are no other promises or agreements in this case.

Is that true?

ACC: Yes, Your Honor.

MJ: And what the convening authority agreed to do is in **Appellate Exhibit III**, correct?

ACC: Yes, Your Honor.

MJ: Now, paragraph 3 talks about things you also agree to do. First, is to waive your rights under Article 32 of the Uniform Code of Military Justice. Now this case may have started out as a general court-martial, I don't know. It has been referred to a special BCD court-martial which means that there is no Article 32 required in this case.

Do you understand that?

ACC: Yes, Your Honor.

MJ: But at some point in time maybe that was contemplated, one of the things you offered to do was waive the Article 32, but since it's not a general court-martial, in effect you gave them something that you right now don't need.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Okay.

But, defense counsel, would it be fair to say that this provision was required by the government?

DC: Yes, Your Honor.

MJ: Okay. But in any event we're at a BCD Special?

DC: Yes, Your Honor.

MJ: 3b says you agree to enter a Stipulation of Fact. 3c go by trial by judge alone. Both of those we've already discussed.

Do you have any questions about those two provisions?

ACC: No, Your Honor.

MJ: You also agree to waive all waivable motions. Actually, by your guilty plea you already have done that.

Do you understand that?

ACC: Yes, Your Honor.

MJ: So you agreed to waive things you've already waived by your guilty plea earlier.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Defense, would you have any motions you would have made that you're now waiving?

DC: No, Your Honor.

MJ: Okay, so you're basically offering something for nothing -- or nothing for something from the government.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Paragraph 3e says that the convening authority is not bound by the agreement if you withdraw from your plea of guilty. Do you want to withdraw from your plea of guilty?

ACC: No, Your Honor.

MJ: Okay. Or the military judge enters a plea of not guilty on your own behalf. Now, what this means Specialist Krol is from now until sentence is announced if you tell me anything of any inconsistence of your guilty plea I'll reopen this inquiry and if I can't resolve an inconsistency I will have to enter a plea of not guilty on your behalf, which means we return to the arraignment start

point of the trial and then the trial will proceed as a not guilty case. If that were to happen you no longer have your pretrial agreement and the Stipulation of Fact will also be thrown out.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Paragraph 3f talks about what you need to do upon receipt of Grant of Testimonial Immunity with the convening authority. Now what that means is the convening authority is going to give a piece of paper with his name on it, and sign it granting you testimonial immunity. Have you discussed that issue with your defense counsel?

ACC: Yes, Your Honor.

MJ: Okay. What this means is once you get this piece of paper that you must cooperate fully with the government in the investigation and prosecution of Sergeant Davis and Specialist Harman and any other soldier or civilian charged based on misconduct at the Abu Ghraib facility.

Do you understand that?

ACC: Yes, Your Honor.

MJ: So once you get that piece of paper that means you've got to talk to the government and that includes the government's representatives.

Do you understand that?

ACC: Yes, Your Honor.

MJ: It will also mean that you will talk to the defense counsel if necessary.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Basically it's cooperating fully with both sides and any other prosecutions between Sergeant Davis, Specialist Harman, or anybody else involved.

Do you understand that?

ACC: Yes, Your Honor.

MJ: And it specifies some things that you have to do which is full disclosure to the government of all information and personally testifying in any pretrial hearing, court-martial, or Article 32 investigation involving Sergeant Davis, Specialist Harman, or any other soldier or civilian charged.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Now paragraph 4 says you agree to do all this and in return the convening authority takes the actions set in Appendix I and directs that the government offer no additional evidence for those offenses to which you have pled not guilty. Which means, in this case, there's just

one charge, a finding of not guilty be entered on at that time.

Do you understands that?

ACC: Yes, Your Honor.

MJ: Paragraph 5 appears to be a boilerplate saying that it won't be affected by dismissal of any specifications or charges by the military judge or motions by the defense.

Defense, is this a boilerplate that really doesn't apply to this case?

DC: Yes, Your Honor.

MJ: Okay. What that means, Specialist Krol, this is in every pretrial agreement but it just doesn't apply to your case.

Do you understand that?

ACC: Yes----

MJ: ----it has no affect. Paragraph 6 says you can withdraw your plea of guilty at any time before your plea is accepted and if you do so this agreement is canceled.

Do you understand that?

ACC: Yes, Your Honor.

MJ: If it is canceled or the Stipulation of Fact is modified at any time without your consent of both you and the government.

Do you understand that?

ACC: Yes, Your Honor.

MJ: If two things happen you lose your pretrial agreement.

Do you understand that?

ACC: Yes, Your Honor.

MJ: There have been some modifications to the Stipulation of Fact, but everybody has agreed to them so that does not cancel this stipulation provision.

Do you understand that?

ACC: Yes, Your Honor.

MJ: If something were to happen to have any impact on it we'll come back and revisit that, okay?

ACC: Yes, sir.

MJ: And lastly it says that basically this writing in **Appellate Exhibit III**, encompasses a full and complete agreement in your case and there are no other side agreements. Is that true?

ACC: Yes, Your Honor.

MJ: Okay. Now, I'm not going to look at **Appellate Exhibit III**, the Quantum portion until after I announce the sentence in your case. But I want you to look at it now and read it silently to yourself and tell me whether that

document correctly states what you and the convening authority agreed to?

[The accused did as directed.]

ACC: Yes, Your Honor.

MJ: Now, Specialist Krol, you get the benefit of whichever is less, the sentence of the court or that contained in your pretrial agreement. If the sentence adjudged by this court is greater than the one provided in the pretrial agreement the convening authority must reduce the sentence to one no more severe than the one in your pretrial agreement.

On the other hand if the sentence of this court is less than the one in the pretrial agreement the convening authority cannot increase the sentence adjudged.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Defense counsel, when was the accused ETS again, please?

DC: December of 2006, Your Honor.

MJ: Specialist Krol, have you had enough time to discuss this agreement with your defense counsel?

ACC: Yes, Your Honor.

MJ: Are you satisfied with his advice concerning this pretrial agreement?

ACC: Yes I am, Your Honor.

MJ: Did you enter into the agreement of your own free will?

ACC: Yes, Your Honor.

MJ: Has anyone tried to force you to make this pretrial agreement?

ACC: No, Your Honor.

MJ: Do you have any questions about your pretrial agreement?

ACC: No, Your Honor.

MJ: Do you fully understand all the terms of the pretrial agreement and how they affect your case?

ACC: Yes, Your Honor.

MJ: Are you pleading guilty not only because you hope to receive a lighter sentence, but because you're convinced that you're, in fact, guilty?

ACC: Yes, Your Honor.

MJ: Do counsel for both sides agree with the court's interpretation of the pretrial agreement?

TC: Yes, Your Honor.

DC: Yes, Your Honor.

MJ: Defense counsel, have you had enough time and opportunity to discuss this case with Specialist Krol?

DC: I have, Your Honor.

MJ: Specialist Krol, have you had enough time and an opportunity to discuss this case with your defense counsel?

ACC: I have, Your Honor.

MJ: And have you, in fact, fully consulted with him and received the full benefit of his advice?

ACC: I have, Your Honor.

MJ: Are you satisfied your defense counsel's advice is in your best interest?

ACC: Yes, Your Honor.

MJ: And are you satisfied with your defense counsel?

ACC: Yes, Your Honor.

MJ: Are you pleading guilty voluntarily and of your own free will?

ACC: Yes, Your Honor.

MJ: Has anyone made a threat or tried in any way to force you to plead guilty?

ACC: No, Your Honor.

MJ: Do you have any questions of the meaning and effect of a plea of guilty?

ACC: No, Your Honor.

MJ: Do you fully understand the meaning and effect of your plea of guilty?

ACC: Yes, Your Honor.

MJ: Do you understand that even though you believe you're guilty you have the legal and moral right to plead not guilty and place upon the government the burden of proving your guilt, beyond a reasonable doubt?

ACC: Yes, Your Honor.

MJ: Take one last moment now and speak to your defense counsel and tell me if you still wish to plead guilty?

[The accused did as directed.]

Do you still want to plead guilty?

ACC: Yes, Your Honor.

MJ: Specialist Krol, I find your plea of guilty is made voluntarily and with full knowledge of its meaning and effect. I further find you have knowingly, intelligently, and consciously waived your rights against self-incrimination, to a trial of the facts by a court-martial, and to be confronted by the witnesses against you. Accordingly, your plea of guilty is provident and is

accepted. However, I advise you that you may request to withdraw your guilty plea at any time before sentence is announced and if you have a good reason for your request I will grant it.

Do you understand that?

ACC: Yes, Your Honor.

MJ: Accused and counsel please rise.

[The accused and his counsel did as directed.]

Specialist Roman Krol, in accordance with your plea of guilty this court finds you:

Of The Specification Of Charge I And Charge I:	**Guilty.**
Of the two specifications Of Charge II And Charge II:	**Guilty.**
Of The Specification Of Charge IV And Charge IV:	**Not Guilty.**

Please be seated.

[The accused and his counsel did as directed.]

Now, Specialist Krol, at this point we're going to enter the sentencing phase of the trial where you have the right to present matters in extenuation and mitigation, that is, matters about the offense or yourself which you want me to consider in deciding your sentence.

In addition to the testimony of witnesses and the offering of documentary evidence you may, yourself, testify under oath as to these matters or you may remain silent in which case I will draw no inference from your silence.

