



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF

AFYB-CG

25 August 2003

MEMORANDUM FOR [REDACTED] AR, FOB Warhorse, Baqubah,
Iraq

b-6-2
b-7 C

SUBJECT Appointment as a 15-6 Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the 13 July 2003 accidental discharge, which resulted in the death of an Iraqi detainee. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.
2. All witness statements will be sworn and recorded on a DA Form 2823 if possible. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of his or her rights.
3. Before proceeding with the investigation, contact [REDACTED] at [REDACTED] for an initial legal briefing. [REDACTED] will serve as your primary legal advisor.
4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than 2 September 2003. Submit any requests for delay to me either orally or in writing.

b-6-6 b62

b62

FOR THE COMMANDER:

[REDACTED SIGNATURE]

-b62
b7c2

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by _____ **b62**
 (Appointing authority) **b7c2**

on 25 AUG 03 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB BARBARIAN, IRAQ (Place) at 1200 (Time)
 on 14TH JULY 03 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

_____ **b62**
 _____ **b7c2**

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1200 (Time) on 31 AUGUST 03 (Date)
 and completed findings and recommendations at 1500 (Time) on 31 AUGUST 03 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

| | YES | NO ^{1/} | NA ^{2/} |
|--|-----|------------------|------------------|
| 1 Inclosures (para 3-15, AR 15-6) | | | X |
| Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) | | | X |
| a. The letter of appointment or a summary of oral appointment data? | | | X |
| b. Copy of notice, to respondent, if any? (See item 9, below) | X | | |
| c. Other correspondence with respondent or counsel, if any? | | | X |
| d. All other written communications to or from the appointing authority? | | | X |
| e. Privacy Act Statements (Certificate, if statement provided orally)? | | | X |
| f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | | | X |
| g. Information as to sessions of a formal board not included on page 1 of this report? | | | X |
| h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | | | X |

^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

| | | YES | NO | NA |
|---|---|-----|----|----|
| 2 | Exhibits (para 3-16, AR 15-6) | | | |
| | a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report? | X | | |
| | b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | X | | |
| | c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | X | | |
| | d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? | X | | |
| | e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? | | X | |
| | f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? | | | X |
| | g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? | | | X |
| 3 | Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)? | | | X |
| B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6) | | | | |
| 4 | At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)? | | | |
| 5 | Was a quorum present at every session of the board (para 5-2b, AR 15-6)? | | | |
| 6 | Was each absence of any member properly excused (para 5-2a, AR 15-6)? | | | |
| 7 | Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)? | | | |
| 8 | If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? | | | |
| C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) | | | | |
| 9 | Notice to respondents (para 5-5, AR 15-6): | | | |
| | a. Is the method and date of delivery to the respondent indicated on each letter of notification? | | | |
| | b. Was the date of delivery at least five working days prior to the first session of the board? | | | |
| | c. Does each letter of notification indicate — | | | |
| | (1) the date, hour, and place of the first session of the board concerning that respondent? | | | |
| | (2) the matter to be investigated, including specific allegations against the respondent, if any? | | | |
| | (3) the respondent's rights with regard to counsel? | | | |
| | (4) the name and address of each witness expected to be called by the recorder? | | | |
| | (5) the respondent's rights to be present, present evidence, and call witnesses? | | | |
| | d. Was the respondent provided a copy of all unclassified documents in the case file? | | | |
| | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? | | | |
| 10 | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings): | | | |
| | a. Was he properly notified (para 5-5, AR 15-6)? | | | |
| | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)? | | | |
| 11 | Counsel (para 5-6, AR 15-6): | | | |
| | a. Was each respondent represented by counsel? | | | |
| | Name and business address of counsel: | | | |
| | (If counsel is a lawyer, check here <input type="checkbox"/>) | | | |
| | b. Was respondent's counsel present at all open sessions of the board relating to that respondent? | | | |
| | c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)? | | | |
| 12 | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): | | | |
| | a. Was the challenge properly denied and by the appropriate officer? | | | |
| | b. Did each member successfully challenged cease to participate in the proceedings? | | | |
| 13 | Was the respondent given an opportunity to (para 5-8a, AR 15-6): | | | |
| | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent? | | | |
| | b. Examine and object to the introduction of real and documentary evidence, including written statements? | | | |
| | c. Object to the testimony of witnesses and cross-examine witnesses other than his own? | | | |
| | d. Call witnesses and otherwise introduce evidence? | | | |
| | e. Testify as a witness? | | | |
| | f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)? | | | |
| 14 | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)? | | | |
| 15 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)? | | | |

6572

FOOTNOTES: 1) Explain all negative answers on an attached sheet.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence finds: (b)(5); b7C, D
On 13 July 03 at approximately 1745 hrs, [redacted] and [redacted] through simple negligence, discharged a 9mm pistol in the Bravo Company, 3-67 AR BN guard shack/detainee holding facility vic. MC 604736. The errant round struck an Iraqi civilian detainee wounding him in the lower back and resulting in him being medivac'd to the nearest medical treatment facility (E/204th Medical Co). b65

At the time of the accident both soldiers admitted to being in a "Red" Weapon's Safety Posture status (magazine in the weapon, round chambered, weapon on safe). Both [redacted] and [redacted] said they did not know they were supposed to be at a different status other than "Red." It is my belief that when [redacted] handed his pistol to [redacted] the pistol was not on safe; a round was chambered; the hammer was cocked; and [redacted] touched or squeezed the trigger resulting in an accidental discharge which struck one of the detainees that was sitting on the floor in the back. In attempting to re-create this accidental discharge as described by [redacted] and [redacted] I could not cause the 9mm pistol to discharge. The Iraqis in the room were not able to see what happened and were not interviewed. b65 b65

b65

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

[Large redacted area covering the recommendations section]

b(5)-3 deliberative process

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

b62
b7c2



(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Leaders thoroughly brief soldiers
on weapons status procedures and
execute appropriately

RECEIVED

09 SEP 2003

RAYMOND T. ODIERNO
Major General, USA
Commanding

6574

INDEX

Exhibit 1-Sworn statement from [REDACTED] - (b)6 5

Exhibit 2-Sworn statement from [REDACTED] b 6 5

Exhibit 3-Sworn statement from [REDACTED] b 6 4 b 7 c 4

Exhibit 4-Sworn statement from [REDACTED] b 6 4 b 7 c 4

Exhibit 5-Sworn statement from [REDACTED] b 6 4 b 7 c 4

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 (SSM).
PRINCIPAL: 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 Iraq MC 503 736 | 2. DATE (YYYYMMDD) 23 Aug 03 | 3. TIME 1200 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN b65 b7c5 | [REDACTED] | 7. GRADE/STATUS b65 |
| 8. ORGANIZATION OR ADDRESS [REDACTED] | b6-5 b7c5 | | b7c5 |
| [REDACTED] | b65 b7c5 | WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: | |

b65
b7c5
b65
b7c5

I was conducting gate/detainee on 13 July 03 with [REDACTED]. It was my 13th hour of duty when [REDACTED] handed me his 9mm Pistol.

b65
b7c5

He asked me to hang on to it. I reached for his pistol, took it firmly in my hand, and it discharged. I noticed one of the detainees bleeding and I began rendering 1st Aid and [REDACTED] called for the medics. The Medics arrived and the room was cleared.

Nothing follows

[REDACTED] b65
b7c5

| | | |
|------------------|--|-------------------|
| 10. EXHIBIT 1 | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65 b7c5 | PAGE 1 OF 3 PAGES |
|------------------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

b65 b7c5

STATEMENT OF

TAKEN AT

2003

DATED

31 AUG 03

STATEMENT (Continued)

not used

b65 AFFIDAVIT

b7c5

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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

b65; b7c5

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of August, 2003 at Baguioh IRNO

b64 b6-2
b7c4

(Signature of Person Administering Oath)

(b)64
b7c4

(Typed Name of Person Administering Oath)

US Army (OPACO)
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b65
b7c5

PAGE 3 OF 3 6578

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.

| | | | |
|------------------------------------|-------------------------------|-------------------------|-------------|
| 1. LOCATION Baqubah Iraq | 2. DATE 31 AUG 03 | 3. TIME 12:05 | 4. FILE NO. |
| 5. NAME [REDACTED] b65 | 8. ORGANIZATION OR ADDRESS | | |
| 6. SSN [REDACTED] b7c5 | 7. GRADE/STATUS [REDACTED] | | |

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 Officer and wanted to question me about the following offense(s) of which I am suspected/accused: Negligent discharge of a firearm

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

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

- or -

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | |
|---|--|---|
| WITNESSES (If available) | | 3. SIGNATURE OF INTERVIEWEE [REDACTED] b64 b7c4 |
| a. NAME (Type or Print) [REDACTED] b64 b7c4 | b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] b64 b7c4 | 4. SIGNATURE OF INVESTIGATOR [REDACTED] b64 b7c4 |
| 2a. NAME (Type or Print) [REDACTED] | b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] | 5. TYPED NAME OF INVESTIGATOR [REDACTED] b64 b7c4 |
| 5. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] | 6. ORGANIZATION OF INVESTIGATOR HAC / 3-67 AR | |

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

WARNING - Inform the suspect/accused of:

- a. Your official position.
- b. Nature of offense(s).
- c. The fact that he/she is a suspect/accused.

RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

- a. "You do not have to answer my questions or say anything."
- b. "Anything you say or do can be used as evidence against you in a criminal trial."
- c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
- Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

If the suspect/accused ever requested a lawyer after being read your rights?" If the suspect/accused says "yes," find out when and where. If the request is recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

1. SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

2. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning. If the waiver certificate cannot be completed at once, as in the case of a long interrogation, completion may be temporarily postponed. Notes should be made of the circumstances.

3. INCRIMINATING STATEMENTS:

If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

END (Continued)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: 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.

Form fields: 1. LOCATION (I RAQ MC 603736), 2. DATE (2003 AUG 31), 3. TIME (1321), 4. FILE NUMBER, 5. LAST NAME, FIRST NAME, MIDDLE NAME (b65 b7c5), 6. SSN (b65 b7c5), 7. GRADE/STATUS (b65 b7c5), ORGANIZATION OR ADDRESS (b65 b7c5)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 13 Jul 03 myself and [redacted] were on gate guard [redacted] were guarding EPW's. My shift started at 0200 and [redacted] Relieved [redacted] at 0400. we guarded the EPW's until the relief was available at 1800 hr. I was getting to use the latrine. And I said "take my weapon for sec." the weapon was on safe and I handed it [redacted] as soon as i let off my [redacted] the weapon, it fired, there was a dust cloud so as soon as it was clear I saw a red dot at the EPW's lower back. I dumped on the Radio and called 'barbarian mike' and said 'there has been an AD an EPW has been shot.' [redacted] Rushed over to the EPW while I was on the Radio and started searching for the Entrance Wound and the medics show up. Nothing Follows

10. EXHIBIT (2), 11. INITIALS OF PERSON MAKING STATEMENT (b65 b7c5), PAGE 1 OF 3 PAGES, ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

STATEMENT OF

[REDACTED]

b65 b7C5

TAKEN AT

KAC/boom

DATED

2003 AUG 21

STATEMENT (Continued)

Nothing follows

Nothing follows

Nothing follows

Nothing follows

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

b65 b7C5

PAGE 2 OF 3 PAGES

STATEMENT OF

[Redacted]

b65 b7C5

TAKEN AT

for/broom

DATED

2008 AUG 31

9. STATEMENT (Continued)

Nothing Follows

Nothing Follows

Nothing Follows

Nothing Follows

I, [Redacted]

b65 AFFIDAVIT
b7C5

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.

b65
b7C5

[Redacted Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of August, 2008 at Baguabak, DRDC

ORGANIZATION OR ADDRESS

[Redacted Signature] b64 b7C4
b6-2
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name] b64 b7C4
(Typed Name of Person Administering Oath)
US Army ORP [Redacted]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

b65 b7C5

PAGE 3 OF 3 PAGES

DATA REQUIRED BY THE PRIVACY AC.

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.

| | | | |
|---|-------------------------------------|--|---|
| 1. LOCATION <u>Baqubah, IRAQ</u> | 2. DATE <u>31 AUG 03</u> | 3. TIME <u>1322</u> | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 6. SSN <u>b65</u> <u>b7c5</u> | 7. GRADE/STATUS <u>b65</u> <u>b7c5</u> | 8. ORGANIZATION OR ADDRESS <u>b65</u> <u>b7c5</u> |

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 Officer and wanted to question me about the following offense(s) of which I am suspected/accused: Negligent discharge of Firearm

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any question or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

| | |
|--|--|
| 1a. NAME (Type or Print) [REDACTED] | 3. SIGNATURE OF INTERVIEWEE [REDACTED] |
| b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] | 4. SIGNATURE OF INVESTIGATOR [REDACTED] |
| 2a. NAME (Type or Print) [REDACTED] | 5. TYPED NAME OF INVESTIGATOR <u>b64</u> <u>b7c4</u> |
| b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] | 6. ORGANIZATION OF INVESTIGATOR [REDACTED] |

Section C. Non-waiver

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

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

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
- Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 40 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Iraq MC 603736
2. DATE (YYYYMMDD): 13 JUL 03
3. TIME: 1800
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] b64 b7c4
6. SSN: [redacted] b64 b7c4
7. GRADE/STATUS: [redacted] b64 b7c4
8. ORGANIZATION OR ADDRESS: [redacted] b64 b7c4
9. [redacted] b64 b7c4

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the morning of 13 July 2003, I was directing an observation post north of the city of Jaykhana in the early morning hours with the intent of detecting and disrupting illegal Iraqi checkpoint operations. Enroute to the OP at 0300, we detained 4 personnel who had 2 AK-47s and 180 rounds of ammunition in their vehicle. We secured these personnel and continued to the OP location. We maintained a guard on these personnel until we were able to arrange for transportation of the personnel back to the company assembly area. Upon occupation of the OP, some of my soldiers found the body of a person that had apparently been robbed and then executed. As the person did not appear to be Iraqi, I radioed back through my company CP to the Battalion TOC requesting MPI personnel to investigate the crime scene. The last message I recieved from the BN TOC (at 0700) was that MPI personnel were notified and that we were to remain on-site until their investigators arrived after that time. Shortly after 0700, communications with the company CP and the BN TOC were disrupted due to daytime interference and distance between communications stations. Following the last recieved instructions, my assets remained on-site and established a traffic control point on HWY 2 near the crime scene. Around 1500, MPs arrived to transport the detainees to the company assembly area. The personnel were loaded onto the MP vehicles and left for the compnay assembly area. Shortly after that, I returned to the company assembly area with the tank section conducting the OP. Upon return to the assembly area, the 4 personnel detained earlier in the day had been consolidated with another 10 personnel detained the evening before. All 14 detainees were awaiting transportation to take them to Baqubah detention facility. When I arrived, the assigned guards were [redacted] and [redacted] and the situation appeared to be stable. I recieved word over FM that I needed to call the BN TOC on DNMV and recieve additional guidance on the disposition of the dead body at the OP location. I left immediately to the MEK compound to make the phone call. When I arrived at the MEK compound, I heard a report of an accidental discharge resulting in the injury of one of the detainees. I immediately requested a 3 vehicle convoy from the MPs at the MEK compound to transport the wounded detainee to E/204th Med CO. When I arrived at the location of the accident, the detainee had already been stabilized by the BN Physician's Assistant, [redacted] and we transported the individual to E/204th Med CO.

After I returned from evacuating the injured detainee, I talked to the two guards involved in the incident and the sergeant of the guard. The guards both stated that they realized that the weapon was loaded with the round chambered, but that they thought the weapon was on safe. When the weapon was passed from [redacted] to [redacted], they stated that the weapon discharged. [redacted] did state that his finger lightly touched the trigger when he recieved the weapon from [redacted], but he assumed the weapon was on safe.

Later that evening, the company conducted weapons safety training in the assembly area and outlying locations in an effort to prevent a similar event from happening in the future. In the future, policies and SOPs concerning weapons control status, detainee operations, and guard force requirements will be modified and implemented to prevent future accidental discharge events from occurring. Additionally, all first line leaders have been counselled on the importance of enforcing appropriate weapons control posture based on the situation.

[redacted] b64 b7c4 Nothing Follows [redacted] b64 b7c5

10. EXHIBIT: 3
11. INITIALS OF PERSON MAKING STATEMENT: [redacted] b64 b7c4
PAGE 1 OF _____ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ 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.

9. STATEMENT (Continued)

b64 b7c4

b64 b7c4

Nothing Follows

b64 b7c4

Nothing Follows

AFFIDAVIT

b64 b7c4

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

b64 b7c4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

b64 b6c2 b7c4

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b64 b7c4

SWORN STATEMENT

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
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 Iraq MC 603736 | 2. DATE (YYYYMMDD) 13 JUL 03 | 3. TIME 1800 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64 b7c4 | 6. SSN [REDACTED] b64 b7c4 | 7. GRADE/STATUS [REDACTED] b64 b7c4 | |
| 8. ORGANIZATION OR ADDRESS [REDACTED] b64 b7c4 | | | |
| 9. [REDACTED] b64 - b7c4 | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 13 JUL 03 around the time of 1745 the front gate called for a medic to the front gate area where the EPW's were being held. As my duty responsibilities include Sergeant of the Guard, I ran to the front gate. I found [REDACTED] and [REDACTED] doing first aid. The other EPW's were still in the room. I [REDACTED] cleared the room. Medical personnel were on site by the time I cleared the room. I then had [REDACTED] and [REDACTED] clear their weapons while medical personnel applied first aid to the wounded Iraqi. Of note, as SOG, I had both gate/EPW guard do radio checks with the CP every 1/2 hour and I personally talked with them for 5-15 minutes 6 or 7 during [REDACTED] and [REDACTED] guard shifts to ensure that the EPW and soldiers needs were met.