On the other hand, if you desire, you may make an unsworn statement. Because the statement is unsworn you cannot be cross-examined on it, however, the government may offer evidence to rebut any statement of fact contained in an unsworn statement. An unsworn statement may be made orally, in writing, or both. It may be made by you, by your counsel on your behalf, or by both.

Do you understand these rights?

ACC: Yes, Your Honor.

MJ: Is the personal data on the front page of the charge sheet correct, defense?

DC: Yes, Your Honor.

TC: Yes, Your Honor.

MJ: Defense, is there any issue about the accused being subject to cruel and unusual pretrial punishment under Article 13?

ACC: No, Your Honor.

MJ: Trial counsel, do you have any documentary evidence to present at this time?

TC: Yes, Your Honor, a certified copy of the accused's Personnel Qualification Range [sic].

MJ: That has been marked as **Prosecution Exhibit 2 for identification.**

Any objection?

DC: No objection, Your Honor.

MJ: **Prosecution Exhibit 2 for identification** is admitted. Any other documentary evidence, government?

TC: No further evidence, Your Honor.

MJ: Any live witnesses?

TC: No, Your Honor.

MJ: The government rests?

TC: Yes, Your Honor.

MJ: Defense, do you wish to proceed now or would you like a short recess?

DC: A short recess, Your Honor.

MJ: Court will be in recess for 10 minutes.

[The court-martial recessed at 1537 hours, 1 February 2005.]

[The court-martial was called to order at 1548 hours, 1 February 2005.]

MJ: Court is called to order. All parties again present that were present before the court recessed.

Defense?

015773

DC: Your Honor, the defense calls Captain [redacted] (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-4 (b)(6)-4

[redacted]

[The witness entered the courtroom, approached the witness chair, and was sworn by the trial counsel.]

TC: Please have a seat.

[The witness did as directed.]

CAPTAIN [redacted], U.S. Army, was called as a witness for the defense, was sworn, and testified as follows: (b)(7)(c)-2 (b)(6)-2 (b)(7)(c)-4 (b)(6)-4

DIRECT EXAMINATIN

Preliminary questions by the trial counsel: (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-4, (b)(6)-4

Q. Captain [redacted] please state your name and unit of assignment for the record.

A. [redacted] Alpha Company, 325th Military Intelligence Battalion. (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-2, (b)(6)-2

Questions by the defense counsel:

Q. Captain [redacted] do you know Specialist Roman Krol? (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-2, (b)(6)-2

A. Yes I do.

Q. How do you know him?

A. I met Specialist Krol approximately August of 2001, shortly before deploying to Bosnia. I met him once again February of 2003 at Fort Dix, New Jersey during our predeployment to Iraq. I was also his commanding officer from this past September through the present time.

015774

Q. How long would you say that you've known him?

A. Seven months, um, would be my best estimate.

Q. And over those seven months, the seven months that you knew him, did you have an opportunity to observe his duty performance?

A. Duty performance as far as his MOS no I haven't because I was involved in other duties at the time.

Q. What about his soldiering, his day-to-day soldiering?

A. As far as his day to day soldiering by what I've observed, Specialist Krol was an adequate soldier, um, not the best, but by no means disciplinary problem or otherwise a problem for the unit.

Q. And are you aware that Specialist Krol has pled guilty today to the maltreatment of subordinates and conspiracy?

A. Yes I am.

Q. And over the seven months that you knew him were you able to form an opinion as to his rehabilitative potential?

A. I think Specialist Krol both in the military and a civilian aspect has excellent rehabilitative capacity and I think that he would be best to stay in uniform and----

TC: ----objection, Your Honor.

MJ: Sustained.

Rehabilitative potential means to become a productive member of society as a whole.

WIT: Sorry, Your Honor.

MJ: No that's okay, the attorneys know those rules, but I was not expecting that you necessarily would, but let me ask you this. To become a productive member of society as a whole, how would you rate his rehabilitative potential?

WIT: Excellent, Your Honor.

MJ: Thank you.

DC: Nothing further, Your Honor.

MJ: Trial counsel?

TC: No questions, Your Honor.

[The witness was permanently excused and resumed a seat in the courtroom.]

DC: Your Honor, the defense calls Retired First Sergeant [redacted] (b)(7)(c)-4, (b)(6)-4

[The witness entered the courtroom, approached the witness chair, and was sworn by the trial counsel.]

TC: Please have a seat.

[The witness did as directed.]

[END OF PAGE]

015776

FIRST SERGEANT, [redacted], RETIRED U.S. Army, was called as a witness for the defense, was sworn, and testified as follows: (b)(7)(c)-4, (b)(6)-4

DIRECT EXAMINATION

Preliminary questions by the trial counsel:

Q. First sergeant, if you could state your name and your place of residence for the record.

A. My name is [redacted] place of residence is [redacted]. (b)(7)(c)-4, (b)(6)-4

TC: Thank you.

Questions by the defense counsel:

Q. First sergeant, do you know Specialist Roman Krol?

A. Yes I do, sir.

Q. How do you know him?

A. He was my soldier from October of 2001 until I retired in May of 2004.

Q. And how long did you know Specialist Krol, was that four years, two years?

A. Approximately over two years easy, sir.

Q. Okay. And over that two-year period did you have an opportunity to observe his duty performance?

A. Yes I did, sir.

015777

Q. Okay. And over that two-year period were you able to form an opinion as to his duty performance?

A. Yes I did.

Q. Can you tell us what that opinion is?

A. At duty -- I never had an issue as far as duty performance, sir. He's a really outstanding soldier. He graduated out of PLDC as well. At the same time he graduated PLDC at the NCO Academy he was a good soldier as far as any performance that his duties I assign him to.

Q. And first sergeant are you aware that Specialist Krol has pled guilty to the maltreatment of subordinates and conspiracy?

A. Yes I do, sir.

Q. Okay. And over the two-year period that you know him were you able to form an opinion as to his rehabilitative potential?

A. Yes I do, sir.

Q. Can you tell us what that opinion is?

A. Very high potential of rehabilitation.

DC: Okay, thank you.

Nothing further, Your Honor.

MJ: Trial counsel, any questions?

TC: No questions, Your Honor.

[The witness was permanently excused and withdrew from the courtroom.]

DC: Your Honor, the defense calls Captain [redacted] (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-4, (b)(6)-4

[redacted]

[The witness entered the courtroom, approached the witness stand, and was sworn by the trial counsel.]

TC: Please have a seat.

[The witness did as directed.]

CAPTAIN [redacted], U.S. Army, was called as a witness for the defense, was sworn, and testified as follows: (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-2, (b)(6)-2

DIRECT EXAMINATION

Preliminary questions by the trial counsel:

Q. Please state your name, rank, and your unit of assignment for the record.

A. [redacted] Captain, 6th of the 98th. (b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-4, (b)(6)-4

Questions by the defense counsel:

Q. Captain [redacted] do you know Specialist Roman Krol? (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-2, (b)(6)-2

A. I do.

Q. How do you know him?

A. I was his commander from November of '02 through September of this past year.

Q. And how long would you say that is, is that two years, three years?

015779

A. Roughly 18 -- 20 months.

Q. And over that 18 to 20 month period were you able -- were you given an opportunity to observe his duty performance?

A. Yes.

Q. And over that 18-month period were you able to form an opinion as to his duty performance?

A. I was.

Q. What is that opinion?

A. A very good soldier. Did everything I asked him to do.

Q. And are you aware that Specialist Krol has pled guilty today to the maltreatment of subordinates and conspiracy?

A. I am.

Q. And over the 18-month period that you know him were you able to form an opinion as to his rehabilitative potential?

A. Yes.

Q. What is that opinion?

A. I think he's a young soldier with a lot of potential and I think he has definitely got some rehabilitative quality, absolutely.

DC: Thank you.

Nothing further, Your Honor.

MJ: Trial counsel, any questions of this witness?

TC: No questions.

[The witness was permanently excused and resumed a seat in the courtroom.]

DC: Your Honor, Specialist Krol is going to give an unsworn statement.

MJ: Proceed.

[The accused approached the witness chair and resumed a seat.]

SPECIALIST ROMAN KROL, U.S. Army, was called as a witness for the defense and gave an unsworn statement as follows:

UNSWORN STATEMENT

Your Honor, first I would like to apologize to the Iraqi people that for my -- for the embarrassment I have caused. I also want to apologize to the Americans for the same thing, for the embarrassment I've caused this country.

But then I would like to explain my comment in the Stip of Fact on the interview that I gave Paula Zahn. I said I was indifferent at that time. The next question she asked me was did you know it was wrong and I said yes. I said I know -- I knew that this was a wrong thing to do. The MPs did the wrong thing and I was involved with it too, Your Honor. I don't want to downplay my involvement. I

know I was involved and I'm here to take the responsibility for it.

And one more thing, I came to this country when I was 15 and from that moment I dreamed about being in the Army and that's all I wanted to do, so I'm ready to accept any punishment that you think is appropriate. But I'm asking you to keep me in the Army. This is it, Your Honor. Thank you.

Questions by the defense counsel:

Q. Specialist Krol, is there anything else you want to say?

A. No, sir.

DC: Okay.

Thank you, Your Honor.

[The accused resumed his seat at the counsel table.]

DC: Your Honor, the defense rests.

MJ: Trial counsel, any rebuttal?

TC: No, Your Honor.

MJ: Trial counsel, any argument in sentencing.

TC: We Americans, have the eyes of the world upon us. Are committed with the blood of our sons and our daughters to the protection of freedom everywhere. Pledge to our own and to all men and women wherever they may be found. As we come in contact with these peoples, very

often the ambassadors of our country and the warriors who secure its existence are one in the same. These men and women are by custom example and law committed to a special code. A code of bravery, strength, and honor. And this code runs like a silver thread through generations of soldiers from Lexington, Nevada, and out to Sadhr City.

This very same code bound the accused, but the accused counted it as nothing. And out of curiosity the accused joined an endeavor. Not to perform his appointed duties. Not to serve his nations needs. Not to protect his brothers in arm. But rather to torment and contravention to that code three men in the Army, in reliance, entrusted the care of the accused and others. And in a place where formally the rule of law was merely a rumor the accused and others taught a lesson. And that lesson was simple, brutal, and vivid. That lesson was that only some men have a right to dignity. That only some men have a right to be free from violence. That due process of law, that impartiality and prosecution, that dignity, even in punishment are empty words. And though a brutal dictator was gone a lesson to all of those who witnessed the accused's action was that might, in fact, make right. That the strong prey on the weak. That law and discipline lose their power when no one is looking. The accused taught

that lesson, capturing images which will be forever identified of this particular conflict to other soldiers, to the citizens of Iraq present that evening, and to the world. Perhaps the accused did not intend to teach that lesson but he did. And perhaps the accused thought this behavior was harmless, it was not. Perhaps the accused assumed there would be no consequences, but there were. This soldier, not content with the lesson he had taught, took his actions to the world directly, appearing on television, to tell the world of his callousness, for what purpose only he could know. To what injury to the reputation of his branch, to the Army, and to the nation no one will ever fully know.

Your Honor, this accused broke the code and severed the thread to teach a lesson, one of selfishness, cruelty, and indifference. But now the rule of law which he challenged by his actions will confront him impartially. And the code which he felt so -- he so lightly disregarded will take its due from him.

So, let the accused teach one more lesson, let him serve as an example, let him go to confinement now for as long as the law permits. Let him be separated in disgrace from our service. Teach the greater enduring lesson to friend and foe alike of our commitment to the protections

of freedom everywhere, first to our own and then to men and women wherever they may be found.

MJ: Defense?

DC: Your Honor, let me begin by saying that Specialist Krol was practically banging down the government's door to move this sensitive and high profile case to trial. In less than three weeks, in less time than it takes to complete an Article 15, Specialist Krol signed and submitted an Offer to Plead Guilty and was ready for trial and I would point out, Your Honor, that the government had this case in one way or another for over a year. For over a year, Your Honor, this case, in fact, this day has been hanging over Specialist Krol's head. As you know Specialist Krol is a [redacted] who is (b)(7)(C)-S, (b)(6)-S accustomed to patiently and silently waiting for the government to act. But as an American he understands the importance of taking responsibility for his actions. Specialist Krol has taken -- has demonstrated his understanding that it is important that he take responsibility for his actions and he has done that in several ways. He waived his right to a trial by the members. He waived his right to be confronted by the witnesses against him. And he waived his right against self-incrimination. His decisions after the preferral of

charges, Your Honor, without a doubt saved the government an enormous amount of time and money.

Now, the government, Your Honor, may argue that Specialist Krol's decisions after the preferral of charges were self-serving at best. However, as you know part of his Offer to Plead Guilty was that he cooperate fully in any investigation or trial against anyone involved with misconduct at Abu Ghraib. Therefore, Your Honor, the government stands to benefit from his Offer to Plead Guilty. Nonetheless, Your Honor, Specialist Krol sat before you today apologetic, remorseful, and more importantly without excuse. He recognized that his conduct at Abu Ghraib was harmful and hurtful to the detainees at Abu Ghraib and all the Iraqi people, but he also recognized that his behavior was embarrassing to all Americans.

Your Honor, at this time what I would like to do is highlight specific portions of the Stipulation of Fact. You see on its face, Your Honor, and I know we've gone through it, on its face the Stipulation of Fact may be misleading.

In paragraph 6, it's Specialist Harman that explains to Specialist Krol that the MPs were simply taking a break from disciplining the detainees and that the detainees were naked and together in a cell.

In paragraph 7, it's Staff Sergeant Frederick, Corporal Graner, and Specialist Harman that force the detainees to crawl on the floor.

In paragraph 10, it's Staff Sergeant Frederick, Corporal Graner, and Specialist Harman that handcuff the detainees. And Corporal Graner and Specialist Cruz that use their feet to press the detainees together.

In paragraph 12, it's Corporal Graner and Specialist Harman that laughed at the situation and appeared to enjoy themselves.

And in paragraph 18, it's Corporal Graner that forced the detainees to conduct various physical exercises. And Specialist Cruz had forced the detainees to crawl on the floor.

MJ: Counsel, you're not arguing that the fact he didn't commit these acts that he's not liable under the coconspirator, but----

DC: ----not at all, Your Honor----

MJ: ----the acts of other conspirators in the furtherance of the same conspiracy?

DC: Yes, sir.

MJ: Okay, just as long as that's clear.

DC: Yes, Your Honor.

MJ: Go ahead.

DC: And we should also, Your Honor, pay close attention to the pictures that were attached to the Stipulation of Fact. You will immediately notice that Specialist is a non-actor in the abuse depicted. In fact, in one photograph Specialist Krol is standing around the detainees with his arms folded.

Also included in the Stipulation of Fact, Your Honor, in paragraph 26 out of the additional information and aggravation, there's an excerpt from a CNN interview with Specialist Krol that's taken out of context. During the interview Specialist Krol did indeed describe his feelings on the 25th of October as quote, unquote, indifferent. Well it's not in the Stipulation of Fact, but like he told you during his unsworn statement he did explain in that interview why he said he felt that way. What he also told you during his unsworn testimony when describing the interview with CNN he told you that he knew that the behavior was inappropriate.

Now government counsel, Your Honor, may argue that the comments that were made to the media, not necessarily just CNN, but any comments made by Specialist Krol should be considered aggravation evidence. But, what I would like to point out is that Specialist Krol only spoke out about what happened at Abu Ghraib, especially on the 25th of October

2003. When the military police that were involved started to point fingers at the military intelligence community.

TC: Objection, Your Honor, and I apologize, sir, now we're arguing facts not in evidence.

MJ: Is there any evidence of that before me?

DC: I'm sorry, Your Honor.

MJ: Is there any evidence of that fact before me?

DC: It's just explanation as to why he did----

MJ: ----but is there any evidence that the----

DC: ----no, Your Honor.

MJ: Okay, the objection is sustained.

DC: Your Honor, the government counsel may argue that what was done at Abu Ghraib was done purely for sport. Well if the events that took place were kin to a sporting event then the soldiers that are intimately involved in what occurred were players on a team. Well that begs the question of what then was Specialist Krol? I mean how do we describe -- how do you put a label on his involvement? We must conclude that he was a spectator.

Now, obviously, Your Honor, he was an overzealous spectator, but certainly a fan sitting in the bleachers.

MJ: Captain [redacted] a spectator is not criminally liable. (b)(7)(c)-2 (b)(6)-2

DC: It's just by way of analogy, Your Honor.

MJ: Okay----

DC: ----it's just----

MJ: ----your not saying he was just merely present there, just----

DC: ----not at all, Your Honor, it's just an analogy.

MJ: Okay, I think it's an analogy of what it's worth, but his liability is not based just being there, it's what he did.

DC: Absolutely, Your Honor.

MJ: Okay. Go ahead.

DC: By way of analogy the others, the soldiers that I named when I went through portions of the Stipulation of Fact, what I'm saying is that they were more -- they were intimately involved, but certainly I'm not trying to downplay what he has told you today, Specialist Krol in his providence inquiry.

Your Honor, an appropriate punishment in this case would be a letter of reprimand, restriction, or reduction in grade. And as you know, Your Honor, two things that you could consider when fashioning an appropriate punishment are general deterrence and individual deterrence. However, when the government waits almost a year to prefer charges against an individual, it loses its deterring fact and it

loses its bite. Both -- well, especially Specialist Krol's unit, 325th MI Battalion, they've been demobilized and the soldiers have been returned to civilian life. Essentially the government has lost its chance to use this case to deter future abuse. As for individual deterrence, Your Honor, Specialist Krol has had this case hanging over his head for almost a year and I want to remind you, Your Honor, that Specialist Krol and I think you went over this at the very beginning of today's proceedings. He was allowed to demobilize and return to civilian life and then he was brought back on active duty seven months later and had charges preferred against him.

Your Honor, should feel confident that confinement is not necessary in this case especially in light of the witness testimony. The witnesses' presence alone, Your Honor, speaks volume for this soldier's character. They traveled far to give you their opinion as to his duty performance and rehabilitative potential. Your Honor, shouldn't hesitate to fashion a punishment that would include a letter of reprimand, restriction, and a reduction in grade.

Thank you, Your Honor.

MJ: Court is closed.

[The court-martial closed at 1610 hours, 1 February 2005.]

015791

[The court-martial opened at 1631 hours, 1 February 2005.]