Nothing follows

| | | |
|------------------|--|-------------------|
| 10. EXHIBIT 4 | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64 b7c4 | PAGE 1 OF 1 PAGES |
|------------------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

9. STATEMENT (Continued)

not used

I, [REDACTED] b64 b7c4 AFFIDAVIT, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b64 b7c4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of JUL, 03 at

ORGANIZATION OR ADDRESS

[REDACTED] b64 b7c4 b62
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

[REDACTED] b64 b7c4

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

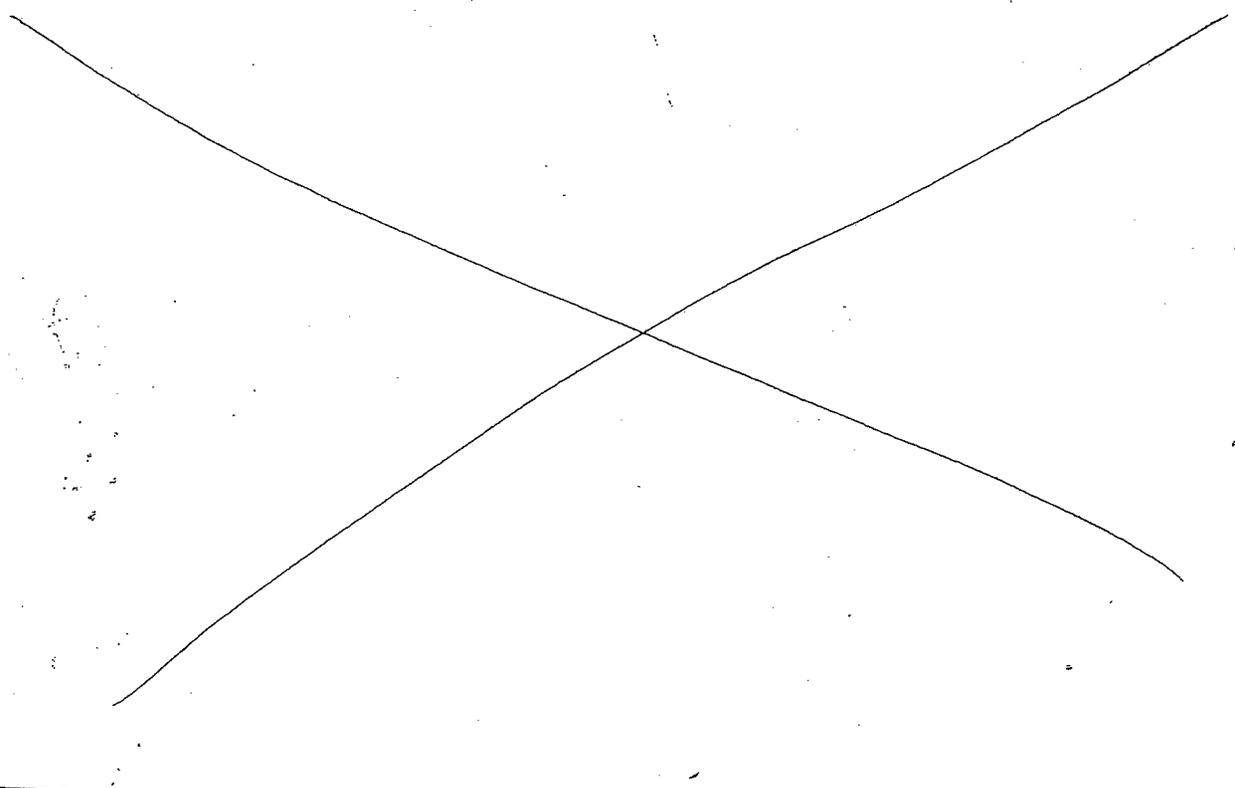
PRIVACY ACT STATEMENT

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
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 Iraq MC 603736 | 2. DATE (YYYYMMDD) 13 JUL 03 | 3. TIME 1800 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64 b7c4 | 6. SSN [REDACTED] b64 b7c4 | 7. GRADE/STATUS [REDACTED] b64 b7c4 | |
| 8. ORGANIZATION OR ADDRESS [REDACTED] b64 b7c4 | | | |
| 9. [REDACTED] b64 b7c4 | | | |

I, [REDACTED] b64 b7c4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Approximately 1730-1800 hr I monitored the radio that a POW had been shot. The exact words were "I think a POW has been shot." I instructed my medic [REDACTED] b64 b7c4 to grab my aid bag and we ran to the guard house where the detainees were held. Iraqi detainee was lying his back. Exposure of the wound revealed a small entry wound to the lower right back. We [REDACTED] b64 b7c4 and myself) bandaged the wound, stabilized the patient, and requested an escort of MP's in a non-standard vehicle for patient evacuation. Dust-off was also requested in case it was needed. The patient was stable upon leaving the B/3-67 AA via MP non-standard evac HMMWV and MP escort vehicles. Patient was evacuated to Baqubah airfield to E 204th Medical Company. It was determined that an exit wound existed in the thigh and re-entry into the ankle superficially. The bullet was not distorted suggesting no bone contact. The angle of the exit wounds suggests the weapon was pointed in a downward direction.

Nothing follows



| | | |
|---|--|-------------------|
| 10. EXHIBIT S | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64 b7c4 | PAGE 1 OF 0 PAGES |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" 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. | | |

STATEMENT OF [REDACTED]

TAKEN AT 1807

DATED 13 Jul 03

9. STATEMENT (Continued)

b64 b7c4

b64 b7c4

Nothing follows

b64 b7c4

[Large X mark across the page]

b64 b7c4

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

b64 b7c4

(Signature of Person Making Statement)

WITNESSES:

b64 b7c4

HC/3-67 AR

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of JUL 03 at

ORGANIZATION OR ADDRESS

b64 b7c4

(Signature of Person Administering Oath)

b6-2

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

b64 b7c4

INITIALS OF PERSON MAKING STATEMENT



DEPARTMENT OF THE ARMY
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
OFFICE OF THE STAFF JUDGE ADVOCATE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF:

08 October 2003

AFYB-JA-AL

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion

SUBJECT: AR 15-6 Investigation Legal Review

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the circumstances surrounding the possible use of excessive force by [REDACTED] while interrogating a detainee at the Division Consolidation Collection Point. I make the following determinations:

- a. The proceedings comply with the legal requirements.
 - b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.
 - c. Sufficient evidence supports the findings.
 - d. The recommendations are consistent with the findings.
2. The investigation is legally sufficient.
3. The point of contact is the undersigned at (DNVT) 534 [REDACTED]

[REDACTED]
CPT, JA
Administrative Law Attorney

6592



DEPARTMENT OF THE ARMY
 104TH MILITARY INTELLIGENCE BATTALION
 4th INFANTRY DIVISION (MECHANIZED)
 TIKRIT, IRAQ 09323-2628

REPLY TO
 ATTENTION OF

AFYB-MIB-CDR

6 NOV 2003

b657c5

MEMORANDUM FOR Staff Sergeant [REDACTED] 104th Military Intelligence
 Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Written Reprimand

b657c5

b657c5

1. You are hereby reprimanded for your failure to properly supervise detainee interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). [REDACTED] and [REDACTED] assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring [REDACTED] and [REDACTED] were properly trained and that they were aware of and abided by the Geneva Convention and other documents which detail the permissible treatment of detainees. You did not set the proper leadership climate, in that you inadvertently led [REDACTED] to believe that you yourself perhaps condoned certain practices that were outside the established regulations. [REDACTED] is not a trained interrogator, yet he was allowed to force a detainee to cause bodily harm to himself, again, while under your tutelage.

2. Your failure to establish a proper leadership climate and failure to properly supervise interrogation activities under your purview are beneath the standards of professionalism I expect from non-commissioned officers. As NCOIC of the DCCP, it is your duty to train and supervise junior interrogators and interpreters as well as supervise their activities to ensure they do not harm detainees. In this case, you assigned a known difficult interrogation task to a very junior and inexperienced interrogator, but you failed to discern what techniques he would use during the interrogation. You are in a very delicate duty position where you or your subordinates could become subject to discharge or criminal prosecution for violating the rights of detainees. These acts could also bring extreme discredit upon the U.S. Army. The incidents where [REDACTED] and [REDACTED] abused the detainee show a lack of supervisory judgment on your part. b657c5

3. This reprimand is imposed as an administrative measure and not as punishment pursuant to the Uniform Code of Military Justice. You are advised that in accordance with Army Regulation (AR) 600-37, paragraph 3-4, it is my intention to direct that this reprimand be filed in your local Military Personnel Records Jacket (MPRJ).

4. You will acknowledge receipt of this reprimand IAW AR 600-37 by completing the first memorandum and returning it through your chain of command no later than ten days from the date of service. Any matters in extenuation, mitigation, or rebuttal must accompany your acknowledgment. You were provided a copy of the documents that form the basis of the written reprimand. I do not intend to file them with this reprimand.

[REDACTED]

b627c2

Encl
 AR 15-6 Investigation

LTC, MI
 Commanding

13 Nov - make
 decision not
 to file
 6593
 ocb

AFYB-MIB-H

MEMORANDUM THRU

Commander, HHOC, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized),
Tikrit, Iraq 09323-2628

FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit,
Iraq 09323-2628

bbs 7cs
SUBJECT: Written Reprimand - [REDACTED] [REDACTED] 104th Military
Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323

bbs 7cs
[REDACTED] I have read and understand the unfavorable information presented against me and I elect to
submit the enclosed written statement or documents in my behalf. I understand that this reprimand
will be filed in my Unit File.

OR

_____ I have read and understand the unfavorable information presented against me and elect not to
make a statement. I understand that this reprimand will be filed in my Unit File.

bbs 7cs
[REDACTED]
SSG, USA
Respondent

09 NOV 03

DATE

6594

DEPARTMENT OF THE ARMY
104TH MILITARY INTELLIGENCE BATTALION
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323-2628

AFYB-MIB-CDR

9 NOV 2003

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division
(Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Rebuttal of [REDACTED] to Written Reprimand

b657c5 1. I understand that I am being reprimanded for failure to properly supervise [REDACTED] and [REDACTED] during interrogations at the TF IH DCCP. I understand that, as NCOIC of the Interrogation Control Element (ICE), it is ultimately my responsibility to ensure that interrogations are conducted in adherence to guidelines established by the Department of the Army. I accept this responsibility. However, even after a very thorough 15-6 investigation, I feel that the incidents surrounding this reprimand are being oversimplified.

b657c5 2. Paragraph one of the written reprimand states that I am responsible for ensuring that [REDACTED] and [REDACTED] were properly trained. I feel this is untrue. My element is conducting real-world interrogation operations; in a very active combat zone during a resistance movement by a well-funded, hostile, armed force in the early stages of a major insurgency; with very few assets. This being my fourth combat tour in twelve years, I can say with confidence that this is not the environment for training.

b657c5 b657c5 3. [REDACTED] has been assigned to the 104th Military Intelligence Battalion for over two years as a member of the Battalion S3. I am assigned to D Co. and [REDACTED] has never been under my supervision until approximately one month before the incident occurred. As the de facto senior Human Intelligence Collector (97E) for the 4th Infantry Division, and being aware of [REDACTED] duty position in the Battalion S3, I made two attempts, in January 2001 to include [REDACTED] in Sergeant's Time training with D Co. at Fort Hood (There was no MOS training in the S3 for a Human Intelligence Collector). Both of these attempts were unsuccessful due to resistance by his supervisors. These two years would have been the proper time to train [REDACTED] not during real-world operations.

b657c5 b657c5 4. Paragraph one of the reprimand states that I "... inadvertently led [REDACTED] to believe that..." I myself "...perhaps condoned certain practices that were outside the established regulations". Given specific phrases that I had said to [REDACTED] I recall a conversation that I had with [REDACTED]. However, the topic of this conversation was a contingency plan for a separate interrogation facility, in the event alternative interrogation techniques were authorized and ordered into effect at our echelon. At no point did the topic become the techniques themselves. The facility could not be manned by personnel from Mobile Interrogation Team (MIT) 91, as most did not have a sufficient level of competency. At the time, given my extremely limited assets, [REDACTED] was a prime candidate for this facility. As I recall, I made it clear to [REDACTED] that alternative techniques must be authorized by higher echelons, on a case-by-case basis, and then only at certain facilities. If [REDACTED] took my statements to

6595

b657c5

mean anything more than what I said, that was not my intention. I do not feel that I said anything to [redacted] that would lead a reasonable person to believe that I condoned any practices outside regulations.

b657c5

5. [redacted] is a 98G Voice Interceptor, attached to the 104th Military Intelligence Battalion as a linguist. He is neither trained, nor authorized to conduct interrogations. I trained [redacted] on his duties as an interpreter during interrogation operations and he has always performed admirably and with dedication. There was no reason, whatsoever, to think that [redacted] would harm the detainee or allow him to be harmed. During the incident in question, [redacted] was under the immediate supervision of the team leader of MIT 91 and assistant NCOIC of the ICE, [redacted] (223rd MI BN), who was supposed to be conducting the interrogation. My duties are such that I cannot supervise more than a small fraction of the interrogations or screenings carried out by my element. I am forced to delegate supervisory responsibilities during the majority of operations.

b647c4

6. Paragraph two of the reprimand states that I "...assigned a known difficult interrogation task to a very junior and inexperienced interrogator". While this is true, the truth of it is rather relative. All interrogations at the TF IH CCP are difficult due to several factors that have been brought up, through Tac HUMINT Ops, many times. Suggestions made to rectify these problems have been, and continue to be, ignored. With the exception of myself, all interrogators at the TF IH ICE were, and most remain, inexperienced at actual interrogation. The intelligence exploitation of detainees at the TF IH CCP has been limited, largely, to cursory and in-depth screenings of detainees due to insufficient personnel, time and resources. Relatively speaking, few formal interrogations have been carried out, and all of these have been individuals targeted as being of potentially high intelligence value. After two to three weeks of observation and assessment of [redacted] performance during joint screenings and interrogations, prior to the incident, [redacted] was found to have a level of methodological proficiency above most of the other interrogators at the ICE and had, in fact (as I noted to [redacted] on one occasion), exhibited a preference for "soft" approaches. In short, [redacted] is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICE.

b657c5

b657c5

b647c4

b657c5

7. Paragraph two of the reprimand also states that I "...failed to discern what techniques [redacted] would use during the interrogation". I do not feel that this is entirely accurate. When discussing the pending interrogation with [redacted], he stated that he planned to use a "harsh approach". This is a term used frequently among interrogators to refer to such hostile approach techniques as "Fear-Up (harsh)" and "Pride and Ego-Down", or a combination thereof. Considering the approaches used previously against MP2496, and their relative ineffectiveness, I felt, and still feel, at that time, a "harsh approach" was in order. Additionally, interrogators are never required to have individual approaches approved by the ICE. An interrogation is an extremely fluid process that requires the interrogator to, in turn, be extremely flexible. While all interrogators must inform me as to the general approach they plan to use, as [redacted] did, limiting interrogators to specific, preplanned approaches and techniques is not feasible during a proper interrogation. Some standard interrogation processes, which may be identified in FM 34-52 INTELLIGENCE INTERROGATION, are no longer applicable and may very well be counterproductive, due to this FM's application being Major Theater War operations. In many cases it is not applicable to the modern battlefield. I believe this is one of the reasons that it is no longer printed. To my knowledge, no FM covers counterinsurgency interrogation operations.

b657c5

b657c5

b657c5

8. I firmly believe that [redacted] took the actions he did, partially, due to his perception of the command climate of the division as a whole. Comments made by senior leaders regarding

b657c5

detainees such as "They are not EPWs. They are terrorists and will be treated as such" have caused a great deal of confusion as to the status of the detainees. Additionally, personnel at the ICE regularly see detainees who are, in essence, hostages. They are normally arrested by Coalition Forces because they are family of individuals who have been targeted by a brigade based on accusations that may or may not be true, to be released, supposedly, when and if the targeted individual surrenders to Coalition Forces. In reality, these detainees are transferred to Abu Ghyraib prison and become lost in the Coalition detention system regardless of whether the targeted individual surrenders himself. I know that [REDACTED] has himself witnessed senior leaders at briefings, reporting that they have taken such detainees, with the command giving their tacit approval. In hindsight, it seems clear that, considering the seeming approval of these and other tactics by the senior command, it is a short jump of the imagination that allows actions such as those committed by [REDACTED], to become not only tolerated, but encouraged. This situation is made worse with messages from higher echelons soliciting lists of alternative interrogation techniques and the usage of phrases such as "...the gloves are coming off". The theory becomes even more plausible when one considers the facts surrounding a detainee such as MP2496—a known terrorist, insurgent and killer of American soldiers. While I do not condone [REDACTED] actions in any way, I am beginning to see how he might arrive at certain erroneous conclusions, despite my warnings that there is no detainee here worth any of my soldiers going to prison. I feel that this is a dangerous situation that should be confronted.

b657c5

b657c5

9. I agree that I am in a very delicate and perilous duty position. It is one for which none of my training has prepared me and was not supposed to exist. Additionally, numerous other issues inhibit our effective mission accomplishment. Our unit has never trained for detention facility operations because our unit is neither designed nor intended for this mission. Current detainee handling policies adversely effect operations in ways that eliminate any reasonable chance of successful interrogation. Other factors effecting mission accomplishment are more complicated. I spent over three years, between deployments, training my soldiers to operate in Tactical HUMINT Teams in a combat environment remarkably similar to the one in which our division is currently operating. Instead of allowing our soldiers to execute the mission which exists, for which they have trained, they are assigned a mission for which they have not trained, are not manned, are not equipped, are not supplied and, considering manning and the current policies effecting interrogation operations, cannot effectively accomplish at division level regardless. Unfortunately, the element's low production of IIRs supports this.

b657c5

10. I agree that I have made some mistakes since being assigned this duty position. However, I feel that I have carried out my duties as well as, and in many cases better than, could be expected. I have been given scant resources, few supplies, and some of the attached collection assets could have only been considered mediocre at best. I have considered, at length, what more I could have done to prevent the actions of [REDACTED] and [REDACTED] while still conducting the element's assigned operations. Currently, I am still at a loss. [REDACTED] was being supervised by a trained SSG Human Intelligence Collector, senior but subordinated to me, attached to the element, and supposedly in charge of his interrogation. [REDACTED] is a Human Intelligence Collector whom I was not given the opportunity to properly train. However, due to limited organic assets, he was needed to help conduct operations. I feel I took what measures were available to me within the constraints of my mission and available support. I will continue to execute my assigned mission to the best of my ability.