MJ: Court is called to order. All parties again present that were present when the court closed.

Defense counsel, have you advised the accused orally and in writing of his Post-Trial and Appellate Rights?

DC: I have, Your Honor.

MJ: They have been reduced to **Appellate Exhibit IV.**

Specialist Krol, is that your signature on this document?

ACC: Yes, Your Honor.

MJ: And Captain [redacted] that's your's below his? (b)(7)(c)-2 (b)(6)-2

ACC: Yes, Your Honor.

MJ: Specialist Krol, did your defense counsel explain these Post-Trial and Appellate Rights to you?

ACC: Yes, Your Honor.

MJ: Do you have any questions about your Post-Trial and Appellate Rights?

ACC: No, Your Honor.

MJ: Accused and defense counsel please rise.

[The accused and his counsel did as directed.]

Specialist Roman Krol, this court sentences you:

To be reduced the grade of Private (E-1);
To be discharged with a bad-conduct discharge; and
To be confined for ten (10) months.

Please be seated.

015792

[The accused did as directed.]

MJ: Let me see **Appellate Exhibit III** please.

[The court reporter handed **AE III** to the military judge.]

As I read the Quantum portion of the pretrial agreement is the convening authority is free to approve the adjudged sentence.

Is that the understanding of both parties?

TC: Yes, Your Honor.

DC: Yes, Your Honor.

MJ: And Specialist Krol is that your understanding?

ACC: Yes, Your Honor.

MJ: Any matters to take up before this court adjourns?

TC: No, Your Honor.

DC: No, Your Honor.

MJ: This court is adjourned.

[The court-martial adjourned at 1633 hours, 1 February 2005.]

[END OF PAGE]

015793

POST-TRIAL SESSIONS

015794

[The Post-Trial Article 39a session was called to order at 1154 hours, 2 February 2005.]

MJ: The Article 39a session is called to order. All parties again present that were present when the court adjourned except for Major [redacted] who is absent and will (b)(6)-2, (b)(7)(C)-2 not join this proceedings, correct?

TC: Yes, Your Honor.

MJ: I will note for the record that I directed this Article 39a session just to clarify one thing in the providence inquiry. The court believes that based on the evidence provided to the court between the Stipulation of Fact and the accused answers that the findings of guilty were properly entered. However, after reviewing the providence inquiry the court was concerned that perhaps one particular element was not specifically addressed with the accused, at least, directly. I think implicitly it was direct but just to clarify.

So Specialist Krol this is going to be just to address one particular issue that I should have asked you yesterday, I didn't, and so I'm going to ask you today, okay?

ACC: Yes, sir.

MJ: And it's specifically on these detainees that were involved in the incident on the 25th of October. There was two of them or three of them. Two initially and then three of them, correct?

ACC: Yes, Your Honor, three.

MJ: Three total at the end?

ACC: Yes, Your Honor.

MJ: I think it was two at the start and three at the end?

ACC: Yes, Your Honor.

MJ: Okay. Were all these detainees subject to your orders?

ACC: Yes, Your Honor.

MJ: And why do you say that?

ACC: Because I was an interrogator for inmates.

MJ: And you tell them what to do?

ACC: I'm sorry, Your Honor?

MJ: You tell them what to do?

ACC: Yes, Your Honor.

[END OF PAGE]

MJ: Okay. That covers all I needed to cover. Does either side believe any additional matters need to be addressed?

TC: No, Your Honor.

DC: No, Your Honor.

MJ: Okay, this court is adjourned.

[The Post-Trial 39a session terminated at 1155 hours, 2 February 2005.]

AUTHENTICATION OF THE RECORD OF TRIAL

IN THE CASE OF

Roman KROL, [redacted] SPC (b)(7)(c)-5, (b)(6)-5

Headquarters and Headquarters Company,
III Corps,
Victory Base, Iraq,
APO, AE 09342

I received the completed record of trial for review and authentication on 2 May 2005

[redacted] (b)(7)(c)-2, (b)(6)-2

[redacted] (b)(7)(c)-2, (b)(6)-2
COL, JA
Military Judge

DATE: 10 May 05

ACKNOWLEDGEMENT OF RECEIPT AND EXAMINATION

I received the record of trial for review in the foregoing case on 30 MARCH 2005 and completed my examination on 31 MARCH 2005.

[redacted] (b)(7)(c)-2, (b)(6)-2

[redacted] (b)(7)(c)-2, (b)(6)-2
CPT, JA
Defense Counsel

DATE: 31 MARCH 2005

The record of trial was served on defense counsel on _____ 2005. After verifying receipt with defense counsel on _____ 2005 and conferring with the military judge on review by defense counsel on _____ 2005, the record was forwarded for authentication without completion of defense counsel's review.

[redacted] (b)(7)(c)-2, (b)(6)-2
LTC, JA
Chief, Military Justice

ACTION

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

In the special court-martial of Specialist Roman Krol, [redacted] U.S. Army, (b)(7)(c)-5, (b)(6)-5 Headquarters and Headquarters Company, III Corps, Victory Base, Iraq, APO AE 09342-1400, currently redeployed to Fort Hood, Texas, the sentence is approved and, except for the part of the sentence extending to a bad-conduct discharge, will be executed.

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

20 JUL 2005

015799

PROSECUTION EXHIBITS ADMITTED

UNITED STATES	)	
	)	
v.	)	STIPULATION OF FACT
	)	
Krol, Roman (b)(7)(c)-5, (b)(6)-5	)	
SPC, U.S. Army Reserves, [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps,	)	
Victory Base, Iraq, APO AE 09342	)	24 January 2005

I. NATURE AND USES OF THE STIPULATION:

1. It is agreed between Specialist Roman Krol ("the accused"), the Defense Counsel and Trial Counsel, that the following facts are true, susceptible to proof, and admissible in evidence. These facts may be considered by the Military Judge in determining the providence of the accused's plea of guilty, to establish the elements of all charges and specifications, and for determining an appropriate sentence. For these purposes, the accused expressly waives any objection that he may have to the admission of these facts, and any referenced attachments, into evidence at trial under any evidentiary rule, applicable case law, or Rule for Courts-Martial that might otherwise make them inadmissible.

II. THE ACCUSED:

2. The accused is 23 years old and was 22 years old on the date of the charged offenses. (b)(7)(C)-5 (b)(6)-5 The accused is [redacted] He entered military service in the U.S. Army Reserves on 15 December 2001. On 7 March 2003, the accused was activated pursuant to Title 10 United States Code Section 12302 in support of Operation Iraqi Freedom. On 21 October 2001 the accused was activated for one year in support of Operation Noble Eagle. On 23 January 2004, he was separated from active service.

3. At the time of the charged offenses, the accused was on active duty in the United States Army. He was assigned to the 325th Military Intelligence Battalion when he arrived in Iraq on or about 1 April 2003. On 13 December 2004, Commander, III Corps ordered the accused to active duty pursuant to Title 10 United States Code Section 802(d). The accused is now on active duty and assigned to Headquarters and Headquarters Company, III Corps. At all times relevant to the charged offenses, the accused was on active duty. This court has proper jurisdiction over the accused and the charged offenses.

III. THE MISCONDUCT

4. The Baghdad Central Confinement Facility (BCCF) is located in Abu Ghraib, a city located approximately 12 miles west of Baghdad, Iraq. Within the BCCF there are several compounds used to hold large numbers of detainees. One of the compounds is actually a series of buildings built to contain individual cells. This compound is known as the "hard site" and consists of a number of halls, or tiers. Detainees in Tier 1 were divided into two sub-tiers, Tier 1A and Tier 1B. During the relevant time, Tier 1A was used, in part, for Military Intelligence holds (individuals who were believed to possess information of tactical, strategic, or operational value). Tier 1B was used to house certain sub-categories of civilian

OFFERED @ 14
ADMITTED @ 17

015801

PROSECUTION EXHIBIT 1 FOR ID

detainees including women and juveniles. Tier 1B also housed detainees who were disciplinary problems.

5. On the night of 25 October 2003, the accused woke Specialist Armin Cruz, a Military Intelligence soldier known to the accused and assigned to the accused's unit. The accused told Specialist Cruz that the Military Police had suspected rapists in the hard site and invited Specialist Cruz to join him and see how the Military Police dealt with the alleged rapists. The accused, Specialist Cruz, and Specialist [redacted] all of the 325th Military Intelligence Battalion, arrived at the hard site and walked to Tier 1B. At Tier 1B, the accused found a number of Military Police personnel present including Staff Sergeant Ivan Frederick (the night shift NCOIC of the hard site), Corporal Charles Graner (the night shift NCOIC of Tier 1A), Specialist Megan Ambuhl (the NCOIC of Tier 1B), and Specialist Sabrina Harman, a soldier assigned to work in the hard site on the night shift. Also present were Mr. [redacted] a civilian interpreter employed by the [redacted] as well as various Iraqi Corrections Officers and other members of the 372d Military Police Company. The other members of the 372d Military Police Company, Specialist [redacted] and the Iraqi Corrections Officers did not participate in the abuse of detainees that was to follow.

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-5 (b)(6)-5 (b)(7)(c)-4 (b)(6)-4

6. Upon arrival, the accused and Specialist Harman discussed the treatment of detainees. Specialist Harman explained that she treated detainees like basic training soldiers by making them do physical training when a detainee needed discipline. Specialist Harman indicated that they were taking a break from disciplining the Iraqi detainees. The detainees were in a cell together and all three were naked. The detainees were visibly afraid and deeply distressed. The three detainees in the cell and that were later abused were Mr. [redacted] ISN # [redacted] Mr. [redacted] ISN [redacted] and Mr. [redacted] ISN # [redacted]

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

7. Specialist Harman then opened the cell and pulled the detainees into the hallway. Staff Sergeant Frederick and Corporal Graner were initially standing by and observing. Specialist Megan Ambuhl was also present. Staff Sergeant Frederick, Corporal Graner, and Specialist Harman, and the accused began yelling at the detainees to confess to the alleged rape. They also forced them to lie on the floor. Staff Sergeant Frederick, Corporal Graner, and Specialist Harman then began to force the detainees to crawl along the floor, which caused the detainees' genitals to drag across the floor. The accused joined in this effort and poured water on ~~the~~ detainees ~~s~~ while the detainees, principally at Corporal Graner's instruction, were forced to roll on the ground and perform a variety of physical exercises while ~~they were~~ he was naked. [redacted]

(b)(7)(c)-2, (b)(6)-2 (b)(7)(c)-2, (b)(6)-2

8. At some point prior to this activity, the accused was told that the detainees had allegedly raped a 15-year-old boy, also detained in the facility.

9. The accused knew based on his training, experience, and education that such behavior was illegal, immoral, and without legal justification or excuse. Nevertheless, the accused assisted the Military Police in abusing the detainees.

10. Staff Sergeant Frederick, Corporal Graner, Specialist Harman, Specialist Cruz, and the accused continued to abuse the detainees. Specialist Ambuhl stood by and encouraged the other Military Police and the accused in the abuse of the detainees. [redacted] translated for the accused and Military Police soldiers, while also yelling at the detainees.

(b)(7)(c)-5 (b)(6)-5 (b)(7)(c)-4 (b)(6)-4

(b)(7)(c)-4, (b)(6)-4

Specialist [redacted] did not take part in the abuse. During this period of abuse, the group of Military Police (Staff Sergeant Frederick, Corporal Graner, Specialist Ambuhl, and Specialist Harman), Specialist Cruz, [redacted] and the accused entered into a silent agreement to abuse the detainees. Ultimately the detainees were handcuffed with their naked bodies pressed tightly together in such a fashion as to suggest that the men were sodomizing one another. While in this position, both Corporal Graner and Specialist Cruz used their feet to press the detainees closer together. At no time during the abuse did the detainees resist in any way or appear to be a threat. To the contrary, the detainees were in a state of terror, pain, and hopelessness throughout the abuse.

(b)(7)(c)-5
(b)(6)-5
(b)(7)(c)-4
(b)(6)-4

11. Prior to the detainees being handcuffed together, the accused, along with Staff Sergeant Frederick, Corporal Graner, and Specialist Cruz, and Specialist Harman, yelled loudly at the detainees to confess to the rape; the others also forced the detainees to crawl along the floor and perform various exercises, communicating with their voices and various hand signals. As the detainees performed the exercises, the accused poured ~~cold~~ water on the naked detainees. ~~Because it was October and night, the water greatly chilled the detainees~~. While on the lower tier, the accused also threw a nerf football at the detainees, striking them while they were handcuffed on the floor. The accused also threw the same football from the upper tier and struck the detainees while they were handcuffed together and lying on the floor. Specialist Cruz threw the same ball at the detainees, but did not strike anyone with the ball. Specialist Harman also screamed and laughed at the detainees, pointing out that the detainees had "small dicks" and that she was not sexually interested in "anything these guys had." This abuse was carried out in the open in Tier 1B. In addition to the enlisted soldiers from Military Intelligence and Military Police, Iraqi Corrections Officers and other detainees witnessed the humiliation of Mr. [redacted] Mr. [redacted] and Mr. [redacted]

[redacted] (b)(7)(c)-4, (b)(6)-4

(b)(7)(c)-4, (b)(6)-4

(b)(7)(c)-4, (b)(6)-4

[redacted] (b)(7)(c) (b)(6)- 1 Feb 05

[redacted] 1 Feb 05

(b)(7)(c)-2
(b)(6)-2

12. During the abuse of the detainees, Corporal Graner and Specialist Harman laughed at various times and seemed to be enjoying themselves. From the actions, words, and demeanor of the individuals involved, it was clear that the primary purpose of the abuse was simply to provide entertainment for those conducting the abuse, at least with regard to Staff Sergeant Frederick, Corporal Graner, Specialist Harman, ~~and the accused~~. There was no indication whatsoever that the detainees were to be questioned for intelligence purposes or that the abuse had been directed by any military or civilian personnel other than Staff Sergeant Frederick, Corporal Graner, Specialist Harman, and Specialist Ambuhl. There were no officers or Noncommissioned Officers senior to Staff Sergeant Frederick encouraging or directing this conduct. After the abuse ended, Iraqi Corrections Officers returned the detainees' clothes.

(b)(7)(c)-2
(b)(6)-2

[redacted] 1 Feb 05

(b)(7)(c)-2
(b)(6)-2

13. Of the three detainees involved, two were alleged to have raped another detainee, a fifteen-year-old boy. The boy was examined soon after the alleged rape and, although showing signs of nervousness and fear, did not have any physical trauma that would normally be associated with anal sodomy. Further investigation revealed that the allegations of rape were unfounded. At the time of the abuse by the accused and his co-conspirators, the detainee victims were being held for crimes against fellow Iraqis.

14. During the time period of the abuse on 25 October 2003, the accused did not know whether or not the detainees had in fact raped anyone. Prior to the end of the abuse on or

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4
about 25 October, Specialist [redacted] left the scene of abuse. Specialist [redacted] reported the abuse the following day to his supervisor.

IV. PROTECTIONS OF CIVILIAN DETAINEES:

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4, (b)(6)-4
15. Mr. [redacted] Mr. [redacted] and Mr. [redacted], while not enemy prisoners of war, were civilian internees entitled to the protections of Geneva Convention Relative to the Protection of Civilians in Time of War (GC IV). GC IV, Article 5 requires that civilian internees such as Mr. [redacted] Mr. [redacted] and Mr. [redacted] be treated with humanity. GC IV, Article 100, requires that the disciplinary regime in places of interment shall be consistent with humanitarian principles and that under no circumstances should a disciplinary regime include regulation imposing on internees any physical exertion involving physical or moral victimization. Further, Article 100 prohibits punishment drills.

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

16. Army Regulation 190-8 (Enemy Prisoners of War, Retained Personnel, Civilian Internees and other Detainees) also proscribes treatment for detainees such as Mr. [redacted] Mr. [redacted] and Mr. [redacted] Paragraph 1-5(b) prohibits inhumane treatment including corporal punishment and all cruel and degrading treatment. Paragraph 1-5(c) prohibits all acts of violence to include reprisals and those acts subjecting detainees to public curiosity.

(b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4 (b)(7)(c)-4 (b)(6)-4

17. Army Regulation 34-52 (Intel Interrogation) states that the Geneva Conventions and U.S. policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation. This prohibition applies to all detainees and included, on 25 October 2003, Mr. [redacted] Mr. [redacted] and Mr. [redacted]

(b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4 (b)(7)(c)-4, (b)(6)-4

V. CHARGE I, THE SPECIFICATION – CONSPIRACY TO MALTREATMENT (In Violation of Article 81, UCMJ).

(b)(7)(c)-5 (b)(6)-5 (b)(7)(c)-4 (b)(6)-4

18. On or about 25 October 2003, at the BCCF, the accused entered into an unspoken agreement with Corporal Graner, Staff Sergeant Frederick, Specialist Harman, Specialist Cruz, Mr. [redacted] and others to maltreat subordinates, an offense under the Uniform Code of Military Justice. While this agreement continued to exist and while the accused remained party to the agreement, Corporal Graner performed one of the overt acts alleged, that is, Corporal Graner forced three detainees to conduct various physical exercises while the detainees were naked. The overt acts also included forcing the detainees to roll on the floor while naked. While the agreement continued to exist and while the accused remained party to the agreement, Specialist Cruz performed overt acts by forcing the naked detainees to crawl on the ground in such a manner as to cause the detainees' genitals to drag across the floor.

19. The detainees who were abused by the accused and his co-conspirators were subject to the orders of Corporal Graner, Specialist Cruz, Staff Sergeant Frederick, Specialist Harman, and the accused. The detainees were required to follow the lawful orders of the accused with regard to their movements and behavior within the BCCF.

20. During the night of 25 October 2003 in which the detainees were abused in Tier 1B, the accused never withdrew from the conspiracy. Specifically, the accused did not take an

affirmative act wholly inconsistent with his adherence to the unlawful agreement that would show that he had severed all connection with the conspiracy.

VI. CHARGE II, SPECIFICATION 1 and 2– MALTREATMENT OF A DETAINEE (In violation of Article 93, UCMJ)

21. Mr. [redacted] Mr. [redacted] and Mr. [redacted] as detainees of the BCCF were subject to the orders of the accused. The detainees were required to follow the lawful orders of the accused with regard to their movements and behavior within the BCCF.