[REDACTED] b657c5

SSG, USA
NCOIC, TF IH ICE

6597

Table of Contents
15-6 Investigation
6 October 2003

DA Form 1574: Report of Proceedings By Investigating Officer
Appointment Orders for 15-6 Investigating Officer
Memorandum: Facts, Findings, and Recommendations
Memorandum: Detainee Sworn Statement

| | | | |
|-----------|---|------------|--------|
| EXHIBIT A | E-mail correspondences: | [REDACTED] | b647c4 |
| EXHIBIT B | Rights Warning Waiver Certificate: | [REDACTED] | b657c5 |
| EXHIBIT C | Sworn Statement: | [REDACTED] | b657c5 |
| EXHIBIT D | "Alternative Interrogation Techniques" document | | |
| EXHIBIT E | E-mail correspondence: | [REDACTED] | b657c5 |
| EXHIBIT F | Rights Warning Waiver Certificate: | [REDACTED] | b657c5 |
| EXHIBIT G | Sworn Statement: | [REDACTED] | b657c5 |
| EXHIBIT H | Sworn Statement: | [REDACTED] | b647c4 |
| EXHIBIT I | Rights Warning Waiver Certificate: | [REDACTED] | b657c5 |
| EXHIBIT J | Sworn Statement: | [REDACTED] | b657c5 |
| EXHIBIT K | Rights Warning Waiver Certificate: | [REDACTED] | b657c5 |
| EXHIBIT L | Sworn Statement: | [REDACTED] | b657c5 |
| EXHIBIT M | Rights Warning Waiver Certificate: | [REDACTED] | b657c5 |
| EXHIBIT N | Sworn Statement: | [REDACTED] | b657c5 |
| EXHIBIT O | Drawing: | [REDACTED] | b657c5 |
| EXHIBIT P | Drawing: | [REDACTED] | b657c5 |
| EXHIBIT Q | Sworn Statement: | [REDACTED] | b647c4 |
| EXHIBIT R | Counseling Statement: | [REDACTED] | b657c5 |

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.

| | | | |
|--|---|-------------------|-------------|
| 1. LOCATION <i>Bldg # 206 FOB Ironhorse</i> | 2. DATE <i>031016</i> | 3. TIME | 4. FILE NO. |
| 5. <i>[Redacted]</i> | 8. ORGANIZATION OR ADDRESS <i>[Redacted]</i> | | |
| 6. <i>[Redacted]</i> | 7. GRADE/STATUS <i>[Redacted]</i> | <i>[Redacted]</i> | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he is with the United States Army _____ and wanted to question me about the following offense(s) of which I am

suspected/accused: ASSAULT *[Redacted]* *b657c5*

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | |
|--------------------------------------|---|----------------------|
| WITNESSES (if available) | | 3. <i>[Redacted]</i> |
| 1a. NAME (Type or Print) | 4. SIGNATURE OF INVESTIGATOR <i>[Redacted]</i> | |
| b. ORGANIZATION OR ADDRESS AND PHONE | 5. TYPED NAME OF INVESTIGATOR | |
| 2a. NAME (Type or Print) | 6. ORGANIZATION OF INVESTIGATOR | |
| b. ORGANIZATION OR ADDRESS AND PHONE | | |

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

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.

1. LOCATION: TIKRIT MAIN, DCCP
2. DATE: 15 OCT 03
3. TIME: 1530
4. FILE NO.
5. NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: [REDACTED]

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 and wanted to question me about the following offense(s) of which I am suspected/accused: ASSAULT

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF WITNESS: [REDACTED] b657c5
4. SIGNATURE OF INVESTIGATOR: [REDACTED]
5. TYPED NAME OF INVESTIGATOR
6. ORGANIZATION OF INVESTIGATOR

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

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.

| | | | |
|--|--------------------------------------|----------------------|-------------|
| 1. LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | 2. DATE 15 OCT 03 | 3. TIME 1645 hrs. | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS b657c5 | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | [REDACTED] | |

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 _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | |
|--------------------------------------|---------------------------------|----------------------|
| WITNESSES (If available) | | 3. [REDACTED] b657c5 |
| 1a. NAME (Type or Print) | 4. [REDACTED] INVESTIGATOR | |
| b. ORGANIZATION OR ADDRESS AND PHONE | 5. TYPED NAME OF INVESTIGATOR | |
| 2a. NAME (Type or Print) | 6. ORGANIZATION OF INVESTIGATOR | |
| b. ORGANIZATION OR ADDRESS AND PHONE | | |

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

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.

1. LOCATION: TF 14 DCCP
2. DATE: 031002
3. TIME
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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 and wanted to question me about the following offense(s) of which I am suspected/accused:

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. Nothing I say or do can be used as evidence against me in a criminal trial.
3. 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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE
6. ORGANIZATION OF INVESTIGATOR

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

EXHIBIT K

6603

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.

| | | | |
|---|--|-----------------|-------------|
| 1. LOCATION DCCD Task Force Iron Horse JCF | 2. DATE 1 Oct 2003 | 3. TIME 1600 | 4. FILE NO. |
| 5. NAME [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. GRADE/STATUS [REDACTED] | 7. [REDACTED] | | |

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 _____ and wanted to question me about the following offense(s) of which I am

suspected/accused: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
I do not have to answer any question or say anything.
Anything I say or do can be used as evidence against me in a criminal trial.
If I am a member of the UCMJ, I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | |
|--------------------------------------|------------|--|
| WITNESSES (If available) | | 3. SIGNATURE OF INTERVIEWEE [REDACTED] b657c5 |
| 1a. NAME (Type or Print) | [REDACTED] | SIGNATURE OF INVESTIGATOR [REDACTED] b617c1 |
| b. ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] | |
| 2a. NAME (Type or Print) | [REDACTED] | 6. ORGANIZATION OF INVESTIGATOR |
| b. ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] | |

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

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.

| | | | | | | | |
|-------------|----------------|-----------------|------------|------------|-------|-------------|--|
| 1. LOCATION | TRKRIT MAIN 1Z | 2. DATE | 1 OCT 03 | 3. TIME | 18 00 | 4. FILE NO. | |
| 5. NAME | [REDACTED] | 8. ORGANIZATION | [REDACTED] | b657c5 | | | |
| 6. SSN | [REDACTED] | 7. GRADE/STATUS | [REDACTED] | [REDACTED] | | | |

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 _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

He/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
 I do not have to answer any question or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.
 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | | |
|--------------------------------------|--|---------------------------------|-------------------|
| WITNESSES (If available) | | 3. SIGNATURE | [REDACTED] b657c5 |
| 1a. NAME (Type or Print) | | 4. SIGNATURE OF INVESTIGATOR | [REDACTED] b617c1 |
| b. ORGANIZATION OR ADDRESS AND PHONE | | 5. TYPED NAME OF INVESTIGATOR | |
| 2a. NAME (Type or Print) | | 6. ORGANIZATION OF INVESTIGATOR | |
| b. ORGANIZATION OR ADDRESS AND PHONE | | | |

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

EXHIBIT F

6605

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.

| | | | |
|---|--|------------------------|-------------|
| 1. LOCATION <i>DCCP, FOB Ironhorse, Tikrit, Iraq</i> | 2. DATE <i>03 OCT 03</i> | 3. TIME <i>1655</i> | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. [REDACTED] | 7. GRADE/STATUS [REDACTED] | [REDACTED] | |

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 _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

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 to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | |
|--------------------------------------|---------------------------------|--|
| WITNESSES (If available) | | 3. SIGNATURE OF INTERVIEWEE <i>b657c5</i> |
| 1a. NAME (Type or Print) | [REDACTED] | |
| b. ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] GATOR | |
| 2a. NAME (Type or Print) | 5. TYPED NAME OF INVESTIGATOR | |
| b. ORGANIZATION OR ADDRESS AND PHONE | 6. ORGANIZATION OF INVESTIGATOR | |

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

EXHIBIT B

6606

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by [REDACTED] bb27c2
(Appointing authority)

on 30 September 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at 4th Infantry Division Headquarters, FOB Ironhorse, Tikrit, Iraq at 1400 hours
(Place) (Time)
on 30 September 2003 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 16 October 2003 on 4 October 2003
(Time) (Date)
and completed findings and recommendations at 2100 hours on 6 October 2003
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

| | | YES | NO ¹⁾ | NA ²⁾ |
|---|--|-----|------------------|------------------|
| 1 | Inclosures (para 3-15, AR 15-6) | | | |
| | Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) | | | |
| | a. The letter of appointment or a summary of oral appointment data? | | | |
| | b. Copy of notice to respondent, if any? (See item 9, below) | X | | |
| | c. Other correspondence with respondent or counsel, if any? | | | X |
| | d. All other written communications to or from the appointing authority? | | | X |
| | e. Privacy Act Statements (Certificate, if statement provided orally)? | X | | |
| | f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | | | X |
| | g. Information as to sessions of a formal board not included on page 1 of this report? | | | X |
| | h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | | | X |

FOOTNOTES: ¹⁾ Explain all negative answers on an attached sheet.
²⁾ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

| | | YES | NO | N/A |
|---|---|-----|----|-----|
| 2 | Exhibits (para 3-16, AR 15-6) | | | |
| | a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report? | X | | |
| | b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | X | | |
| | c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | X | | |
| | d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? | | | X |
| | e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? | X | | |
| | f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? | | | X |
| | g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? | | | X |
| 3 | Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)? | | | X |
| B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6) | | | | |
| 4 | At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)? | | | |
| 5 | Was a quorum present at every session of the board (para 5-2b, AR 15-6)? | | | |
| 6 | Was each absence of any member properly excused (para 5-2a, AR 15-6)? | | | |
| 7 | Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)? | | | |
| 8 | If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? | | | |
| C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) | | | | |
| 9 | Notice to respondents (para 5-5, AR 15-6): | | | |
| | a. Is the method and date of delivery to the respondent indicated on each letter of notification? | | | |
| | b. Was the date of delivery at least five working days prior to the first session of the board? | | | |
| | c. Does each letter of notification indicate -- | | | |
| | (1) the date, hour, and place of the first session of the board concerning that respondent? | | | |
| | (2) the matter to be investigated, including specific allegations against the respondent, if any? | | | |
| | (3) the respondent's rights with regard to counsel? | | | |
| | (4) the name and address of each witness expected to be called by the recorder? | | | |
| | (5) the respondent's rights to be present, present evidence, and call witnesses? | | | |
| | d. Was the respondent provided a copy of all unclassified documents in the case file? | | | |
| | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? | | | |
| 10 | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings): | | | |
| | a. Was he properly notified (para 5-5, AR 15-6)? | | | |
| | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4e, AR 15-6)? | | | |
| 11 | Counsel (para 5-6, AR 15-6): | | | |
| | a. Was each respondent represented by counsel? | | | |
| | Name and business address of counsel: | | | |
| | (If counsel is a lawyer, check here <input type="checkbox"/>) | | | |
| | b. Was respondent's counsel present at all open sessions of the board relating to that respondent? | | | |
| | c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)? | | | |
| 12 | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): | | | |
| | a. Was the challenge properly denied and by the appropriate officer? | | | |
| | b. Did each member successfully challenged cease to participate in the proceedings? | | | |
| 13 | Was the respondent given an opportunity to (para 5-8a, AR 15-6): | | | |
| | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent? | | | |
| | b. Examine and object to the introduction of real and documentary evidence, including written statements? | | | |
| | c. Object to the testimony of witnesses and cross-examine witnesses other than his own? | | | |
| | d. Call witnesses and otherwise introduce evidence? | | | |
| | e. Testify as a witness? | | | |
| | f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)? | | | |
| 14 | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)? | | | |
| 15 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)? | | | |
| FOOTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board. | | | | |

6608

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
(See attached memorandum for record)

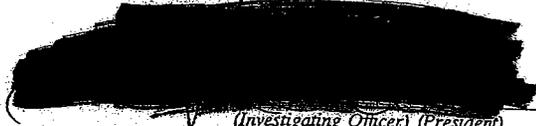
SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
(See attached memorandum for record)

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

6617c1



(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)



DEPARTMENT OF THE ARMY
104th MILITARY INTELLIGENCE BATTALION
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ

REPLY TO
ATTENTION OF:

AFYB-MI-HHOC

6 October 2003

MEMORANDUM FOR RECORD

SUBJECT: Detainee Abuse Incident – 15-6 Investigation

1. REFERENCES

- a. Geneva Convention relative to the Treatment of Prisoners of War, 1949.
- b. Geneva Convention Relative to the Protection of Civilians in a Time of War, 1949.
- c. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954.
- d. FM 34-52: Interrogation Operations.
- e. FM 24-10: The Laws of Land Warfare.

2. FACTS

b647c4

a. On 14 August 2003, [REDACTED] at Combined Joint Task Force 7 (CJTF-7) Joint Human Intelligence Cell (J2X), V (U.S.) Corps, not further identified (NFI), wrote an electronic mail correspondence (e-mail) to V Corps human intelligence (HUMINT) exploitation elements (see Exhibit A). The e-mail addressed the relatively poor success rate of intelligence collection from detainee interrogations. [REDACTED] provided the Judge Advocate General's (JAG) list of definitions of "combatants", "lawful combatants", and "unprivileged belligerents" or "unlawful combatants" and explained [REDACTED] was unaware of any rules of engagement (ROE) governing treatment of unprivileged belligerents, but was researching the issue. [REDACTED] requested a creative "wish list" of what interrogators consider more "effective" interrogation techniques, which the Staff Judge Advocate (SJA) would review for compliance with the statutes of the Geneva Convention. [REDACTED] set a deadline of 17 August 2003, for "wish list" submission. [REDACTED] NFI, had grown frustrated with the lack of interrogation success and wanted detainees "broken". "Broken" is a term interrogators use to describe the interrogator's "successful application of approach techniques eventually induces the source to willingly provide accurate intelligence information to the interrogator" (reference: FM 34-52, Chapter 3: Interrogation Process). [REDACTED] wrote, "The gloves are coming off... regarding these detainees"; "[c]asualties are mounting and we need to start gathering info to help protect our fellow soldiers from any further attacks."

b647c4

b647c4

b647c4

b647c4

6611

AFYB-MI-HHOC
Detainee Abuse Incident – 15-6 Investigation

b647c4

b647c4

b647c4

b. [REDACTED] 3rd Armored Cavalry Regiment, NFI, responded to [REDACTED] e-mail (see Exhibit A) and stated [REDACTED] interrogation experience in Afghanistan had demonstrated [REDACTED]

b2/b7E

[REDACTED]. As a result, the current detainee population in Iraq understands the use of physical force more than psychological manipulation or incentives. [REDACTED] suggested the application of techniques used in Survival, Evasion, Resistance, and Escape (SERE) School and cited examples of “open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches” as examples.

b647c4

c. [REDACTED] 501st Military Intelligence Battalion (MI Bn) [REDACTED] NFI, rebutted [REDACTED] response in a subsequent e-mail (see Exhibit A), stating international law could not be “just put aside when we find it inconvenient” and that, regardless of casualties sustained, no justification exists for dropping standards of ethics. [REDACTED] concluded the e-mail stating “American soldiers... [are] heirs of a long tradition of staying on the high ground” and should remain there.

b657c5

d. Shortly after that e-mail was sent [REDACTED]

[REDACTED] of the Interrogation Control Element (ICE), Division Central Collection Point (DCCP), Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID), Tikrit, Iraq, NFI, mentioned the e-mail to the soldiers assigned to the ICE and requested their suggestions for the interrogation technique “wish list”

b657c5

[REDACTED] received no input from his soldiers. [REDACTED] understood [REDACTED] requested a list of interrogation techniques, both legal and illegal, which [REDACTED] deemed more effective in obtaining intelligence information from detainees. [REDACTED] spoke with [REDACTED]

b657c5

b647c4

b657c5

b647c4

b657c5

[REDACTED] of Tactical HUMINT Operations (THOPS), 104th MI Bn, 4ID, NFI, about the request [REDACTED] recalls (see Exhibits B and C) asking [REDACTED] “Does this mean what I think it means?”, to which [REDACTED] replied, “I think so.” [REDACTED] compiled a list of [REDACTED] own suggestions,

b647c4

b657c5

b647c4

named the document “Alternative Interrogation Techniques” (see Exhibit D), and saved it on [REDACTED] computer’s Desktop. [REDACTED] subordinate soldiers have regular access to [REDACTED] computer

b657c5

b657c5

and any one of them are likely to have seen the document. It is not unreasonable to think curious soldiers may have opened the document and read the text. [REDACTED] submitted [REDACTED] “wish list” document on 17 August 2003 (see Exhibit E). Nothing further is known about the “wish list” or what actions were taken with compiled lists at this time.

b657c5

b657c5

b657c5

e. In late August 2003, [REDACTED] ICE, 104th MI Bn, 4ID, NFI, a HUMINT Collection Specialist, was reassigned from the Operations Office, 104th MI Bn, to the ICE, upon [REDACTED] request for additional interrogators. [REDACTED] completed HUMINT

b657c5

b657c5

Collection Specialist (97E) Advanced Individual Training (AIT) approximately 2 years ago and has been assigned to the Operations Section, 104th MI Bn, in an administrative capacity until recently. Since [REDACTED] needed skill refresher training, [REDACTED] allowed [REDACTED] to view interrogations [REDACTED] or another experienced interrogator conducted. Eventually, [REDACTED] allowed [REDACTED] to conduct [REDACTED] own interrogations while supervised by [REDACTED] or another experienced interrogator. When [REDACTED] felt [REDACTED] was ready, [REDACTED] conducted

b657c5

b657c5 2

AFYB-MI-HHOC
Detainee Abuse Incident – 15-6 Investigation

interrogations without supervision. It is unclear whether [redacted] discussed the application of force in interrogations following the advent of [redacted] e-mail. [redacted] recalls a (see Exhibits F and G) discussion at the FOB Ironhorse dining facility in which [redacted] asked [redacted] what sort of "alternate interrogation techniques" [redacted] was suggesting. [redacted] allegedly suggested application of force, which did not leave bruises or scars on the detainee. [redacted] recalls [redacted] asked [redacted] whether [redacted] was "up to it" and if [redacted] could "handle it". [redacted] says [redacted] replied [redacted] could, though was unsure whether the interpreters could.

f. [redacted] had conducted the initial interrogation screening of Detainee [redacted], and deemed [redacted] much more difficult to "break" than most other detainees. [redacted] assigned [redacted] to [redacted] for interrogation. [redacted] felt [redacted] imposing physical size would intimidate [redacted] greater than any of the other interrogators in the ICE could and would likely yield results sooner. [redacted] knew about [redacted] e-mail and agreed with [redacted] statement that "the gloves are coming off", likely encouraged by [redacted] interpretation that this meant considering interrogation techniques heretofore unauthorized. [redacted] identified [redacted] as an accomplice in an attack against U.S. soldiers and led American soldiers to [redacted] went into the interrogation viewing [redacted] light of the information that [redacted] had killed 3 American soldiers and did not deserve all the rights and privileges he was afforded while at the DCCP. [redacted] intended to interrogate

[redacted] employing "stress positions" and physical force to elicit a confession and time-sensitive information of intelligence value, which could prevent future attacks against American forces and save lives. "Stress positions" are body positions designed to cause physical discomfort and fatigue. [redacted] requested [redacted], ICE, 104th MI Bn, 4ID, NFI, for his interpreter for the interrogation. It is unclear why [redacted] selected [redacted] though I believe [redacted] likely told [redacted] he would hit [redacted] feet during the course of the interrogation. [redacted] a Voice Interceptor (98G) Arabic linguist [redacted] descent and [redacted] describes the

interpreter in this interrogation as an [redacted] sworn statement (Exhibit H). [redacted] likely knows very little about interrogation legal and ethical guidelines, since he has worked at the ICE only since late August 2003. I suspect [redacted] knew of [redacted] intentions to hit [redacted] feet and [redacted] a young and junior-ranking soldier, likely went along with the idea (see Exhibits I and J).