22. On or about 25 October 2003, at the BCCF, Abu Ghraib, Iraq the accused maltreated ~~three detainees,~~ [redacted] ~~and~~ [redacted] by pouring water on ~~these men~~ while ~~the men were~~ naked. Pouring water on ~~these~~ naked detainees ~~while they~~ were forced to perform these exercises was abusive and unjustifiable. Under the circumstance this conduct resulted in mental suffering and was unwarranted, unjustified, and unnecessary for any lawful purpose.

23. On or about 25 October 2003, at the BCCF, the accused maltreated three detainees, Mr. [redacted] Mr. [redacted] and Mr [redacted], by throwing a nerf football at the men while the men were naked, handcuffed together, and laying in a pile on the floor. Throwing a football at these naked detainees and striking these detainees with the football while they were handcuffed together and lying in a pile on the floor was harmful, abusive, and unjustifiable treatment. Under the circumstance this conduct resulted in mental suffering and was unwarranted, unjustified, and unnecessary for any lawful purpose

VII. ADDITIONAL INFORMATION IN AGGRAVATION:

24. The accused knew that the humiliating and sadistic acts of maltreatment and dehumanization described herein are unacceptable in any culture, but especially so in the Arab world. Homosexual acts are against Islamic law and Arab men consider it humiliating to be naked in front of others. Placing the detainees together in a manner to simulate acts of homosexuality seriously violated the tenets of Islamic law and degraded the detainees.

25. Over the past few months, both Middle Eastern and Western media outlets have broadcast some of the attached photographs. The accused's and his co-conspirators' acts on the night of 25 October, as reflected in these photographs, contributed to tarnishing the reputation and image of the United States Armed Forces and the United States in the eyes of many Americans as well as many individuals throughout the world.

26. On 26 August 2004, the accused provided an interview to Paula Zahn on a segment of *Paula Zahn Now*, a news magazine television show on Cable News Network (CNN). The title of the segment was "Who is to blame for Abu Ghraib? Interview with men who were there." In the nationally-televised interview, the accused denied ever participating in the abuse of the detainees. Specifically, in reference to the abuse on 25 October 2003, the accused said "I stood there like a moron, I will have to admit that." The accused now admits that he materially participated in the abuse of the detainees on 25 October 2003. Additionally, when asked about a photograph in which the accused's face is visible, which is attached to this stipulation of fact, the accused stated "as you can see, I do have no expression on my face. It's – I have very accurately described my feelings, just plain

indifference. I found out what those people did, and I was just indifferent. Just completely indifferent."

VIII. EXTENUATION AND MITIGATION:

26. The accused has agreed to cooperate with the government in the investigation of misconduct within the BCCF. Additionally, the accused has cooperated with the government by waiving his Article 32 hearing, entering an Offer to Plead Guilty, and agreeing to a trial date convenient to the government. This cooperation has saved the government considerable time, expense, and effort in resolving the accused's case.

IX. STIPULATION TO ADMISSIBILITY OF EVIDENCE

27. The government and the defense agree that this stipulation of fact plus attached enclosures are admissible at trial and may be considered by the military judge in determining the providence of the accused's pleas and in determining an appropriate sentence. The attached enclosures include four photographs depicting the abuse on 25 October 2003. The accused is identified in each photograph.

[redacted] (b)(7)(C)-2 (b)(6)-2 (b)(7)(C)-2 (b)(6)-2
CPT, JA
Trial Defense Counsel

ROMAN KROL
SPC, USA
Accused

[redacted] (b)(7)(C)-2 (b)(6)-2
MAJ, JA
Trial Counsel

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

The Record of Trial has been reviewed for release under the provisions of the Freedom of Information Act. The documents described as follows have been removed from this copy of the record because the release would be in violation of the DOD Freedom of Information Act Program, DOD 5400.7-R, Exemptions 6, 7(C), and 7(F):

BATES Pages 15807-15811, Photographic Exhibits

REPORT DATE: 2005/01/26

PCN: HOH-R07

TYPE RECORD: SPECIAL REQUEST

UNIT: 0325 MI BN CO A(ANL&CTL)HC
BLDG 641, 3 LAFAYETTE ST
AYER, MA 14324-4490

*** THIS REPORT MAY BE SUBJECT TO THE PRIVACY ACT OF 1974 (PL 93-579) ***

REGIONAL LEVEL APPLICATION SOFTWARE (RLAS)
PERSONNEL QUALIFICATION RECORD
(ENLISTED)

UIC: WZP4A0 MUSARC: 1K - 94TH REGIONAL READINESS COMMAND

RCS: AG-883

TCC: 1F31

015812

all: (b)(7)(c)-5, (b)(6)-5

** ---- SECTION I - PERSONAL DATA ---- **

1. NAME: KROL ROMAN
2. SSN: [redacted]
3. VSSN: A - SSN VERIFIED ON NAME, DATE OF BIRTH AND SEX
4. DOB: 1981/05/14
5. SEX: M - MALE
6. MARITAL STATUS: [redacted]
7. MIL SPOUSE / SSN: [redacted]
8. NUM DEPENDENTS: [redacted]

8A. SOLE PARENT INDICATOR: [redacted]
9. FAMILY CARE PLAN STATUS: [redacted]
FAMILY CARE STATUS DATE: [redacted]
10. RACE: [redacted]
11. ETHNIC GROUP: [redacted]
12. CITIZENSHIP: [redacted]

13. REL DENOM: [redacted]
14. ADDR STREET: [redacted]
CITY, STATE ZIP: [redacted]
15. ADDR VAL CD/DATE: 4 / 2001/07/23
16. CIVILIAN OCC CAT: [redacted]

** ---- SECTION II - SERVICE DATA ---- **

1. MIL PER CLASS: E - ENLISTED
2. GRADE / GR ARMD SVC: SPC /
3. DATE OF RANK: 2001/10/14
4. TRNG PAY CAT: A - SELECTED RESERVE INDIVIDUALS TRAINED IN UNITS
5. DEPLOYABILITY:
6. YRMO DEPLOY END:
7. PEBD: 2001/01/03
8. EXP RDY RES OBLG: 2008/12/14

9. EXPN STAT OBLG: 2008/11/30
10. EXPN TPU SVC: 2006/12/14
11. QUAL RETN STAT:
12. QUAL RETN YRMO:
13. INITIAL ENTRY MIL: 2000/12/01
14. INITIAL ENTRY RES: 2000/12/01
15. 20 YEAR CERT:
16. SOURCE MPC: G - VOL ENL IN RC ON OR AFTER 3 SEPT 63, TITLE 10 USC 511D
17. AD CALL-UP EVENT:
18. YRS ACT FED SVC: 02.55

19. DATE LAST REL AD: 2001/08/07
20. DATE LAST EVAL REG:
21. YRMO ELIG AFRM: 2010/12
22. YRMO ARCAM SUSP: 2004/12
23. IND INCENT STATUS CD:
IND INCENTIVE EFF DATE:
INCENTIVE BONUS TYPE:
INCENTIVE PROGRAM CD:
TERM REASON CODE:
TERMINATION EFF DATE:

** ---- SECTION III - QUALIFICATION DATA ---- **

1. PMOS / SMOS / AMOS: 97E1 / /
2. SQI(s) / ASI(s): L O /
3. DLAB SCORE:
4. YRMO DLAB TEST:
5. CURR AERO RATE:
6. CURR FLY STATUS:
7. PHYS CAT / PULHES: / [redacted]
8. YRMO LAST PHYS EXAM: [redacted]
9. YRMO LAST HIV TEST: [redacted]
10. YRMO DRUG TEST:

11. DENT XRAY LOC: D - DEERS REPOSITORY, CA
12. DNA SAMPLE INDIC: Y
13. HEIGHT / WEIGHT: [redacted] / [redacted]
14. HGT WT INDIC / YRMO: M / 2004/10
15. APRT INDIC / YRMO: P / 2004/10
16. FLD DETM PSSTAT: Y - NONE
17. DTE FLD DETM PSSTAT:
18. PS INVEST TYPE / DATE: Q / 2001/01/04
19. DEPT DETM PSSTAT: Y - NONE

20. AFQT PCTL / GRP: 68 / B - GROUP IIB
21. MIL EDUC ENRLD:
22. MIL EDUC COMPL:
23. CIV EDUC LEVEL: [redacted]
24. CIV EDUC CERT: [redacted]
25. MAJ COLL SUBJ:

PROSECUTION EXHIBIT 2 ~~FOR ID~~

OFFERED @ 72
ADMITTED @ 73

[redacted] TRUE COPY
[redacted] See PBNCO
S[redacted]ATURE DATE
(b)(7)(c)-2, (b)(6)-2 1-26-05

DA FORM 2A (USAR)

REPORT DATE: 2005/01/26

PCN: HOH-R07

TYPE RECORD: SPECIAL REQUEST

UNIT: 0325 MI BN CO A(ANL&CTL)HQ
BLDG 641, 3 LAFAYETTE ST
AYER, MA 14324-4490

NAME: KROL ROMAN

*** THIS REPORT MAY BE SUBJECT TO THE PRIVACY ACT OF 1974 (PL 93-579) ***

REGIONAL LEVEL APPLICATION SOFTWARE (RLAS)
PERSONNEL QUALIFICATION RECORD
(ENLISTED)

UIC: WZP4A0 MUSARC: 1K - 94TH REGIONAL READINESS COMMAND

RCS: AG-883

TCC: 1F31

015813

SSN: [redacted] (b)(7)(c)-5, (b)(6)-5

** ---- SECTION IV - UNIT DATA ---- **

1. CURR UIC / FPC: WZP4A0 / 0
2. UNIT NAME: 0325 MI BN CO A(ANL&CTL)HQ
3. EFF DATE ASG: 2004/10/02
4. PROJ YRMO DPRT:
5. RSN PROJ LOSS:
6. DATE CONDL REL:
7. PREVIOUS UIC: -
8. DATE ASG PREV UIC:
9. DATE DPRT PREV UIC:
10. UIC OF ATTACH:
11. EFF DATE ATTACH:
12. REASON ATTACH:
13. EXPN DATE ATTACH:

** ---- SECTION V - POSITION DATA ---- **

1. POSITION NBR: 9993
2. PARA / LINE NBR: /
3. POSITION TITLE:
4. POSN ASG DATE: 2004/12/16
5. DUTY POSITION: 97E1P
6. DUTY QUAL CODE: Q - QUALIFIED
7. AUTH GRADE:
8. AUTH BRANCH:
9. AUTH MPC:
10. AUTH SEX:
11. PS INVEST RQRD:
12. POSITION PSSTAT:

** ---- SECTION VI - EDUCATION ASSISTANCE PROGRAM (GI BILL) DATA ---- **

1. ELIG STATUS: M - ELIG SUSPENDED-AWAITING FINAL DETERM OF UNSAT PARTN/PERFORM
2. BENEFIT RECOUP: 9 - UNKNOWN
3. DATE START MGIB: 2001/08/08
4. DATE TERM MGIB: 2003/01/24
5. INIT CONTRACT DATE: 2000/12/15
6. 2ND CONTRACT DATE:

** ---- SECTION VII - LANGUAGE PROFICIENCY DATA ---- **

1. LANGUAGE IDENT CODE: [redacted]
PROFICIENCY SOURCE:
YRMO PROFICIENCY TEST:
LISTENING PROF LEVEL:
LISTENING EVAL METHOD:
SPEAKING PROF LEVEL:
SPEAKING EVAL METHOD:
READING PROF LEVEL:
READING EVAL METHOD:

(b)(7)(c)-5
(b)(6)-5

2. LANGUAGE IDENT CODE: [redacted]
PROFICIENCY SOURCE:
YRMO PROFICIENCY TEST:
LISTENING PROF LEVEL:
LISTENING EVAL METHOD:
SPEAKING PROF LEVEL:
SPEAKING EVAL METHOD:
READING PROF LEVEL:
READING EVAL METHOD:

(b)(7)(c)-5
(b)(6)-5

I CERTIFY THIS IS A TRUE COPY [redacted] DATE 1-26-05

(b)(7)(c)-2
(b)(6)-2

I BELIEVE THAT (I AM)/(I AM NOT) EMPLOYED IN A KEY POSITION WITH THE FEDERAL, STATE, OR LOCAL GOVERNMENT OR SUPPORTING DEFENSE AGENCY / INDUSTRY; OR PREPARING FOR THE MINISTRY, OR HAVE AN OBLIGATION TO PERFORM MISSIONARY WORK; OR MY ENTRY ON EXTENDED ACTIVE DUTY WOULD CREATE AN EXTREME PERSONAL OR COMMUNITY HARDSHIP.

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT I HAVE NO MEDICAL CONDITION OR PHYSICAL DEFECT THAT WOULD PREVENT MY PERFORMANCE OF ACTIVE MILITARY SERVICE EXCEPT AS FOLLOWS:

SIGNATURE: _____ DATE REVIEWED: _____

APPELLATE EXHIBITS

Request for Trial Before Military Judge Alone

(Article 16, UCMJ)

United States
v.
SPC Roman Krol

1. ACCUSED (b)(7)(c)-2, (b)(6)-2

I have been informed that COL [redacted] is the military judge detailed to the court-martial to which the charges and specifications pending against me have been referred for trial. After consulting with my defense counsel, I hereby request that the court be composed of the military judge alone. I make this request with full knowledge of my right to be tried by a court-martial composed of (commissioned) [1] officers (and, if I so request, enlisted personnel). [2]

a. Typed Name (Last, First, Middle Initial)	b. Rank	c. Signature	d. Date Signed
Krol, Roman	SPC		27.01.05

2. DEFENSE COUNSEL

Prior to the signing of the foregoing request, I fully advised the above accused of his/her right to trial before a court-martial composed of (commissioned)[1] officers (and of his/her right to have such court consist of at least one-third enlisted members not of his/her unit, upon his/her request).[2]

a. Typed Name (Last, First, Middle Initial)	b. Rank	c. Signature	d. Date Signed
[redacted] (b)(7)(c)-2, (b)(6)-2	CPT	[redacted] (b)(7)(c)-2, (b)(6)-2	27-01-05

3. TRIAL COUNSEL

Argument is (not) requested.

a. Typed Name (Last, First, Middle Initial)	b. Rank	c. Signature	d. Date Signed
[redacted] (b)(7)(c)-2, (b)(6)-2	MAJ	[redacted] (b)(7)(c)-2 (b)(6)-2	27-01-05

4. MILITARY JUDGE

The foregoing request for trial before me alone is hereby: (x one) ☑ approved ☐ disapproved [3]

a. Typed Name (Last, First, Middle Initial)	b. Rank	c. Signature	d. Date Signed
[redacted] (b)(7)(c)-2, (b)(6)-2	COL	(b)(7)(c)-2, (b)(6)-2 [redacted]	1 FEB 05

1. Delete when accused is a warrant officer or enlisted member.
2. Delete when accused is a commissioned officer or warrant officer.
3. When request is disapproved, the basis for the denial must be put on the record. (See MCM, 1984, RCM 903(c))

DD Form 1722, OCT 84 Replaces Edition of 1 Oct 69 which may be used until supply is exhausted

MARKED AT 8 APPELLATE EXHIBIT To 15815

UNITED STATES	)	
	)	
v.	)	OFFER TO PLEA GUILTY
	)	
KROL, ROMAN (b)(7)(C)-5, (b)(6)-5	)	
SPC, U.S. Army, [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	24 January 2005
APO AE 09342-1400	)	

****

1. I, SPC Roman Krol, the accused in a pending court-martial, offer to plead to the Charges and Specifications as follows:

To Charge I and its Specification: Guilty

To Charge II and its Specifications: Guilty

To Charge III and its Specification: Not Guilty

To Charge IV and its Specification: Not Guilty

2. I offer to plead to the Charges as stated above, provided the Convening Authority will take the action set forth in Appendix I. There are no other promises, conditions, or understandings regarding my proposed pleas of guilty that are not contained in this offer and the quantum at Appendix I.

3. As part of this offer, I agree to the following:

a. I agree to waive my rights under Article 32, Uniform Code of Military Justice

b. I agree to enter into a Stipulation of Fact

c. I agree to be tried by judge alone

d. I agree to waive all waivable motions

e. I agree that the Convening Authority may not be bound by this agreement if I withdraw my plea of guilty or if the military judge, before sentencing, enters a plea of not guilty

f. Upon receipt of a grant of testimonial immunity from the Convening Authority, I agree to cooperate fully with the Government in the investigations and prosecutions of SGT Javal Davis and SPC Sabrina Harmon and any other soldier or civilian charged based on misconduct at the Baghdad Central Confinement Facility at Abu Ghraib (BCCF). Specifically, the term "cooperate fully" as used herein shall mean: (a) the full

MARKED AT 57

MARKED AT II

disclosure to the Government of all information known by me relating to the treatment, maltreatment or alleged abuse of detainees at BCCF; and (b) personally testifying at all such Article 32 investigations, courts-martial and evidentiary hearings relative to the investigation and prosecution of SGT Javal Davis and SPC Sabrina Harmon and any other soldier or civilian charged based on misconduct at the BCCF.

4. I agree to take the actions above, provided the Convening Authority:

a. Takes the actions contained in Appendix I; and

b. Directs the Government to offer no additional evidence for those offenses to which I have plead not guilty.

5. This agreement shall not be affected by dismissal of any specifications or charges by the military judge or upon motion by defense counsel.

6. I understand that I may request to withdraw the plea of guilty at any time before my plea is accepted and that if I do so, this agreement is canceled. This agreement may also be canceled if the Stipulation of Fact is modified at any time without the consent of both the Government and myself.

7. This writing, including Appendix I Offer to Plead Guilty, includes all terms and conditions of this Offer to Plead Guilty and contains all promises made to me or by me concerning my plea of guilty. There are no other terms or conditions that are not contained in this writing.

ROMAN KROL
SPC, U.S. Army
Accused

[redacted] (b)(7)(c)-2 (b)(6)-2
CPT, JA
Defense Counsel (b)(7)(c)-2, (b)(6)-2

UNITED STATES	)	
	)	
v.	)	APPENDEX I
	)	OFFER TO PLEA GUILTY
KROL, ROMAN (b)(7)(c)-5, (b)(6)-5	)	
SPC, U.S. Army, [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	24 January 2005
APO AE 09342-1400	)	

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1. I, SPC Roman Krol, offer to plead guilty to the Charges and Specifications as stated in the Offer to Plead Guilty, and offer to abide by the other terms and conditions set forth in the Offer to Plead Guilty, provided the Convening Authority refer my case to a special court-martial empowered to adjudge a bad conduct discharge.