g. In mid-afternoon on 23 September 2003, [redacted] approached [redacted], [redacted] 4th Military Police (MP) Company, 4ID, and requested [redacted] presence in [redacted] interrogation later that day. [redacted] intended to "turn it up a notch" or "soup up" [redacted] interrogation (see Exhibits K and L). [redacted] he wanted the use of a room with solid walls for [redacted] interrogation, as the walls would provide for a wider variety of stress position options. An interrogation at the DCCP normally occurs in one of three tents, or "booths", set up outside the east wall of the DCCP high-security area. It is unclear whether [redacted] intentions, though I strongly suspect [redacted] had full knowledge. [redacted] sworn statement indicates he not only told [redacted], but [redacted] and [redacted] conspired together to assault [redacted]. [redacted] also states he and [redacted] agreed they would be discreet in their

b647c4

b657c5 / b657c5

handling of the interrogation, telling only [redacted] [redacted] consented to being present at the interrogation and told [redacted] would request permission from [redacted] 4th MP Company, for use of one of the rooms in the DCCP high-security holding area.

b657c5

b647c4

b657c5

b657c5

b647c4

b647c4

b657c5

b647c4

b657c5

b647c4

b647c4

b657c5

b647c4

h. [redacted] accompanied by [redacted] went to the ICE Operations Office and told [redacted] would interrogate [redacted] using a "Fear-Up (Harsh)" approach technique. A "Fear-Up" approach means the interrogator identifies a stimulus that causes fear in the subject and exploits the stimulus to elicit information. A "Fear-Up (Harsh)" approach involves the added psychological stress of the threat of physical violence on the subject. [redacted] also told [redacted] intended to use one of the rooms in the DCCP high-security holding area to be able to choose from a variety of stress positions. [redacted] consented. Interrogators are required to adapt to the changing needs of the interrogation and must remain flexible. As a result, interrogators do not usually seek approval for an interrogation plan. [redacted] left for the MP Headquarters, where [redacted] was asking permission to use one of the rooms in the DCCP high-security area. [redacted] plan to raise the level of fear in the interrogation to "break [redacted] [redacted] was not specific about what tactics [redacted] intended to use. [redacted] (Exhibits M and N) recalls [redacted] told [redacted] had a "bad feeling" about the interrogation, though [redacted] did not mention [redacted] had said so in [redacted] sworn statement. [redacted] agreed [redacted] would remain in the room during the course of the interrogation and would brief [redacted] about the interrogation later.

i. [redacted] walked to the DCCP high-security area. Once inside, [redacted] moved [redacted] from [redacted] cell and put [redacted] the detainee temporary holding area. Inside [redacted] cell were two metal folding chairs and [redacted] bedding. [redacted] walked into [redacted] cell and [redacted] escorted [redacted] into the room. [redacted] wore a dishdasha [traditional Arab garment], sandals, and shackles on his wrists and ankles. The interrogation began immediately; [redacted] questioned [redacted] a loud, angry voice, which [redacted] translated, mimicking [redacted] demeanor and tone. [redacted] paced the room as [redacted] yelled. [redacted] stayed near [redacted] and [redacted] stood against the north wall of the room. (Exhibit O is [redacted] drawing of how the room was set up and where participants stood.) It is unclear how [redacted] obtained the MP riot baton, though [redacted] likely received it from [redacted]. [redacted] told [redacted] to lie on [redacted] back and put his legs on the chairs, which [redacted] arranged such that they faced each other. (Exhibit P is [redacted] drawing of how the room was set up and where participants stood at this point in the interrogation.) [redacted] asked [redacted] about his involvement in attacks against American soldiers, where [redacted] received [redacted] funding and weapons, and [redacted] associates. When [redacted] did not receive the answers [redacted] wanted, [redacted] hit [redacted] feet. [redacted] the soles of [redacted] sandals individually, for a total of about 10 to 30 times. Neither [redacted] or [redacted] objected. [redacted] spent approximately 15 minutes in this position.

j. [redacted] grabbed [redacted] by [redacted] and pulled him to [redacted] feet. [redacted] suggested removing [redacted] wrist restraints, though it is unclear to whom [redacted] suggested the idea. [redacted] unlocked [redacted] wrist shackles, likely one side remained locked.

b657c5

b647c4

AFYB-MI-HHOC
Detainee Abuse Incident - 15-6 Investigation

b647c4

b657c5 [redacted] instructed [redacted] to stand with [redacted] arms out at [redacted] sides, knees bent, and head tilted back so [redacted] faced the ceiling. [redacted] stood in that position for approximately 15 minutes. [redacted] told [redacted] to stand a few feet from the wall, forehead pressed to the wall, arms out at his sides and parallel with the floor, such that [redacted] body stood at approximately a 70-degree angle to the floor. At some point, [redacted] moved from [redacted] position against the north wall to just inside the door against the south wall, likely to get a better view. [redacted] continued to question [redacted] and [redacted] maintained [redacted] innocence. Not receiving the answer [redacted] wanted, [redacted] hit [redacted] across his buttocks and possibly [redacted] lower back as well. [redacted] likely did not intend to hit [redacted] on his buttocks or lower back when he began the interrogation. I believe this was a spur-of-the-moment idea [redacted] had. Again, neither [redacted] objected. [redacted] approximately 10 times. [redacted] concluded the interrogation and [redacted] led [redacted] back to [redacted] cell. [redacted] states [redacted] walked in and out of the interrogation, as it was time to feed other detainees. I believe [redacted] spent much more time in the interrogation than the 50% [redacted] states, nor was [redacted] notably absent each time the baton was used against [redacted]. I also believe [redacted] not only consented to giving [redacted] baton, but condoned using the baton on [redacted] and [redacted] was likely even a co-conspirator with foreknowledge when [redacted] approached him originally.

b657c5

b647c4

b647c4

b647c4

b647c4

b657c5

b647c4

b657c5

b647c4

b657c5

b657c5

b647c4

b657c5

b647c4

b647c4

b657c5

b647c4

b657c5

b657c5

[redacted] remained in [redacted] cell while [redacted] moved [redacted] back. [redacted] then interrogated [redacted] with [redacted] remaining in the room. Shortly after the interrogation began [redacted] arrived and joined the interrogation. This interrogation was much quieter than the preceding one. I do not feel anything significant occurred during the course of [redacted] interrogation. Later that evening, [redacted] went to [redacted] and explained [redacted] had seen nothing of note during the interrogation and that [redacted] was only put in stress positions. [redacted] demonstrated three stress positions [redacted] used (see Exhibit J).

b657c5

b647c4

b657c5

1. Neither [redacted] said anything about the events of [redacted] interrogation to [redacted] went to dinner later that evening and sat with [redacted] 104th MI Bn, NFI (see Exhibit Q). [redacted] asked [redacted] how [redacted] interrogation of "MP [redacted]" had gone that evening and whether [redacted] had been able to "break" [redacted] [redacted] said [redacted] was thus far unsuccessful and had beaten [redacted] with an MP "control stick". "Control stick" refers to the MP riot baton and is the terminology [redacted] used in [redacted] interview and the same terminology [redacted] quoted in [redacted] sworn statement. [redacted] looked at each other, unknowing whether to believe [redacted].

b647c4

b657c5

b647c4

b657c5

b647c4

b657c5

b657c5

Neither [redacted] questioned [redacted] further about the incident. At approximately 0900 or 1000 hours on 24 September, [redacted] and told [redacted] to restrict [redacted] access to detainees until further notice. [redacted] refused to explain over the telephone and asked [redacted] to come to [redacted] office. [redacted] woke [redacted] and asked [redacted] what had happened the previous evening. [redacted] told [redacted] about [redacted] hitting [redacted] s feet. [redacted] did not ask further and went to [redacted] office. [redacted] went upstairs to discuss the matter. Following this conversation, [redacted] drafted a counseling statement for [redacted] on 25 September and counseled [redacted] on 26 September. The counseling statement (see Exhibit R) detailed [redacted] s punishment of 10 hours of one-on-one Geneva Convention training with [redacted], as

b647c4

b657c5

b657c5

b657c5

b647c4

b647c4

b657c5

well as suspended access to detainees at the DCCP. [REDACTED] suffered two days of significant discomfort on his buttocks and lower back as a result of the assault.

m. [REDACTED] stated in [REDACTED] statement [REDACTED] was mistreated in another interrogation at the FOB Ironhorse DCCP. [REDACTED] recalls an interrogation (see Exhibit H) conducted on 29 September in which [REDACTED] ICE, 104th MI Bn, 4ID, NFI, served as interrogator and [REDACTED] served as interpreter. [REDACTED] recognized [REDACTED] as the same [REDACTED]

[REDACTED] interpreter from the previous interrogation. As [REDACTED] was led into Booth 1, [REDACTED] ordered [REDACTED] to kneel and walk around the tent on [REDACTED] knees with his hands clasped behind his head. [REDACTED] is under the impression [REDACTED] was in control of the [REDACTED]

interrogation, as [REDACTED] was not very loud, did not say much, and allowed [REDACTED] to have some degree of control. [REDACTED] crawled around the table in the middle of the tent approximately 15-20 times. Either [REDACTED] realized detainees in the juvenile detention cell were able to see the events in Booth 1 (see Exhibit J). [REDACTED] moved the interrogation to Booth 2, where [REDACTED] resumed crawling around the table in the tent. [REDACTED] was [REDACTED]

dizzy, tired, and his knees hurting and tried to lean back against his calves. On one of these occasions, [REDACTED] pushed or prodded [REDACTED] with the half-filled water bottle [REDACTED] carried. [REDACTED] recounts (see Exhibit H) [REDACTED] hitting [REDACTED] once with the water bottle. As a result of this interrogation, [REDACTED] has open sores on both knees, which precludes [REDACTED] from participating in proper Muslim worship practices. I alerted [REDACTED] about [REDACTED] wounds; [REDACTED] since been seen by a medic. I am inclined to believe no further abuse occurred during this incident.

[REDACTED] n. No further details are known about the events under investigation.

2. VARIABLES

a. I am considering six variables in my assessment; that is, six uncorroborated events which will assign, aggravate, or mitigate culpability. First, if [REDACTED] did, in fact, request [REDACTED] be released from [REDACTED] administrative duties for skill refresher training and the chain of command denied the request (see Exhibit C). Second, if [REDACTED] did hold a conversation with [REDACTED] in which they discussed whether [REDACTED] would be able to "handle" using physical force against detainees (see Exhibit G) and if statements were taken out of context or intended as worded. Third, if [REDACTED] agreed to beat [REDACTED] with a riot baton and intended not to discuss the incident with anyone besides [REDACTED] (see Exhibit G). Fourth, if [REDACTED] his riot baton with specific intent to assault [REDACTED] (see Exhibit G). Fifth, if [REDACTED] did not clearly explain to [REDACTED] s role in an interrogation (see Exhibits G and J). Sixth, if [REDACTED] was, in fact, not present in the room during the alleged assault (see Exhibit L).

b. The outcome of these unknowns may change culpability of the persons involved.

AFYB-MI-HHOC
Detainee Abuse Incident - 15-6 Investigation

3. FINDINGS *b657c5*

b657c5 a. [redacted] is a trained HUMINT Collector and has had instruction on interrogation procedures, with special emphasis on abiding by the statutes of the Geneva Convention. Since [redacted] work depends greatly upon adherence to the Geneva Convention regulations, [redacted] should have a sense of the tremendous responsibility [redacted] has to follow them, if not for ethical reasons, at least to avoid the potential consequences of violations. I find [redacted] liable for premeditated assault on [redacted] *b657c5* guilt is exacerbated by [redacted] *b657c5* use of an MP riot baton, which constitutes "aggravated assault" in criminal court proceedings. [redacted] *b657c5* bears less guilt as it is clear [redacted] felt encouraged by [redacted], even if "are you up to it?" and "can you handle it?" were taken out of context. His guilt is mitigated further by his lack of skill training and his short time in service, much of which was spent performing duties other than the work for which he was trained. Moreover, [redacted] was unclear what definition applies to the majority of the detainee population of the DCCP, as [redacted] states [redacted] sees them as unlawful combatants who had murdered 3 of [redacted] brethren soldiers. 4ID Commanding General Major General Raymond Odierno's memorandum regarding treatment of enemy prisoners of war and detained unlawful combatants was released at about this time and did not reach all soldiers before this incident occurred. According to his statement, [redacted] would have reconsidered intentions, had he seen the memorandum before going into the interrogation room with [redacted] *b657c5* on 23 September.

b647c4 b. [redacted] Military Policeman with [redacted] of active duty service. Intrinsic to the duties of a Military Policeman is [redacted] responsibility *b657c5* for the security and welfare of enemy prisoners of war, including adherence to the statutes of the Geneva Convention. I find [redacted] liable for [redacted] abuse of [redacted] *b657c5* guilt is exacerbated if [redacted] did, in fact, partake in planning and not just offer tacit consent once in the room. [redacted] guilt is further exacerbated if [redacted] lied about his involvement and knowledge of the incident on his sworn statement. As an [redacted] of service, [redacted] *b657c5* knew what [redacted] was doing was wrong. [redacted] guilt is mitigated if he was, in fact, absent from the room during [redacted] assault on [redacted] *b657c5* *b647c4* *b657c5* *b647c4*

b657c5 c. [redacted] an interpreter who has only worked with the ICE for the [redacted] knowledge of the Geneva Convention and interrogation operations is limited to what [redacted] has experienced while working at the ICE and what [redacted] has been told by *b657c5* interrogators with whom he has worked. [redacted] is most likely a scared junior enlisted soldier *b657c5* who was convinced [redacted] knew what [redacted] was doing. [redacted] guilt is mitigated. [redacted] was not informed about [redacted] intentions prior to entering the interrogation room. [redacted] guilt is exacerbated by [redacted] intervention in the interrogation, which is outside the scope of his interpreting duties. [redacted] intervention in [redacted] 29 September interrogation was also out of line, for which [redacted] should be held liable, if he authorized it. *b657c5* *b647c4* *b657c5*

d. I feel [redacted] is a good soldier and [redacted] who runs the DCCP with diligence and efficiency. [redacted] took necessary steps to ensure [redacted] soldiers were properly trained and had sufficient experience before conducting interrogations of

6647c4 6657c5 6647c4

detainees. [redacted] e-mail did not explain fully the intent of the "wish list" and, as a consequence, implanted ideas neither [redacted] nor any of his interrogators would have considered before. [redacted] references to "gloves coming off" and [redacted] desire to have detainees "broken" quickly lead one to believe [redacted] wanted suggestions of less-than-ethical or less-than-legal nature. I believe [redacted] and [redacted] had a discussion about [redacted] e-mail and [redacted] likely read [redacted] statements as an endorsement of more violent interrogation methods, based upon opinions in [redacted] sworn statement. 6647c4

6657c5 6647c4 6657c5

e. I do not feel First Lieutenant [redacted] is culpable for any part of this incident. A Field Artillery officer by training, [redacted] became a Military Police officer only within the past month. [redacted] seems to be learning her duties and understanding DCCP operations quickly. [redacted] is a diligent officer and has a good understanding of most operations in her purview.

6647c4 6657c5 6647c4

f. Although [redacted] account of events differs slightly from the other three in the interrogation room on 23 September, [redacted] story is highly credible and plausible. I do not feel [redacted] intentionally altered the events of that interrogation, though [redacted] account of his 29 September interrogation lends itself to mild exaggeration.

4. RECOMMENDATIONS

6657c5 6657c5 6657c5

a. At a maximum, I recommend [redacted] be subject to military court martial and be prosecuted for first degree aggravated assault and violation of Geneva Convention articles 13, 17, 20, 42, and 87, which govern the humane treatment of prisoners of war. I recommend [redacted], be subject to military court martial and be prosecuted for conspiracy to commit aggravated assault. I recommend [redacted] be given a company grade Article 15, Uniform Code of Military Justice, for his involvement in the aggravated assault of [redacted]. I recommend no charges be proffered against [redacted] or [redacted]. 6657c5

6657c5 6647c4 6657c5

b. At a minimum, I recommend [redacted] be given a Field Grade Article 15. I recommend [redacted] be given a Field Grade Article 15. I recommend [redacted] be given a letter of reprimand. 6657c5

6657c5 6647c4

c. Since 4ID Commanding General Major General Raymond Odierno has already published specific guidance about treatment of enemy prisoners of war, no further memoranda or orders need be published. Commanders should ensure all personnel who may have contact with enemy prisoners of war understand the tenets of the Geneva Convention completely.

6647c4 6657c5 6647c4

d. Additionally, I recommend [redacted] be questioned about his involvement in the 29 September 2003 interrogation of [redacted]. Although I have no belief [redacted] or [redacted] had any intention of causing physical harm to [redacted] during this interrogation, [redacted] bear some culpability for explaining his expectations in the interrogation. [redacted] should have informed [redacted] about his

AFYB-MI-HHOC
Detainee Abuse Incident – 15-6 Investigation

b657c5

responsibilities in an interrogation and stopped [REDACTED] from conducting duties of an interrogator. Further investigation may be required for this incident.

[REDACTED]

b6-2/7c2

CPT, MI
Investigating Officer

b627c2

MEMORANDUM FOR: [REDACTED]

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed an investigating officer to conduct an informal investigation IAW AR 15-6 surrounding the possible use of excessive force by [REDACTED] while *b657c5* interrogating a internee at the Division Consolidated Collection Point.

b647c4 2. In your investigation, gather sworn witness statements to the alleged event described in the enclosed statement from [REDACTED]. Your purpose is to determine the facts of what happened and recommend to me if additional investigation is needed.

3. No charges are being preferred at this time. If in the course of your investigation you come to suspect that certain people may be responsible for actions that could be subject to UCMJ or prosecution, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition, you must provide them a Privacy Act statement before you solicit any (further) personal information. You may obtain assistance with these legal matters from the office of the Staff Judge Advocate.

4. Submit the statements and your findings IAW AR 15-6 within 10 days.

[REDACTED] *b62-7c2*
Commanding

Encl

- b647c4*
1 - Sworn statement, [REDACTED]
2 - Counseling statement 26Sep03



DEPARTMENT OF THE ARMY
104th MILITARY INTELLIGENCE BATTALION
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ

REPLY TO
ATTENTION OF:

AFYB-MI-HHOC

6 October 2003

MEMORANDUM FOR RECORD

SUBJECT: Detainee Sworn Statement

1. [REDACTED] ^{b647c4} Detainee [REDACTED], provided [REDACTED] sworn statement on 1 October 2003 through [REDACTED] a Category II Civilian interpreter. [REDACTED] was provided by the Interrogation Control Element (ICE), Division Central Collection Point, 4th Mechanized Infantry Division.