2. Except as limited above, any other lawful punishments can be approved.

ROMAN KROL
SPC, U.S. Army
Accused

[redacted] (b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2
CPT, JA
Defense Counsel

The offer to plead guilty dated 24 January 2005 and Appendix I Offer to Plead Guilty is:

(accepted) (not accepted)

THOMAS F. METZ
Lieutenant General, USA
Commanding

MARKED AT 57

MARKED AT III

UNITED STATES	)	
	)	
v.	)	POST-TRIAL AND
	)	APPELLATE RIGHTS
KROL, ROMAN (b)(7)(c)-5, (b)(6)-2	)	
SPC, U.S. Army [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	27 January 2005
APO AE 09342-1400	)	

I, SPC Roman Krol, the accused in the above-entitled case, certify that my trial defense counsel has advised me of the following post-trial and appellate rights in the event that I am convicted of a violation of the Uniform Code of Military Justice:

1. In exercising my rights, or in making any decision to waive them, I am entitled to the advice and assistance of military counsel provided free of charge or civilian counsel provided by me at no expense to the Government.

2. After the record of trial is prepared, the convening authority will act on my case. The convening authority can approve the sentence adjudged (as limited by any pretrial agreement), or he can approve a lesser sentence, or disapprove the sentence entirely. The convening authority cannot increase the sentence. He can also disapprove some or all of the findings of guilty. The convening authority is not required to review the case for legal errors, but may take action to correct legal errors.

3. I have the right to submit any matters I wish the convening authority to consider in deciding what action to take in my case. Before the convening authority takes action, the Staff Judge Advocate will submit a recommendation to him. This recommendation will be sent to me and or my defense counsel before the convening authority takes action. If I have matters that I wish the convening authority to consider, or matters in response to the Staff Judge Advocate's recommendation, such matters must be submitted within 10 days after I or my counsel receive a copy of the record of trial or I and/or my counsel receive the recommendation of the Staff Judge Advocate, whichever occurs later. Upon my request, the convening authority may extend this period, for good cause, for not more than an additional 20 days.

4. If the convening authority approves the discharge or confinement for a year or more, my case will be reviewed by the Army Court of Criminal Appeals (ACCA). I am entitled to be represented by counsel before such court. If I so request, military counsel will be appointed to represent me at no cost to me. If I so choose I may also be represented by civilian counsel at no expense to the United States.

5. After the Army Court of Criminal Appeals completes its review, I may request that my case be reviewed by the Court of Appeals for the Armed Forces (CAAF). If my case is reviewed by that Court, I may request review by the Supreme Court of the United States. I would have the same rights to counsel before those courts as I have before

MARKED AT 92 APPELLATE EXHIBIT IV 015819

ACCA.

6. If neither a punitive discharge nor confinement for a year or more is approved, my case will be examined by the Office of The Judge Advocate General for any legal errors and to determine if the sentence is appropriate. The Judge Advocate General (TJAG) may take corrective action as appropriate. This mandatory review under Article 69(a), UCMJ, will constitute the final review of my case unless TJAG directs review by ACCA.

7. I may waive or withdraw review by the appellate courts (subparagraph 4, above) or the Office of The Judge Advocate General (subparagraph 5, above) at any time before such review is completed. I understand that if I waive or withdraw review:

a. My decision is final and I cannot change my mind.

b. My case will then be reviewed by a military lawyer for legal error. It will also be sent to the general court-martial convening authority for final action.

c. Within 2 years after the sentence is approved, I may request The Judge Advocate General to take corrective action on the basis of newly discovered evidence, fraud on the court-martial, lack of jurisdiction over me or the offense, error prejudicial to my substantial rights, or the appropriateness of the sentence.

8. I have read and had my post-trial rights explained to me by counsel and I acknowledge these rights and make the elections set for below. (*Please initial where appropriate.*)

RK a. I understand my post-trial and appellate review rights.

RK b. I would like a copy of the record of trial served on my military counsel, and myself.

(b)(7)(C)-2, (b)(6)-2

RK c. My defense counsel, CPT [redacted] will submit R.C.M. 1105 matters in my case.

RK d. I want to be represented before the Army Court of Criminal Appeals by Appellate Defense Counsel appointed by The Judge Advocate General of the Army. I understand that I may contact my Appellate Defense Counsel by writing to: USALSA, Defense Appellate Division, 901 North Stuart Street, Arlington, VA 22203.

RK e. I have been informed that I have the right to retain civilian counsel at my own expense.

9. Pending appellate action on my case, I can be contacted, or a message may be left for me, at the following address:

Name: [redacted] (b)(7)(c)-5, (b)(6)-5

Street: [redacted] (b)(7)(c)-5, (b)(6)-5

City, State, Zip: [redacted] (b)(7)(c)-5, (b)(6)-5

Area Code & Telephone: [redacted] (b)(7)(c)-5, (b)(6)-5

Email Address: [redacted] @yahoo.com (b)(7)(c)-5, (b)(6)-5

Permanent address (if different from above):

Name: Same as above

Street:

City, State, Zip:

Area Code & Telephone:

Email Address:

27 January 2005

ROMAN KROL
SPC, USA
Accused

I certify that I have advised PFC [redacted] (b)(7)(c)-3, (b)(6)-3 regarding the post-trial and appellate rights as set forth above, that he has received a copy of this document, and that he has made elections concerning appellate counsel.

27 January 2005

[redacted] (b)(7)(c)-2, (b)(6)-2
CPT, JA
Defense Counsel

UNITED STATES	)	
	)	
v.	)	NOTICE OF FORUM, PLEA AND MOTION
	)	
KROL, ROMAN (b)(7)(c)-5, (b)(6)-5	)	
SPC, U.S. Army, [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	26 January 2005
APO AE 09342-1400	)	

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After being advised of his elections regarding forum, plea, and motions, SPC Krol elects the following:

FORUM: Military Judge Alone

PLEA: **To Charge I and its Specification: Guilty**

To Charge II and its Specifications: Guilty

To Charge III and its Specification: Not Guilty

To Charge IV and its Specification: Not Guilty

MOTIONS: None

I certify that a copy of this was served, via email, on the trial counsel and the Military Judge on 26 January 2005.

[redacted] (b)(7)(c)-2, (b)(6)-2
(b)(7)(c)-2, (b)(6)-2
CPT, JA
Defense Counsel

MARKED AT NOT

APPELLATE EXHIBIT

015822

UNITED STATES	)	
	)	
v.	)	WAIVER OF RIGHTS UNDER
	)	ARTICLE 32, UCMJ
KROL, ROMAN (b)(7)(c)-5, (b)(6)-5	)	
SPC, U.S. Army, [redacted]	)	
Headquarters and Headquarters Company,	)	
III Corps, Victory Base, Iraq,	)	25 January 2005
APO AE 09342-1400	)	

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(b)(7)(c)-5, (b)(6)-5

1. I, SPC Roman Krol, [redacted] the accused in the above court-martial, have been advised by [redacted] my detailed defense counsel, that I have the following rights under Article 32(b), Uniform Code of Military Justice and Rule for Court-Martial 405:

(b)(7)(c)-2
(b)(6)-2

a. To have the charges against me investigated by a fair and impartial officer, who would inquire into the truth of the matters set for in the charges against me and obtain information upon which to recommend what disposition should be made in my case;

b. To be informed of the charges under investigation;

c. To be informed of the identity of the accuser;

d. To be informed of the purpose of the investigation;

e. To be informed of my right against self-incrimination;

f. To be present during that investigation;

g. To be represented at the investigation by detailed military counsel, individual military counsel of my own selection if reasonably available, or civilian counsel provided at my own expense;

h. To be informed of the witnesses and other evidence then known to the investigating officer;

i. To cross-examine available witnesses presented against me at the investigation;

j. To have evidence within the control of military authorities produced at the investigation;

k. To examine, at the investigation, available witnesses requested by me;

l. To present at the investigation anything I may desire in my own behalf, either in defense, mitigation or extenuation; and

MARKED AT Not APPELLATE EXHIBIT

m. To make a statement in any form, sworn or unsworn.

2. CPT (b)(7)(c)-2, (b)(6)-2 [redacted] defense counsel, further advised me and I understand that no charge against me could be tried at a General Court-Martial without first being investigated under Article 32(b), unless I agree otherwise. I also understand that by waiving my rights under Article 32(b), I give up the opportunity to have the Article 32(b) Investigating Officer recommend disposition of the charges against me other than trial by court-martial.

3. Understanding all my rights, I agree to conditionally waive my rights under Article 32(b). This waiver is conditioned upon initial acceptance by the Convening Authority of my Offer to Plead Guilty, dated 25 January 2005. This waiver is canceled if the Offer is disapproved or, once approved, either party withdraws from it. I make this waiver freely and voluntarily; no one has forced me to waive these rights. I am doing so because, after fully consulting with my counsel, I believe it is in my best interest to do so.

ROMAN KROL
SPC, U.S. Army
Accused

[redacted] (b)(7)(c)-2
(b)(6)-2
(b)(7)(c)-2, (b)(6)-2
CPT, JA
Defense Counsel