2. I transcribed [REDACTED] ^{b647c4} statement using most nearly the language [REDACTED] used during the course of the interview. I presented the statement to [REDACTED] on 2 October and had [REDACTED] ^{b647c4} a Category II Civilian interpreter, also provided by the ICE. [REDACTED] verified [REDACTED] ^{b647c4} statement through [REDACTED] before signing.

3. Point of contact for this memorandum is the undersigned at DNVT [REDACTED]

[REDACTED SIGNATURE]

Investigating Officer

4ID 104MI ICE

From:
Sent:
To:
Cc:

Thursday, August 14, 2003 11:26 AM

b627c2

Subject: RE: FW: Taskers

All:

Régarding the tasking—I am not a legal expert, but seems to me that everyone we are detaining at this point is an unprivileged belligerent, since we have taken over the country and there is no longer any force opposing us that 1) wears recognizable uniform; and 2) bears arms openly. So I think everyone we detain is in that category.

As for "the gloves need to come off..." we need to take a deep breath and remember who we are. Those gloves are most definitely NOT based on Cold War or WWII enemies—they are based on clearly established standards of international law to which we are signatories and in part the originators. Those in turn derive from practices commonly accepted as morally correct, the so-called "usages of war." It comes down to standards of right and wrong—something we cannot just put aside when we find it inconvenient, any more than we can declare that we will "take no prisoners" and therefore shoot those who surrender to us simply because we find prisoners inconvenient.

"The casualties are mounting..." we have taken casualties in every war we have ever fought—that is part of the very nature of war. We also inflict casualties, generally many more than we take. **That in no way justifies letting go of our standards.** We have NEVER considered our enemies justified in doing such things to us. Casualties are part of war—if you cannot take casualties then you cannot engage in war. Period.

BOTTOM LINE: We are American soldiers, heirs of a long tradition of staying on the high ground. We need to stay there.

b62/7c2

Psalm 24: 3-8

—Original Message—

From: [redacted]
[mailto:[redacted]]
Sent: Thursday, August 14, 2003 3:56 PM
To: [redacted]
Cc: [redacted]

b62/7c2

Subject: Re: FW: Taskers

I sent several months in Afghanistan interrogating the Taliban and al Qaeda. Restrictions on interrogation techniques had a negative impact

EXHIBIT A

on our ability to gather intelligence. Our interrogation doctrine is based on former Cold War and WWII enemies. Today's enemy, particularly those in SWA, understand force, not psychological mind games or incentives. I would propose a baseline interrogation technique that at a minimum allows for physical contact resembling that used by SERE instructors. This allows open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches. Again, this is open handed. I will not comment on the effectiveness of these techniques as both a control measure and an ability to send a clear message. I also believe that this should be a minimum baseline.

Other techniques would include close confinement quarters, sleep deprivation, white noise, and a litany of harsher fear-up approaches...fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off.

V/R

____ Original Message ____

From: [REDACTED]
Date: Thursday, August 14, 2003 2:51 pm
Subject: FW: Taskers

> Sounds crazy, but we're just passing this on.

>

> ____ Original Message ____

> From: [REDACTED]
> [mailto:[REDACTED]]
> Sent: Thursday, August 14, 2003 1:51 AM
> To: [REDACTED]
> Cc: [REDACTED]
> Subject: Taskers

>

>

> ALCON

>

> Just wanted to make sure we are all clear on the taskers at hand

>

> 1- A list identifying individuals who we have in detention that

> fall under

> the category of "unlawful combatants" I've included a definition

> form the

> SJA folks:

>

> In order to properly address your request for a legal definition of

> the term "unlawful combatant," I must first provide you with a

> framework of definitions with which to work. According to the Law

> of Land Warfare,

> the term "combatant" is defined as anyone engaging in hostilities

> in an

> armed conflict on behalf of a party to the conflict. Combatants are

> lawful targets, unless out of combat. With that said, "lawful

> combatants" receive protections of the Geneva Conventions and

> gain combat

> immunity for their warlike acts, as well as become prisoners of

> war if

> captured. In comparison, "unprivileged belligerents," commonly

> referred to as "unlawful combatants," may be treated as criminals

> under the

> domestic law of the captor. Unprivileged belligerents may

> include spies,

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
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: DCCP, FOB Ironhorse, Tikrit, Iraq
2. DATE (YYYYMMDD): 2003/10/03
3. TIME: 1700
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: 104th Military Intelligence Battalion, 4th Mechanized Infantry Division, Fort Hood, TX 76544

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

Sometime in mid-August 2003, I received an electronic mail correspondence [hereinafter referred to as e-mail] from a captain at the U.S. Army V Corps Human Intelligence Effects Coordination Cell (HECC). [Affiant later produced a printed copy of the e-mail, with subsequent comments attached] The captain requested a "wish list" from subordinate interrogation elements for innovative interrogation techniques that will prove more successful than current methods. I understand "wish list" to mean the captain wanted to know what other interrogation techniques I might want to try if the techniques were authorized. I interpreted the request to mean the captain wanted suggestions legal, illegal, and somewhere in between. I recall the e-mail mentioned "Colonel [REDACTED] was upset interrogations were not more successful and the captain used the phrase "the gloves are coming off". I recall the e-mail also mentioned techniques used in SERE [Survival, Evasion, Resistance, and Escape] School may be effective. I mentioned the request for suggestions to the soldiers in my unit, the Interrogation Control Element (ICE) at the Division Central Collection Point (DCCP) [hereinafter referred to as the Cage], Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division, Tikrit, Iraq. I spoke to [REDACTED] Officer in Charge of Tactical Human Intelligence Operations (THOPS), 104th Military Intelligence Battalion, 4ID, about the e-mail. [REDACTED] told me he had received the same e-mail. I asked [REDACTED] "Does this mean what I think it means?" [REDACTED] said, "I think so." I recall seeing only 2 other correspondences addressing this e-mail sent to all the recipients of the previous e-mail. The first response was from [REDACTED] who stated his experience in Afghanistan had taught him other means were necessary to extract intelligence information. The second response was from a major whose name I do not recall. The major objected to [REDACTED]'s suggestions on moral and ethical grounds. I received no suggestions from my soldiers and compiled a list of my own ideas. I understood the captain wanted all ideas-legal and illegal, regardless of what I personally condone. I saved my ideas on my computer's Desktop screen as a file called "Alternative Interrogation Techniques.doc". Everyone in my unit has access to my computer and can access any of the files at any time. I know it is possible some of my soldiers may have seen the document, opened it, and read it, though I never actually showed the document to any of my soldiers before submitting it. I submitted my "wish list" by the due date, which I recall was just a few days later, and have not heard anything about the "wish lists" since. I currently have [REDACTED] soldiers who have attended Advanced Individual Training (AIT) for Human Intelligence Collection. For much of the current deployment, however, the FOB Ironhorse ICE has been undermanned with personnel necessary to conduct proper interrogation operations. I requested personnel from my higher command and [REDACTED] arranged for [REDACTED], a Human Intelligence (HUMINT) Collector by training, to be assigned to the ICE in late August. [REDACTED] has been an active duty soldier for about 2 years. Since completion of AIT, [REDACTED] has been assigned to administrative positions only and has not practiced any of the skills for his Military Occupational Specialty (MOS) since. On several occasions, I have requested [REDACTED] supervisors release [REDACTED] for MOS-specific training, all of which have been denied. I first gave [REDACTED] operational interrogation experience in observing an interrogation conducted by myself or another experienced interrogator, such as since-reassigned [REDACTED]. When I felt he was ready, I allowed [REDACTED] to conduct an interrogation supervised by me or another experienced interrogator such as [REDACTED]. I conducted initial interrogation screenings on detainees [REDACTED] hereinafter referred to as [REDACTED] and [REDACTED] hereinafter referred to as [REDACTED]. [REDACTED] had been captured in a raid and immediately named [REDACTED] an accomplice in an attack that killed 3 American soldiers. I assessed [REDACTED] was the weaker of the two detainees and would divulge everything he knew. I also assessed [REDACTED] would know more than [REDACTED] and would be more difficult to "break", as he was a much larger and mentally-resistant person than [REDACTED]. I felt [REDACTED] could not "break" with most of my other interrogators, who are much smaller in stature. To extract time-sensitive intelligence information that could save American lives, I assigned [REDACTED] to [REDACTED]'s interrogation. "Breaking" a detainee means the detainee's mind is pressured to the point the detainee resigns his raised account of events and tells the truth as he knows it. [REDACTED] is a very large soldier, standing at an imposing 6-foot 6-inches or so, and uses his size to intimidate detainees effectively. Approximately 10 days ago [22 to 24 September 2003] at about 1400 to 1600 hours, [REDACTED] approached me and mentioned he was going to interrogate [REDACTED] using a "Harsh Approach" technique. I gave my approval. Since they must be flexible in their interrogations and change approaches according to the situation, interrogators do not have a strict plan, nor do they request approval for a specific interrogation plan. [REDACTED] left with [REDACTED] the interpreter [REDACTED] requested for the [REDACTED]

b627c2
b627c2
b627c2
b657c5
b647c4
b657c5

b62/17c2
b7E
b657c
b64/7c4
b657c5

10. EXHIBIT: b647c4
11. INITIALS OF PERSON MAKING STATEMENT: b657c5
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINISH THE STATEMENT OF THIS FORM.

1664c74c

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 2003/10/03

b657c5

b657c5

b657c5

9. STATEMENT (Continued)

[REDACTED] uses the pseudonym [REDACTED] during the course of his interrogations for security reasons. I passed by the MP headquarters office a few minutes later and noticed [REDACTED] and [REDACTED] standing outside. I asked [REDACTED] what he was doing. [REDACTED] replied he was receiving approval for the interrogation. I told him interrogators do not need approval from Military Police soldiers (MPs) for their interrogations. [REDACTED] said he requested use of a detention room for his interrogation of [REDACTED]. Since interrogations usually occur in interrogation tents, or "booths", just outside the Cage high-security holding area, I told [REDACTED] MP approval would be necessary for use of the room. [REDACTED] also said he had requested the presence of an MP for security during the interrogation. By doctrine, interrogations should always include the presence of an MP for security, but manning restrictions has not allowed for a guard to be present for most interrogations. I left and went back to my office. [REDACTED] and [REDACTED] interrogated [REDACTED] for approximately 60 to 90 minutes. I walked to the DCCP high-security holding area later that evening. I expected [REDACTED] would still be interrogating [REDACTED] at that time, but [REDACTED] had finished already. [REDACTED] and [REDACTED] were interrogating [REDACTED] in [REDACTED]'s cell, which is the second room on the right as you enter the DCCP high-security holding area. [REDACTED], one of the MPs, was present. I am not sure why [REDACTED] was present, as [REDACTED] is neither a large nor imposing man. Since many of the MPs have not seen an interrogation before, [REDACTED] may have wanted to witness the interrogation out of interest. I joined to assist in the interrogation, which went quietly and smoothly. I do not recall any additional significant details about the events of this day. The following morning, I received a telephone call from [REDACTED] at approximately 0900 or 1000 hours. [REDACTED] instructed me to suspend [REDACTED]'s access to detainees at the Cage. I asked [REDACTED] why I should restrict [REDACTED]'s access. [REDACTED] replied he would not discuss the matter over the telephone and asked me to come see him at the 4ID headquarters building, FOB Ironhorse. I woke [REDACTED] immediately and asked him what had happened the previous night during interrogations. In a half-awake state, [REDACTED] explained [REDACTED] had used an MP baton to hit a detainee's feet during the course of an interrogation. Since I did not have contact with [REDACTED] the previous evening before [REDACTED] did not tell me about the incident, I do not believe [REDACTED] intended to hide any information from me and have the impression [REDACTED] was surprised about the events in the interrogation. I do not doubt [REDACTED] might have been scared, though. [REDACTED] is a young, inexperienced soldier who has only recently been assigned as an interpreter for interrogations. Within an hour of my conversation with [REDACTED], I was in the 4ID headquarters building meeting with [REDACTED] and [REDACTED] and I walked upstairs from his office on the second floor to a balcony on the third floor for a discreet conversation. [REDACTED] explained [REDACTED] had eaten dinner with [REDACTED] and [REDACTED] the previous evening. [REDACTED] asked [REDACTED] how his interrogation had gone that evening. [REDACTED] explained [REDACTED] told [REDACTED] and [REDACTED] he had used an MP baton to hit [REDACTED]'s feet and buttocks during the course of the interrogation. I do not know which baton [REDACTED] had used, though I assume [REDACTED] meant the baton I see most MPs at the Cage carrying, which I describe as a "natural wood" color, about 1- to 1.5-inches in diameter, and about 3- to 4-feet in length. The baton also has a rubber ring embedded in a groove about 4 to 6" from one end. I restricted [REDACTED] to administrative details immediately and put counseling in writing. I typed [REDACTED]'s counseling statement the next day and counseled [REDACTED] the following afternoon. HUMINT Collector soldiers are given Geneva Convention classes for at least a full week or two at AIT and receive a hand-out summarizing the tenets of the Geneva Convention statutes. All refresher Geneva Convention training is conducted within the unit and, though there is no official requirement of how often to conduct training, my soldiers receive refresher training approximately once every 6 months. Geneva Convention training is very easy to conduct and much of it is "hip pocket" training, or training conducted by soldiers individually with manuals they would keep in their hip pockets. I do not like "coercive" interrogation techniques, as I have read several studies, which say they have proven largely unreliable because the source will say anything to end the interrogation. I prefer to use mental and emotional techniques due their proven effectiveness in numerous studies. I recognize my "wish list" mentions a wide array of techniques, though I believe the intent of the original e-mail was for a brainstorm of all kinds of ideas. HUMINT Collector schooling teaches to "walk the fine line" between legality in interrogations. I have been very clear in my instructions to my soldiers about their interrogation techniques. I often tell my soldiers, "There's no one in this Cage worth you going to jail for." It is possible [REDACTED] saw the "Alternative Interrogation Techniques" document and received some ideas from it, though the document does not specify the techniques [REDACTED] used. [REDACTED] received no approval, tacit or explicit, from me for any illegal technique. I do not know of any other incidents of mistreatment or abuse of detainees at the FOB Ironhorse Cage. I do not know of any incident in which an interpreter took control of an interrogation. I have nothing further to add to this statement.

b657c5

b647c4

b657c5

b647c4

b657c5

b647c4

b657c5

b647c4

b657c5

b657c5

b657c5

b657c5

b647c4

b657c5

b657c5

b647c4

b657c5

b657c5

b657c5

b647c4

b657c5

b657c5

6625

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT _____ DATED 2003/10/03

9. STATEMENT (Continued)

b657c5

NOT [REDACTED] USED
b657c5

AFFIDAVIT

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

b657c5

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] b627c4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of October, 2003 at DCCP, FOB Ironhorse, Tikrit, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b657c5

PAGE 3 OF 3 PAGES

Alternative Interrogation Techniques (Wish List) **4th Infantry Division, ICE**

Open Hand Strikes (face and midsection) (no distance greater than 24 inches)

Fairly self-explanatory.

Pressure Point Manipulation

Manipulation of specific points on the human body can cause acute temporary pain but cause no long term effects or damage.

Close Quarter Confinement

Confinement of subject in extremely close quarters. Discomfort induces compliance and cooperation.

White Noise Exposure

Overexposure of subject to noise found to be meaningless and many times monotonous to subject. Often used in conjunction with Sleep Deprivation.

Sleep Deprivation

An initial period of total deprivation (usually 12 to 24 hours) followed by regular and irregular sleep patterns over several days.

Stimulus Deprivation

The human mind requires stimulation, however small, to maintain resistance to suggestion, mental and emotional manipulation and self will. Subject is deprived of this stimulation for 12 to 24 hours during initial stages. Effects on subject's resistance are monitored with short intense interrogations (15-60 minutes at most). Subject's resistance will usually rapidly decay after 36 to 48 hours. This technique requires no physical pressure to be applied. However, subject must be carefully monitored.

***There are a number of "coercive" techniques that may be employed that cause no permanent harm to the subject. These techniques, however, often call for medical personnel to be on call for unforeseen complications. They include but are not limited to the following:**

Phone Book Strikes

Low Voltage Electrocuting

Closed-Fist Strikes

Muscle Fatigue Inducement

EXHIBIT D

6627

[REDACTED]
From: [REDACTED]
Sent: Monday, August 18, 2003 2:16 AM b2-2
To: [REDACTED]
Subject: RE: Taskers



Alternative
Interrogation Tech...

The attached document is the 4th Infantry Division's ICE suggestions if alternative interrogation techniques are authorized. All techniques not listed as "coercive" cause no lasting effects on the subject.

I apologize for tardiness, but my SIPRNET has been down for the last few hours.

b65-705
TF IH CCP, Tikrit, IZ

-----Original Message-----

From: [REDACTED] b2-2
Sent: Thursday, August 14, 2003 3:51 AM
To: [REDACTED]

Subject: FW: Taskers b62

Sounds crazy, but we're just passing this on.

-----Original Message-----

From: [REDACTED] b6-2
[mailto:[REDACTED]]
Sent: Thursday, August 14, 2003 1:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Taskers

ALCON

Just wanted to make sure we are all clear on the taskers at hand

1- A list identifying individuals who we have in detention that fall under the category of "unlawful combatants" I've included a definition from the SJA folks:

In order to properly address your request for a legal definition of the term "unlawful combatant," I must first provide you with a framework of definitions with which to work. According to the Law of Land Warfare, the term "combatant" is defined as anyone engaging in hostilities in an armed conflict on behalf of a party to the conflict. Combatants are

EXHIBIT E

lawful targets, unless out of combat. With that said, "lawful combatants" receive protections of the Geneva Conventions and gain combat immunity for their warlike acts, as well as become prisoners of war if captured. In comparison, "unprivileged belligerents," commonly referred to as "unlawful combatants," may be treated as criminals under the domestic law of the captor. Unprivileged belligerents may include spies, saboteurs, or civilians who are participating in the hostilities. The term "unlawful combatant" is not referenced, nor is it defined. The term that properly described these type of individuals is "unprivileged belligerents," and as stated before they may be treated as criminals under domestic law.

As far as an ROE that addresses the treatment of enemy combatants, specifically, unprivileged belligerents, we are unaware of any but we will continue to research the issue for you. I hope this information has been helpful.

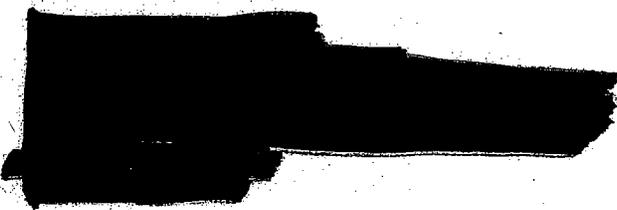
2- An additional list identifying who we have detained who are "Islamic extremist"

3- Immediately seek input from interrogation elements (Division/Corps) concerning what their special interrogation knowledge base is and more importantly, what techniques would they feel would be effective techniques that SJA could review (basically provide a list).

Provide interrogation techniques "wish list" by 17 AUG 03.

The gloves are coming off gentleman regarding these detainees,  b62
has made it clear that we want these individuals broken. Casualties are mounting and we need to start gathering info to help protect our fellow soldiers from any further attacks. I thank you for your hard work and your dedication.

MI ALWAYS OUT FRONT!

V/r
 b62

SWORN STATEMENT

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

| | | | |
|--|-----------------------------------|--------------------|--------------|
| LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | DATE 01 October 2003 | TIME 1430 hours | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER b64/7c4 | | GRADE/STATUS |
| ORGANIZATION OR ADDRESS | | | |

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

During the evening hours on approximately 23 or 24 September 2003, I was removed from my detention cell for an interview. This was my fourth interview during my detention at this facility. I was taken to an interview room, where I was questioned for approximately 15 to 20 minutes by an American soldier whom I describe as a tall, skinny male with a light facial complexion and black hair. He was accompanied by two other soldiers, a Military Police (MP) officer whom I describe as "white skin" and "not too tall or short" [Affiant indicated a soldier outside approximately 5'7" to 5'9" tall, wearing military fatigue pants and a brown tee-shirt; a large tattoo on his upper left arm was exposed. Though there were other soldiers present, this was likely the soldier Affiant meant], and an interpreter whom I describe as darker skinned and having an Egyptian accent when he spoke. The Tall American led me inside the interview room. I was wearing a dishdasha [an Arab garment much like a nightshirt], my sandals, handcuffs; and ankle shackles. The Tall American made me stand with my forehead against the wall, my hands behind my head, my feet planted several feet from the wall, such that my body was positioned at a 45-degree angle. The Tall American was in control and was very angry. The Tall American shouted at me, asking if I was the person who had killed Americans. The Egyptian Interpreter was also very angry and yelled at me. I said I was not involved and did not know anything about any weapons. The Tall American had in his hands a yellow wooden MP baton I describe as approximately 2 to 3 feet in length and 1 inch in diameter. When I did not give the answer the Tall American wanted to hear, he hit me with the baton on my lower back and buttocks "about 10 times". The baton hurt me, though it did not leave any bruises or break the skin. I do not know how long I was in that position. The Tall American then told me to lie down on my back with my legs up on a chair. I did as I was told and the Tall American questioned me again about my alleged involvement in an attack against Americans. I said I did not know anything about it. When the Tall American did not like my response, he hit my feet with the baton "almost 15 times". Again, the baton hurt me, though it did not leave any bruises or break the skin. I do not know how long I was in that position. During the entire interview, the Military Police officer stood in the corner of the room, said nothing, and did nothing but observe. I have had no problems with him before or since. My fifth interview was during the evening hours of about 2 or 3 days ago [Affiant indicated 28 or 29 September 2003], I was removed from my detention cell for another interview. During the interview, the Egyptian Interpreter was present again, though it was a different American who was questioning me. I cannot recall any details about his appearance or distinguishing features. As soon as I entered the tent [Affiant indicated Booth 2], the Egyptian Interpreter moved the box upon which I usually sit during my interviews. The Egyptian Interpreter ordered me to get on my knees, put my hands behind my head, and move around the table in the middle of the tent, during which the Egyptian Interpreter yelled at me and asked me who was shooting Americans, who was with me, and what kind of weapons I had. I said I did not know anything. I crawled around the table about 10 to 15 times before the Egyptian Interpreter and the Unidentified American Interviewer moved me to the other tent [Affiant indicated Booth 3]. There, the interpreter ordered me to kneel again and move around the table. I told the Egyptian Interpreter and the Unidentified American Interviewer I was tired, dizzy, my knees hurt, and I could not go around the table anymore. When I told the Egyptian Interpreter I "could not handle it", he said, "Keep going" and hit me once on my lower back with a water bottle. The water bottle was nearly half full with what I recall might have been an orange-colored juice. It appeared to me the Egyptian Interpreter was in control during the course of this interview, as he did all the yelling. The Unidentified American Interviewer asked questions only once in a while. I was in the first tent a total of about 10 minutes and in the second for a total of about 15 minutes. There was no MP guard or anyone else present in the tent, though there may have been a witness. [Affiant indicated a man dressed in yellow in the 'Juvenile detention cell']. At no time during this interview did the Egyptian Interpreter or the Unidentified American Interviewer push me or strike me with anything other than the water bottle. As a result of crawling on my knees in the tent, my knees are bloody and I still have open sores, which are exposed to flies. I have not been given the opportunity to see a doctor for my injuries. The injuries I sustained in the first-mentioned interview did not produce any bruises or break the skin and the pain went away after 2 days. The injuries I sustained in the second interview are confined to my knees. My right knee has 3 open wounds ranging in size from 1 inch to 1.5 inches across. My left knee has 2 open wounds approximately 1 inch across. These wounds make daily prayer difficult. In the other 3 interviews I have had, I have not been abused in any way. The guards and interviewers have been otherwise good to me. I have nothing further to add to this statement.

/////////////////////////////////NOTHING FOLLOWS/////////////////////////////////

b64/7c4 [REDACTED]

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

EXHIBIT H

6630

SWORN STATEMENT

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

| | | | |
|---|--|----------------------------|-------------|
| LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | DATE 01 October 2003 | TIME 1750 hours | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65/7c5 | SOCIAL SECURITY NUMBER [REDACTED] b65/7c5 | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence Battalion, Fort Hood, Texas 76544 | | | |

I, [REDACTED] b65-7c5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 23 September 2003, I interrogated [REDACTED] b64/7c4, Division Central Collection Point (DCCP) Detainee [REDACTED] b64/7c4 [hereinafter referred to as [REDACTED]]. I interrogated [REDACTED] at the DCCP at Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID) Tikrit, Iraq. This interrogation was my second interrogation with [REDACTED], which I believe was [REDACTED]'s third interrogation. In the previous interrogations, [REDACTED] did not "break", meaning he did not resign [REDACTED] account or events, and tell the truth about his involvement in attacking American soldiers. My interrogation training has taught me how to identify when a Source, the person being interrogated, is lying to me. I could tell with about an 80% probability [REDACTED] was lying to me, so I intended to press [REDACTED] until [REDACTED] "broke". [REDACTED] buddy, Detainee [REDACTED] [hereinafter referred to as [REDACTED]], "ratted him out", meaning [REDACTED] told his interrogators [REDACTED] was lying and had secretly bragged about killing American soldiers. [REDACTED] is suspected of constructing improvised explosive devices (IEDs), though I believe [REDACTED] is innocent. My intent during this interrogation was to "put pressure on [REDACTED] to learn who [REDACTED] superiors are. Interrogation training teaches application of force is an unreliable means of extracting a confession from a detainee because if enough force is used, the detainee will admit to anything. I intended to use a "Fear-Up (Harsh)" approach with [REDACTED] a technique I normally do not use. In the "Fear-Up (Harsh)" technique, the interrogator is permitted to use verbal language-such as offensive language-and body language-such as slamming a fist on a table-to obtain a confession. The interrogator cannot use physical violence, though forcible handling or "manhandling" is authorized. We are trained to "walk the line" of legality and to recognize there are plenty of techniques not taught in the classroom still within limits of the Geneva Convention statutes. I saw an e-mail in mid- to late August 2003 from [V] Corps discussing interrogation operations. The e-mail explained American soldiers were being killed and "we need to start saving lives". I believe the e-mail used the phrase, "the gloves need to come off." The e-mail was from or referenced a [REDACTED] named [REDACTED] b62 b6-2 b65

and was not an official policy or order. When the e-mail had first come out, I asked my supervisor what this meant. My supervisor is [REDACTED] Interrogation Control Element (ICE) [REDACTED] DCCP, FOB Ironhorse, 4ID. [REDACTED] said this meant we were not allowed to injure detainees such that they had bruises or scars. [REDACTED] implied rough handling and stressful positions. [REDACTED] said they may do something like "punch [the detainee] through a phonebook". The phonebook would be used to spread the impact over a larger area and not hurt the detainee as much. I understood [REDACTED] meant hitting the detainee in the chest or stomach, but not the face. [REDACTED] asked me if I was "up to it" and if I could "handle it". I said I could, though I did not think some of the interpreters could. [REDACTED] suggested coming up with ideas for what "the gloves need to come off" might mean. The list was not intended to become policy, but was a means of brainstorming other means of extracting information from detainees. The list included hitting detainees, but being careful not to leave bruises or scars. I work with several Military Police (MP) soldiers at the DCCP, including [REDACTED] b6-2 b65

[REDACTED], DCCP, 4th MP Brigade, 4ID. I approached [REDACTED] and said I wanted an MP present for security, since some detainees have been making knives recently. I said to [REDACTED] "I have an idea. We have to start saving lives." I explained about the e-mail I had seen and said the people working at [V] Corps were looking into "other means of saving lives". I said, "[The detainees] are criminals and they have the same rights as us." [REDACTED] agreed. I said I intended to beat [REDACTED] feet during the interrogation. [REDACTED] said [REDACTED] would go with me and would take responsibility for [REDACTED] actions if I would take responsibility for mine. We agreed we would keep the interrogation "discreet" and I would tell only my supervisors, [REDACTED] in 104th MI Bn 4ID. I decided I would tell [REDACTED] only after the fact and only to keep them informed of what had happened. [REDACTED] said [REDACTED] would have to obtain permission from the DCCP OIC, [REDACTED] b65/7c5

When [REDACTED] and I approached [REDACTED] about the interrogation, we explained about the e-mail and that we wanted to be "forceful" with [REDACTED]. [REDACTED] gave [REDACTED] approval, though I do not believe [REDACTED] the conversation with the idea we intended to hit [REDACTED]. The interrogation occurred in the evening hours of 23 September at about 1700 or 1800 hours. For my interpreter, I chose [REDACTED], an American soldier of [REDACTED] descent who had spoken [REDACTED] b65/7c5

[REDACTED] because I felt he was "suitable" for the "Fear-Up (Harsh)" approach. [REDACTED] and I entered the interrogation room, which was [REDACTED] cell. I chose this room because it had solid walls which would make many "stress positions" easier. A "stress position" is a body position designed to cause discomfort and fatigue. [REDACTED] was wearing a dishdasha [an Arab garment much like a nightshirt], sandals, handcuffs, and ankle shackles. I asked [REDACTED] for "control stick", a wooden MP baton approximately 2 to 3 feet long, about 1 inch in diameter, and beige or yellow in color. [REDACTED] gave me [REDACTED] control stick without word and without question. b64/7c4

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65/7c5 | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

b64/7c4
b65/7c5
b62
b64/7c4
b65/7c5
b64/7c4
b64/7c4

b64/7c4
b64/7c4
b62
b6-2
b65
b6-2
b65/7c5
b65/7c5

EXHIBIT G b65/7c5

6631

SWORN STATEMENT

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

LOCATION: DCCP, FOB Ironhorse, Tikrit, Iraq; DATE: 01 October 2003; TIME: 1600 hours; FILE NUMBER: [redacted]

LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] 665/705; SOCIAL SECURITY NUMBER: [redacted]; GRADE/STATUS: [redacted]

ORGANIZATION OR ADDRESS: D Company, 104th Military Intelligence Battalion, Fort Hood, Texas 76544

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

At approximately 1500 hours on 23 or 24 September 2003, [redacted] Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID), asked me to interpret for [redacted] on an interrogation of Detainee [redacted] hereinafter referred to as [redacted]. [redacted] was "full of shit" and that [redacted] buddy intended to "turn it up a notch" with [redacted]. [redacted] had "ratted him out", meaning the buddy had told interrogators [redacted] was bragging he had killed Americans. [redacted] told me [redacted] wanted to use the "Fear-Up (Harsh)" interrogation technique. I do not remember if [redacted] had said whether he would hit [redacted] or not, though [redacted] might have mentioned hitting [redacted] feet. [redacted] talked to [redacted], a Military Police (MP) soldier assigned to the Division Central Collection Point (DCCP), and [redacted] had requested to sit in on the interrogation, as [redacted] had never witnessed an interrogation before. [redacted] and I went to [redacted], the DCCP [redacted] to ask permission. I am not sure what was discussed during the conversation, as my attention was distracted, though I believe they were getting permission to use the cell of Detainee [redacted] hereinafter referred to as [redacted] as the location for the interrogation, instead of the interrogation tents, or "booths", outside the DCCP holding area. [redacted] and I went into [redacted] cell, the second cell on the right as you enter the 'high security' compound of the DCCP. During the interrogation, [redacted] was in control and had [redacted]'s MP baton, or "control stick", in [redacted] hands. I do not know when he obtained the baton, but [redacted] did not object or say anything. [Affiant obtained a baton to demonstrate what kind of baton was used. The baton was approximately 3 feet long, 1 inch in diameter, and yellow or beige in color.] [redacted] was wearing a dishdasha [an Arab garment much like a nightshirt], sandals, handcuffs, and ankle shackles. [redacted] instructed [redacted] to lie on the ground on his back and put his legs up on 2 chairs set up facing each other. [redacted] feet hung over the edge of the chair. During the interrogation, [redacted] asked [redacted] where [redacted] had gotten the RPGs [rocket-propelled grenades], where [redacted] had gotten the weapons [redacted] used to kill Americans, and who the leaders of his group were. I translated for [redacted] and mimicked [redacted] angry demeanor. [redacted] told [redacted] his buddy had "ratted him out" and if [redacted] wanted to see [redacted] family again, [redacted] would tell [redacted] what [redacted] wanted to know. [redacted] maintained [redacted] was innocent and was taken from his house. [redacted] hit [redacted] feet on the soles of [redacted] sandals. [redacted] swung the baton with one hand, hit [redacted] feet "not too hard", and hit [redacted] feet about 30 times. Each time [redacted] hit [redacted] [redacted] groaned in pain. During this time [redacted] was "sitting in the corner" [Affiant demonstrated a squatting position]. I suggested [redacted] take off [redacted] handcuffs and try a "stress position" against the wall. A "stress position" is a body position designed to cause discomfort and fatigue. This was the first time I had suggested any technique during an interrogation. I asked [redacted] to take off [redacted] handcuffs. Occasionally, an interrogator will take off a detainee's handcuffs and/or ankle shackles. After [redacted] took off [redacted] handcuffs, I told [redacted] to stand with his forehead against the wall, his feet together a few feet from the wall, arms spread out to the sides and parallel to the floor, and his body positioned at about a 50-degree angle from the floor. [redacted] continued to question [redacted] about [redacted] involvement [redacted] attacking Americans. When [redacted] not receive the response he wanted, he hit [redacted] on the buttocks with the baton. [redacted] hit [redacted] a total of about 4 times, during which [redacted] groaned in pain. I was surprised [redacted] hit [redacted], but I did not want to get in someone else's business, so I said nothing. I do not know [redacted] reaction, as he sat off to the side of the room. I do not think any of the other detainees heard anything except [redacted] and me yelling at [redacted]. On 28 or 29 September 2003, I interpreted for another interrogation of [redacted]. The interrogator was [redacted], ICE, 104th MI Bn, 4ID. [redacted] and I took [redacted] into Booth 2. I suggested [redacted] tell [redacted] to crawl around the tent on [redacted] knees with [redacted] hands behind his head. I remembered another interrogator would instruct detainees to do this. I remember he was named [redacted]; he is no longer assigned to the 4ID ICE and I do not remember [redacted] full name. [redacted] agreed. I do not know how long [redacted] went around the tent, though I believe he went around the table about 6 to 10 times. [redacted] asked [redacted] questions about [redacted] involvement in attacking Americans, which I interpreted. Since [redacted] is not a very loud person, I translated much louder than [redacted] had spoken. [redacted] and I realized some of the juvenile detainees might see the interrogation, so we moved from Booth 2 to Booth 3 to move out of sight. Once inside Booth 3, [redacted] told [redacted] to kneel and continue to crawl around the tent. I do not remember how many times [redacted] crawled around the tent this time. I continued to yell at [redacted], translating for [redacted]. Sometimes [redacted] would try to rest his buttocks against [redacted] ankles, saying [redacted] "couldn't do this anymore" and was "tired". On one of these occasions, I prodded [redacted] with my water bottle on his backside and told him, "get moving". At no time did I strike [redacted]

EXHIBIT: [redacted] 664; INITIALS OF PERSON MAKING STATEMENT: [redacted]; PAGE 1 OF 2 PAGES

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

Handwritten annotations on the left margin: 664/704, 665/705, 664/704, 665/705, 664/704, 665/705, 664/704, 665, 664, 665, 665, 664, 665, 664, 665, 664.

Handwritten annotations on the right margin: 664, 704, 665, 705, 664/705, 665, 705, 665, 664, 665, 664, 665, 664, 665, 664, 665, 664/704.

EXHIBIT J

665/705

6632

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | DATE 02 October 2003 | TIME 1930 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65/7c5 | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |

ORGANIZATION OR ADDRESS
4th Military Police Company, 4th Mechanized Infantry Division, Fort Hood, TX 76544

I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: b65

At approximately 1300 on an afternoon early last week [21 to 24 September 2003], [REDACTED] b65 approached me. [REDACTED] b65, 4th Military Police (MP) Company, 4th Mechanized Infantry Division (4ID), of which I am the Platoon Leader. Two other individuals accompanied [REDACTED] b65. I recognized them, as I have seen them working at the Division Central Collection Point (DCCP) where I work. I identify one as a young-looking, 5-foot 9-inch or 5-foot 10-inch Middle Eastern-looking male who responds to the name [REDACTED] b65. [REDACTED] b65 speaks fluent Arabic, smokes cigarettes, and often wears gold wire glasses, which I believe may be lightly tinted. I identify the other as a tall [REDACTED] b65 male with dark hair. [REDACTED] b65 told me the [REDACTED] b65 hereinafter referred to as [REDACTED] b64. [REDACTED] b64 wanted to interrogate one of the detainees [hereinafter referred to as Detainee] that day. I do not know the detainees by anything other than their assigned detainee tracking numbers and I do not recall the number of the detainee Interrogator wanted to see. Interrogator said he had authorization from his commander to be more forceful in an interrogation though still staying within regulations. I had the impression Interrogator intended to use "intimidation tactics" more than actual application of force. I told Interrogator I would need to see the commander's authorization in writing. Interrogator assured me he would show me the authorization in writing. Since Interrogator wanted to conduct the interrogation that same day, I did not see the authorization memorandum before the interrogation occurred. Interrogator asked my permission to use one of the detainee rooms for the interrogation instead of the interrogation tents, or "booths". I gave permission for [REDACTED] b65 Interrogator, [REDACTED] b65, and [REDACTED] b65 to use the room for the interrogation. Once the conversation was completed, [REDACTED] b65 stayed back and confided to me he had "a bad feeling" about the interrogation. Since this was the first time an interrogator had asked permission to use a room for an interrogation instead of a booth, [REDACTED] b65 was immediately suspicious. I instructed [REDACTED] b65 to stay in the room during the entire interrogation to ensure nothing happened to Detainee and to give me a briefing about the interrogation after the interrogation was completed. I trust [REDACTED] b65 100% and I regard him my "honest broker". I understand [REDACTED] b65 had to leave the room on a few occasions during the course of the interrogation, but was in the room most of the time. Some time later that evening, I walked down to the DCCP high-priority detainee holding area, an area I call, "Cell Block A". I heard a great deal of yelling coming from one of the detainee rooms. I called one of the MPs, [REDACTED] b64, to come to me and explain what was happening. [REDACTED] b65 explained one of the detainees was being interrogated in the room [REDACTED] b65 said [REDACTED] b65 was in the room where the interrogation was taking place. I do not know how long the interrogation lasted, though I believe it was about 30 minutes. [REDACTED] b65 came to me later that evening and said there was a lot of yelling, Detainee was in some uncomfortable positions, but nothing else happened. [REDACTED] b65 demonstrated a few of the "uncomfortable positions". The first position [REDACTED] b65 described had Detainee's forehead against the wall with his feet several feet from the wall, such that Detainee's body was at an angle of approximately 60-degrees from the floor. [REDACTED] b65 explained Detainee's arms were raised out to the sides, parallel to the floor. In the second position [REDACTED] b65 described, Detainee was laying on his back on the floor with his legs across the seats of 2 chairs. I do not know why this position was chosen, though I have reasoned it is a position of degradation, as it is a position in which a woman might be. I cannot remember the third position [REDACTED] b65 described, though I believe Detainee was sitting on the floor and either Interrogator or [REDACTED] b65 was pushing Detainee's head between his legs. [REDACTED] b65 told me he did not see anything that overstepped any legal boundaries. On 30 September 2003, [REDACTED] b65 4th MP Company, 4ID, visited the DCCP and told me an investigation had begun in which [REDACTED] b65 and I were implicated. I inquired about the nature of the investigation. [REDACTED] b65 answered he understood the investigation involved mistreatment of a detainee. I was surprised to hear this, as I have not known about or heard about any mistreatment of a detainee. I asked [REDACTED] b65 what the investigation was about. [REDACTED] b65 said, "You know what I know", meaning he had already told me all the details of the interrogation. Though I have been a commissioned officer for 3 years, I have been a Military Police officer for only 1 month, having changed my branch assignment only recently. I have worked at the DCCP for 1 month. My knowledge of military policing and detainee operations has come from reading Field Manual [REDACTED] b65 and 10 days of crossover training with the outgoing Platoon Leader, though primarily from on-the-job training I have received at the DCCP. My understanding of the Geneva Convention statutes is clear, as we have a copy of the Geneva Convention statutes at the DCCP. I believe the Geneva Convention statutes are quite clear because they are based in common sense rules of humanity. My unit also has Rules of Engagement, to which we are directed to adhere. My soldiers are given Geneva Convention refresher training at least once per week, even if it is just a quick checklist for about 5 minutes before going on guard shift. My unit has other regulations on file, which govern treatment of prisoners. My unit also has an order signed by the 4ID Commanding General Major General Ray Odierno and the 4ID

| | | |
|----------------|---|----------------------|
| EXHIBIT b7e | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

b65
b64
b64
b64
b65
b65
b65
b65
b65

b65
b65
b64
b65
b64
b65
b62
b65

← R



665-599



EXHIBIT 0

6635

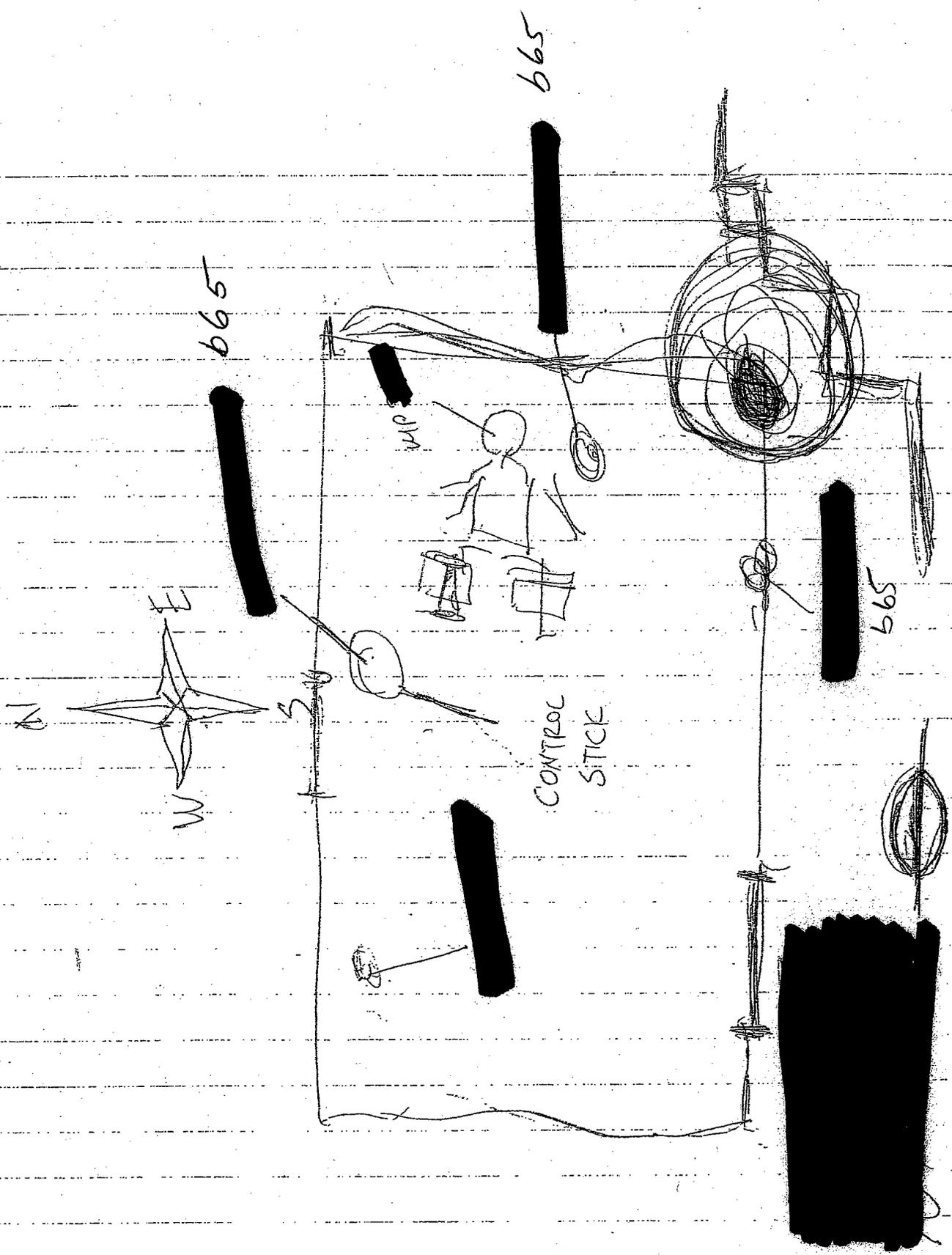


EXHIBIT P

6630
b65

SWORN STATEMENT

For use of this form, see AR 160-48; the procuring agency is DDCSD/3

| | | | |
|---|--|--------------|----------------|
| LOCATION BLDG 410, MAIN PALACE, TIKRIT, IZ | DATE | TIME | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64 | SOCIAL SECURITY NUMBER [REDACTED] b64 | GRADE/STATUS | [REDACTED] b64 |
| ORGANIZATION OR ADDRESS ACE, 104TH MILITARY INTELLIGENCE BATTALION, TIKRIT, IZ | | | b64 |

I, [REDACTED] b64, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1930 hours, 23 September 2003, at the FOB Ironhorse Dining Facility, [REDACTED] 104th Military Intelligence (MI) Battalion (BN), and I, [REDACTED] 104th MI BN, sat down with [REDACTED] HHOC, 104th MI BN, to dinner. Upon settling in, I asked [REDACTED] how [REDACTED] interrogation of MP [REDACTED] had gone earlier in the day. [REDACTED] said that the interrogation had gone all right, but that the detainee had not "broke" and had kept with his story. [REDACTED] then made the statement that [REDACTED] had beat the detainee with an MP control stick (a stick that is approximately three-to-four feet in length and a little over one-inch in diameter). [REDACTED] and I looked at each other as if we were both a little more than surprised, but did not say anything and let [REDACTED] continue talking. [REDACTED] repeatedly struck the detainee on the bottom of the feet, but had been sure to leave flip-flops on the detainee. He then stated that the detainee held to [REDACTED] story throughout this "harsh fear-ty" approach, but [REDACTED] wanted to "break" [REDACTED] said that [REDACTED] then had the detainee brace [REDACTED] while leaning slightly back over facing the wall, and then continuing the interrogation, struck the detainee multiple times on the buttocks. [REDACTED] seemed disappointed that he could not get the detainee to "break" from his story even though [REDACTED] had employed these tactics. [REDACTED] stated that there were two other people in the room during the interrogation: [REDACTED] the linguist attached to D Company, 104th MI BN, and a MP (not further identified). Shortly after this conversation, [REDACTED] left the dining facility (he either went back to the LSA or to DMAIN, but [REDACTED] was not returning to the Division Central Collection Point (DCCP)). At approximately 0900 hours, 24 September 2003, [REDACTED] Interrogation Control Element NCOIC, at the DCCP, and instructed him to suspend [REDACTED] access to detainees and limit him to administrative duties only. I then asked [REDACTED] to come up to DMAIN to see me at his earliest "inconvenience." At approximately 1030 hours, 24 September 2003, [REDACTED] came to see me and I made him aware of [REDACTED] statements during our conversation the previous evening. I then asked [REDACTED] if he considered [REDACTED] behavior acceptable and if it was now standard practice to hit detainees. [REDACTED] assured me that [REDACTED] behavior was out of line and that every 97E (interrogator) was provided more than enough instruction at the schoolhouse on the Geneva Conventions and appropriate conduct when screening or interrogating detainees. I instructed [REDACTED] to counsel [REDACTED] in writing concerning this incident, ensure he implemented some type of corrective training corresponding to the incident, and to ensure [REDACTED] did not have access to detainees. Since that time, I have reviewed the counseling statement prepared by [REDACTED] and the counseling should be completed no later than today, 26 September 2003. [REDACTED] will be limited to conducting administrative activities while at the DCCP. [REDACTED] will not be authorized to go any further than the second concertina wire (this wire separates the administrative area from the internal cage operations area). [REDACTED] will provide [REDACTED] 10-hours of one-on-one training on the Geneva Conventions and standards of conduct expected of him in the performance of his duties. As a result of the corrective training, [REDACTED] will re-access [REDACTED] for limited/supervised duties within the operational part of the DCCP. I informed [REDACTED] 104th MI BN of these actions at approximately 1400 hours, 25 September 2003.

////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

b64
b64
b65
b65
b65

b65
b64
b64
b65
b64
b65
b65
b64
b6
b65
b65

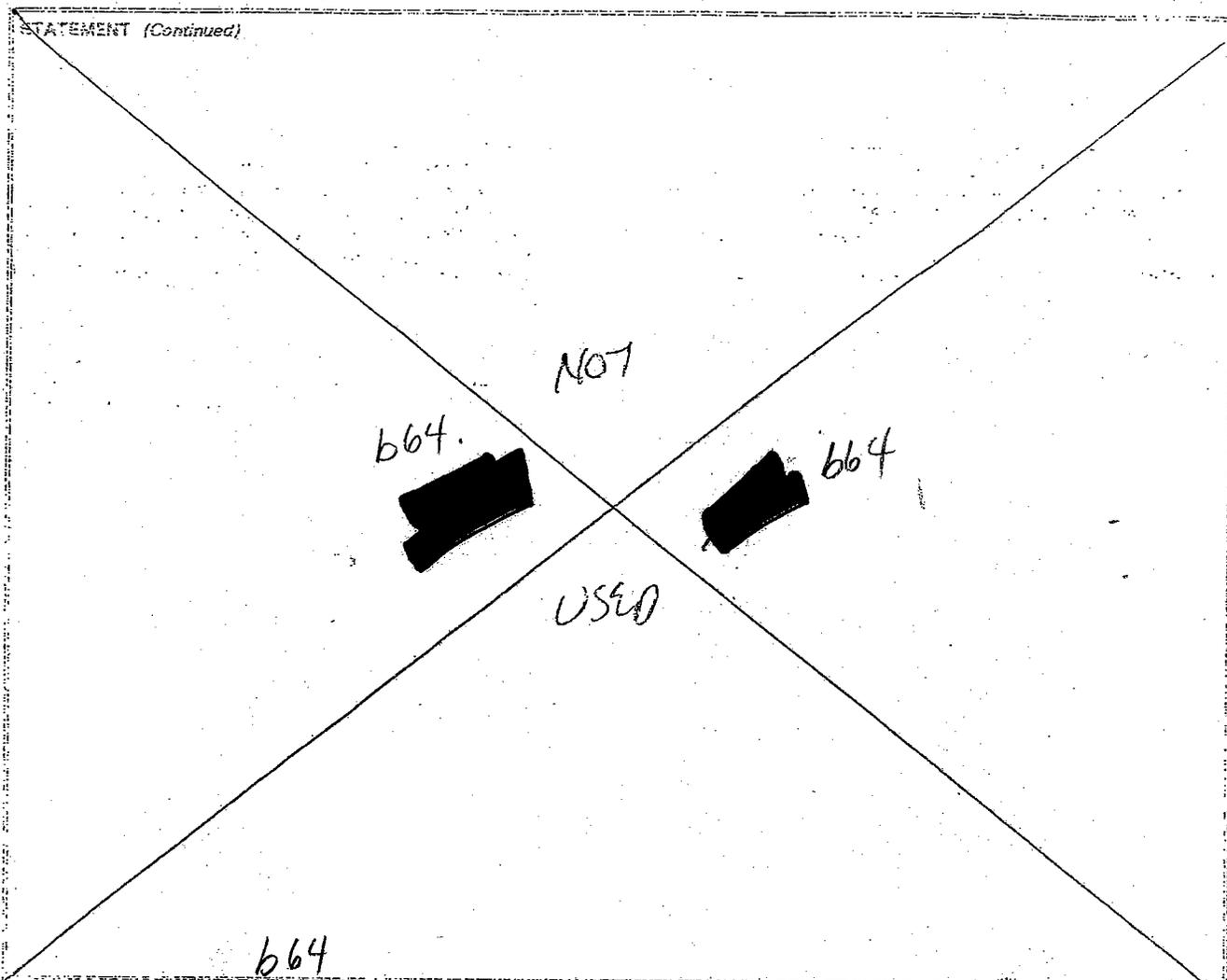
b65 b6-2 b65 b65 b65 b65

| | | |
|---------|---|-------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64 | PAGE 1 OF 2 |
|---------|---|-------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

EXHIBIT Q

6637



b64. [redacted] NOT [redacted] b64
USED

b64

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted]. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Acheson) To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT

[redacted] PAGE 2 OF 2

b64 b64

DEVELOPMENTAL COUNSELING FORM

For use of this form see FM 22-100.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations: 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

| | | | |
|---------------------------------------|------------------------|---|---------------------------------------|
| Name (Last, First, MI) [REDACTED] | Rank / Grade SPC/E4 | Social Security No. [REDACTED] b65 | Date of Counseling 26 September 03 |
| Organization ICE, TFIH, Tikrit, IZ | b65 7. | Name and Title of Counselor [REDACTED] b65 | |

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leaders facts and observations prior to the counseling):
Corrective Counseling

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

Key Points of Discussion:

b65
[REDACTED] on 23 September 2003, without provocation, you struck a detainee with a control stick on the soles of his shoes and the buttocks during interrogation. Even though this particular prisoner is a known killer of U.S. soldiers, your actions were uncalled for and could be construed as a violation of the Geneva Conventions, to which you are under orders to adhere. These actions will not be tolerated. Your actions may result in disciplinary actions, which could include criminal proceedings at a trial by court-martial.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below):

[REDACTED] per our conversation concerning this issue on 24 September 2003, you are prohibited from contact of any kind with detainees. This restriction will remain in place until you have completed a ten-hour course, administered by me, on the Geneva Conventions and what are and are not considered acceptable interrogation techniques for a Human Intelligence Collector in the TFIH ICE. Once this training is complete, I will reassess your suitability to work in the interrogation facility.

b65

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate):

Individual counseled: I agree / disagree with the information above

Individual counseled remarks:

[REDACTED]

b65

Signature of Individual Counseled:

Date: 26 SEP 03

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action):

I will be available to you at all times to answer any questions regarding acceptable interrogation techniques and for further clarification of the articles of the Geneva Conventions.

Signature of Counselor:

[REDACTED]

b65

Date: 26 SEP 03

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

SWORN STATEMENT

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

| | | | |
|--|--|--------------------|--------------------------------|
| LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | DATE 15 October 2003 | TIME 1645 hours | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65 | SOCIAL SECURITY NUMBER [REDACTED] b65 | | GRADE/STATUS [REDACTED] b65 |

ORGANIZATION OR ADDRESS
ACE Company, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544

I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. What do you recall of a conversation between you and [REDACTED] [Interrogator, Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID), not further identified (NFI)] regarding an e-mail from [REDACTED] b65, Combined Joint Task Force 7 (CJTF-7), Joint Human Intelligence Cell (J2X), NFI] addressing the need to find alternative interrogation techniques that would prove more effective than current methods? b65

A. [REDACTED] b65 and I talk all the time about a wide variety of topics and we probably did discuss the e-mail. I probably did talk to [REDACTED] b62 about "alternative interrogation techniques" and suggest the ideas I mentioned in the "Alternative Interrogation Techniques" document I submitted to [REDACTED] b65 in August. I cannot recall any details about the conversation, however. [REDACTED] b65 of Tactical Human Intelligence Operations, 104th MI Bn, 4ID, NFI] and I understood the e-mail the same way. b65

Q. What instruction do interpreters receive before interpreting for an interrogation? Have you established what techniques are allowable for interrogators to question detainees? What instruction are Military Police (MP) soldiers given regarding interrogations? b65

A. Interpreters are instructed only to "mirror" the actions and tone of the interrogator. There is no need for further instruction, as they understand they are only responsible for language translation. All interrogators know the Geneva Convention is the baseline standard for treatment during interrogations. I have no knowledge of what instruction MPs are given regarding interrogations. I assume the only instruction MPs are given is that they should stand guard in case something unexpected occurs. b65

Q. You were present during Detainee [REDACTED] b64 interrogation on 23 September 2003, following the interrogation of Detainee [REDACTED] b65. What details do you remember about that interrogation? Who was present? What was the tone of the interrogation? b65

A. I joined the interrogation already in progress. I believe the interrogation was about an hour in duration and I was present for approximately 45 minutes. When I arrived at the interrogation room, [REDACTED] b65 was conducting the interrogation. The interpreter was [REDACTED] b65 was also present. [REDACTED] b65 held a riot baton in his hands. At some point during the interrogation, [REDACTED] b65 left, returned, and then left again. [REDACTED] b65 did not return after leaving the second time. I do not remember any other significant details about this interrogation. b65

NOTHING FOLLOWS

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

6641

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------------|--------------------------------|
| LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | DATE 15 October 2003 | TIME 1530 hours | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 665 | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS 665 [REDACTED] |
| ORGANIZATION OR ADDRESS HHOC, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544 | | | |

[REDACTED] 665, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. How did you come to change duties from Operations [104th Military Intelligence Battalion (MI Bn)] to come to the Interrogation Control Element (ICE)? 665

A. [REDACTED] 665, 104 MI Bn, 4th Mechanized Infantry Division (4ID), not further identified (NFI) was short of 97Es [97E - Human Intelligence (HUMINT) Collection Specialist] at the ICE and requested another 97E to serve as an interrogator. Since I was 97E-qualified and working outside my skill training, [REDACTED] 665 Tactical HUMINT Operations (THOPS) [REDACTED] 665 104 MI Bn, NFI, requested I move to the ICE. I moved to the ICE in the end of July 2003 after having sporadic skill training at the ICE since mid-June. 664

Q. How much training did you receive prior to beginning your duties as an interrogator? 665 664

A. I have served on active duty since 15 January 2002 and received 97E Military Occupational Specialty (MOS) training through Advanced Individual Training (AIT) and the "apprenticeship" I had since mid-June 2003. During that time, I sat in on 5 or 6 interrogations done by another interrogator. When I started interrogating, I felt comfortable doing so on my own.

Q. How did you learn about the e-mail sent from [REDACTED] 665, Combined Joint Task Force 7 (CJTF-7), Joint Human Intelligence Cell (J2X), NFI, addressing the need to find alternative interrogation techniques, which would prove more effective than current methods? 665 665 665

A. I heard about the e-mail shortly after it was sent. [REDACTED] 665 discussed the e-mail with me while walking away from Task Force Ironhorse (TF IH) Division Main Headquarters (DMAIN) building to the TF IH dining facility. I asked [REDACTED] 665 what the e-mail meant, which [REDACTED] 665 explained meant CJTF-7 J2X wanted to know other interrogation techniques not endorsed by 97E school, to include techniques such as "punching a detainee through a telephone book" and "open-handed slaps", neither of which would bruise, scar, or cause the detainee any permanent harm. I recall [REDACTED] 665 saying these techniques "would be bad if they got out to the press". [REDACTED] 665 and I agreed not every interrogator would be able to handle using physical force against a detainee, nor could any interpreter handle witnessing it. [REDACTED] 665 asked me if I would be able to handle it; I said I was. 665

[REDACTED] 665 did not mention the e-mail to other members of the ICE, but did ask for input regarding other ideas for interrogation techniques. [REDACTED] 665 saved the ideas in a file on the ICE administrative computer's desktop screen as "Alternative Interrogation Techniques", so it was not easy to miss seeing the file. I remember opening and reading the file, though I do not know who else may have seen it. 665 665 665

Q. What did you tell [REDACTED] 665, 4th Platoon, 4th Military Police (MP) Company, Division Central Collection Point (DCCP), 4ID, NFI, when you originally approached him with your plan to interrogate Detainee [REDACTED] 665 on 23 September 2003? 665 665 665 664

A. I told [REDACTED] 665 about [REDACTED] 665 e-mail and my discussion with [REDACTED] 665. I told [REDACTED] 665 the detainees at the DCCP were being treated too well as murderers of American soldiers, that I assessed [REDACTED] 665 held time-sensitive intelligence, and that I intended to "break" [REDACTED] 665 in the next interrogation using a "Fear Up (Harsh)" approach. [REDACTED] 665 told me he agreed with me that detainees were being treated too well. I told [REDACTED] 665 I intended to hit [REDACTED] 665's feet, such that it would scare [REDACTED] 665 but not seriously injure him. [REDACTED] 665 agreed and said he would take responsibility for his actions if I took responsibility for mine. [REDACTED] 665 went to obtain permission from his OIC, [REDACTED] 665. Because of potential repercussions, I intended only to tell [REDACTED] 665 and [REDACTED] 665 of the events of the interrogation. 665 664

Q. How much did [REDACTED] 665, interpreter, ICE, 104 MI Bn, know about the interrogation before it occurred? 665 664 665

A. I told [REDACTED] 665 I would hit [REDACTED] 665's feet. [REDACTED] 665 did not question me and I did not give him any instructions before the interrogation occurred. Interpreters are told to "mirror" the tone, language, and gestures used by the interrogator only.

Q. At what time did the interrogation occur on 23 September 2003? Did the interrogation take place during meal hours? 665

A. I believe it occurred at some time between 1700 and 1800 hours, which was probably during meal hours.

Q. How much involvement did [REDACTED] 665 have in the interrogation? 665 664

A. [REDACTED] 665 translated what I said and mimicked my gestures and tone during the interrogation. [REDACTED] 665 suggested I put [REDACTED] 665 in 2 of the "stress positions": the standing position and the position in which [REDACTED] 665's forehead was against the wall.

Q. Where did the MP riot baton come from? 665 664

A. I believe I remember picking it up when I went into the DCCP inner compound [high-security area]. No one said anything to me about the baton and I do not believe anyone saw me pick up the baton. I had the baton in my hands when I entered the [REDACTED] 665

| | | |
|----------------|---|-------------------|
| EXHIBIT 665 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] 665 | PAGE 1 OF 2 PAGES |
|----------------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] 665 TAKEN AT [REDACTED] 665 DATED [REDACTED] 665 CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] 665 OF [REDACTED] 665 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.

6642

SWORN STATEMENT

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

| | | | |
|--|--|--------------------------------|-------------|
| LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq | DATE 16 October 2003 | TIME 1830 hours | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65 | SOCIAL SECURITY NUMBER [REDACTED] b65 | GRADE/STATUS [REDACTED] b65 | |
| ORGANIZATION OR ADDRESS 4th Military Police Company, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544 | | | |

I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. What duties did you have as [REDACTED] b65 at the Division Central Collection Point (DCCP)? What duties were you required to perform at the time of day during which the interrogation took place on 23 September 2003? How many soldiers were you in charge of? [REDACTED] b65

A. When I was [REDACTED] b65 I was charged with detainee accountability, ensuring detainees are fed and have enough water, and checking on other Military Police (MP) soldiers on guard. I was in charge of 9 soldiers besides myself. [REDACTED] b65

Q. What did [REDACTED] b65 [interrogator, Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID)] say to you when he approached you on the afternoon of 23 September 2003 when he requested your assistance in conducting an interrogation of Detainee [REDACTED] b65

What did you offer [REDACTED] b65 in the way of consent or assistance in the interrogation? Did you question [REDACTED] b65 motives or question the legality of the proposed actions? What was agreed about discretion surrounding the events of the interrogation? [REDACTED] b65

A. [REDACTED] b65 told me he had an order from higher headquarters and wanted to try some new interrogation techniques. [REDACTED] b65 wanted to use one of the rooms in the DCCP for his interrogation, so I told him I would ask my [REDACTED] b65

[REDACTED] b65, 4th MP Company, 4ID]. I offered no consent or assistance in the interrogation. I did not question [REDACTED] b65 motives or question the legality of his proposed actions, as I had no reason to suspect he would do anything illegal or immoral and I do not know what responsibilities interrogators have. We did not agree about discretion, as was the purpose of talking to [REDACTED] b65

Q. When you spoke with [REDACTED] b65 did she instruct you to stay in the room during the interrogation? Did you tell [REDACTED] b65 you had a "bad feeling" about the interrogation? If so, why? [REDACTED] b65

A. I do not recall [REDACTED] b65 instructing me to stay in the room during the interrogation. I did not tell [REDACTED] b65 I had a "bad feeling" about the interrogation. [REDACTED] b65

Q. At what time did the interrogation occur and how long did it last? Was the interrogation during meal hours? Did you serve meals to detainees? [REDACTED] b65

A. The interrogation began at around 1530 or 1600 hours and lasted for approximately 90 minutes. Since meal hours fluctuate for the detainees, it is difficult to say when meals were served on 23 September 2003. I did leave the interrogation room to serve meals on multiple occasions. [REDACTED] b65

Q. Where did the riot baton come from? Could anyone else have seen where the baton came from? [REDACTED] b65

A. I do not know when [REDACTED] b65 acquired the baton. I did not notice the baton in his hands until the second or third time I went into the interrogation room. I do not know anyone else who might have seen [REDACTED] b65 acquire the baton? [REDACTED] b65

Q. Did you leave the room during the course of the interrogation? How many times did you leave? How much of the time were you present for the interrogation? Did any other guards witness you entering or leaving the room during the interrogation? If so, whom? Were other guards busy that they were unable to feed other detainees? [REDACTED] b65

A. I left the room at least six times during the course of the interrogation. I was present for about 50% of the interrogation. I do not know if other guards witnessed me entering or leaving the interrogation room. I do not remember if other guards were too busy to feed other detainees. [REDACTED] b65

Q. Did you witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his feet with a riot baton? Did you witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his buttocks with a riot baton? What physical contact did [REDACTED] b65 have with Detainee [REDACTED] b65

A. I did not witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his feet with a riot baton. I did not witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his buttocks with a riot baton. The only physical contact [REDACTED] b65 had with Detainee [REDACTED] b65 was when [REDACTED] b65 was poking [REDACTED] b65 with the riot baton. [REDACTED] b65

Q. Following the interrogation of Detainee [REDACTED] b65 on 23 September 2003 was an interrogation of Detainee [REDACTED] b65. Who was present for this interrogation? What was the tone of this interrogation? How long did this interrogation last? What other significant details do you remember about this interrogation? [REDACTED] b65

A. I was present for less than half of this interrogation, which I believe lasted for about an hour. [REDACTED] b65 conducted the interrogation. [REDACTED] b65 [interpreter, 104th MI Bn, 4ID] served as interpreter. At some point in the [REDACTED] b65 interrogation, [REDACTED] b65 [ICE, 104th MI Bn, 4ID] arrived and stayed through the duration of the interrogation. I do not recall any other significant details about the interrogation. [REDACTED] b65

//////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////// [REDACTED] b65

| | | |
|---------|---|--------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65 | PAGE 1 OF 21 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 SIDE OF ANOTHER COPY OF THIS FORM.

6643

4ID 104MI CDR

To: 4ID 104MI DCO [REDACTED] (E-mail); 4ID 104MI HHOC CDR (E-mail) *b6-2*
Cc: 4ID SJA SENIOR TC CPT [REDACTED] (E-mail) *b62*
Subject: 15-6 Investigation complete - UCMJ to follow

b62
CPT [REDACTED] has concluded his investigation of incidents which occurred at the DCCP where a internee was abused. Here is how I want to proceed:

SPC [REDACTED] - FG Art 15 by BC *b65/705*

SPC [REDACTED] - Summarized Art 15 *b65/705*

SSG [REDACTED] - TBD, but I will probably issue a locally filed Letter of Reprimand *b65/705*

OUTRIDER SIX

LTC [REDACTED] *b6-2*
CDR, 104 MI BN, 4ID

Tikrit, Iraq

DNVT (302) 534- [REDACTED] *b62*



DEPARTMENT OF THE ARMY
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
OFFICE OF THE STAFF JUDGE ADVOCATE
FORT HOOD, TX 76544-5000

REPLY TO
ATTENTION OF:

AFYB-JA-AL

05 September 2003

MEMORANDUM FOR COMMANDER, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544

SUBJECT: AR 15-6 Investigation – Legal Review

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into allegations of soldier misconduct contained in a sworn statement by [REDACTED], 2d Brigade, dated 18 August 2003. I make the following determinations: *b64/7c4*

- a. The proceedings comply with the legal requirements.
 - b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.
 - c. Sufficient evidence supports the findings.
 - d. The recommendations are consistent with the findings.
2. The investigation is legally sufficient.
3. The point of contact is the undersigned, (DNVT) 534-[REDACTED] *b6-2/7c2*

[REDACTED]
CPT, JA
Administrative Law Attorney

6645

SWORN STATEMENT

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

| | | | |
|---|------------------------|--------------|--------------|
| LOCATION | DATE 28 Aug 03 | TIME 1530 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS |
| ORGANIZATION OR ADDRESS BRT, 2 BCT 4ID | | | b64-7c4 |

I, [REDACTED] (b)(6)-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q What is your position?

A I'm the [REDACTED] (b)(2)-2

Q How long have you been in the platoon?

A [REDACTED] (b)(2)-2

Q Did you know [REDACTED] b64-7c4

A Yes

Q Have you or anyone else in the BRT placed a detainee between the hood and the brush guard of a HUMVEE and transport them to a holding area?

A No, we have transported them on the hood for no more than a 10K movement. We never mistreated any detainees.

Q How fast were you moving when you transported the detainees on the hood?

A No more than 30 Km/H.

Q Do you know of anyone who beat a detainee?

A No.

Q Do you know of any soldier who stole "Bricks" of money or other valuables from Iraqi citizens or Detainees?

A No.

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, during the May to June timeframe?

A Yes, on one patrol our Bravo section was patrolling down a dike and came into contact with a

| | | |
|--------------|---|-------------------|
| EXHIBIT 7 | INITIALS OF PERSON MAKING STATEMENT b64-7c4 [REDACTED] | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

b64-7c4

STATEMENT (Continued)

guy with an AK-47. 'A' section was patrolling north and upon the contact report headed South in support. Upon arrival to 'B' sections location we ('A' section) were informed that they had fired and wounded the guy w/ the AK-47. He was shot with a MK-19 round that had blown off his arm so said by the soldiers in B section. 'A' section searched the surrounding area to find no injured people nor any signs of impacts of the MK-19 rounds. 'A' section returned to the same sight the following day during daylight again to find no impacts of the 40mm grenades. Talking to locals we gathered no one in the area had been injured.

b64-7c4

AFFIDAVIT

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

[REDACTED] b64/7c4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

ORGANIZATION OR ADDRESS

b62/7c2

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

AR-15-C

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b64/7c4

SWORN STATEMENT

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

| | | | |
|------------------------------------|------------------------|--------------|--------------|
| LOCATION | DATE 27 AUG 03 | TIME 1920 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS |
| ORGANIZATION OR ADDRESS | b64/7c4 | | |

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

Q How long have you been in the platoon?

A Since JAN 2001

Q Did you know [redacted] b/64/7c4

A yes

Q Were you ever on a patrol along a canal in the vicinity of FOB Normandy during the MAY-JUN time frame? If so did you encounter an individual carry an AK-47 on his shoulder?

A No, I'm in A Section. When the incident happened I heard the Radio call from B Section. We responded but it took us about 15 minutes to get there. We looked at the ^{area} ~~house~~ where the MK-19 gunner said he fired the rounds. We couldn't find any damage. We went back to the ^{area} ~~house~~ the next day and still didn't see any damage. The people in the houses ~~even~~ offered us drinks. b64/7c4

Q Do you know of any occasion when members of the BRT placed detainees between the hood and the Brush guard of a HUMVEE to transport them to the holding area?

A No. But we have transported them on the hood and behind the gunner.

Q How fast and how far did you travel with the prisoners on the hood or behind the gunner?

A No more than 5 miles at a speed of 15-20 mph.

Q Do you know who made the decision to transport them this way?

A I don't know

Q Do you know of any instances where members of the BRT beat detainees?

A No, I'm not aware of any. b/64/7c4

| | | |
|--------------|---|-------------------|
| EXHIBIT 8 | INITIALS OF PERSON MAKING STATEMENT [redacted] | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

6648

Q Are you aware of any instances where any member of the BRT took items from civilians or detainees and kept them?

A No. Anything we found was turned in. On many occasions we were searched after raids.

Q Do you know of any instances where soldiers would follow a vehicle to a "nice" house, claim that the vehicles had run from them so that they could search the house for valuables?

A NO

Q Do you have anything else to add to this investigation?

A NO

b64/7c4

b64/7c4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b64/7c4

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 2003 at

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

b6-2/7c2

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b64/7c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 28 AUG 03 | TIME 0830 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS [REDACTED] b64/7c4 | | | |

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

Q What section are you in?

A A Section

Q What is your position?

A I'm the platoon leader's driver for 1st Platoon.

Q How long have you been in the platoon?

A over 2 years.

Q Do you know [REDACTED] (b)64/7c4

A Yes

Q Are you aware of the alleged incident involving B Section along a canal road in the vicinity of FOB Normandy where they engaged an individual carrying an AK-47?

A Yes, my vehicle was the first one on site from A section.

Q What happened after you arrived?

A B Section was beside the road waiting for us. When we got there we dismounted and conducted a search of the field where the individual fled. We didn't find the individual or the weapon. We also looked for MK-19 impact points but didn't find any. We also searched the outside area of the house.

Q Did you speak to any civilians that night?

A No, we didn't have an interpreter.

Q What happened the next morning?

A We went back to the area and conducted another search of the area. Again, we didn't find anything.

EXHIBIT

9

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b64/7c4

PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q Did you speak to any of the civilians the next morning?

A I didn't dismount that morning, we never had an interpreter with us so I doubt anyone spoke to the civilians.

Q Is there anything else that you can add to this incident?

A. I personally think this is a BS story, If B Section had opened up with a M16 there would have been nothing left of the MUD HUT that was there, we only found 1 AK round in the wall of the house, I never heard anyone making a statement about shooting at civilians.

Q Did any member of the BRT transport detainees by placing them between the hood and the brush guard of the vehicle?

A. No, we would place them on the hood or behind the gunner.

Q How far and how fast did you travel?

A, maybe 15 km at the most, our speed was about 15-20mph on the good parts of the road.

Q Are you aware of any incident where a member of the BRT beat a detainee?

A Not to my knowledge, we did have to wrestle an individual who was resisting apprehension.

Q Are you aware of any times that member of the BRT stole money from civilians or detainees?

A. I am not aware of any theft by members of the BRT, we did confiscate money but it was always turned in.

664/7c4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

664/7c4

[redacted signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

[redacted] (Witness Oath)

66-217c2 [redacted] (Witness Oath)

AR 15-6 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted] 664/7c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 28 Aug 03 | TIME 1400 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID | | | |

b64/7c4

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

Q. What section are you in?

A. A Section

Q How long have you been in the platoon?

A about 14 months

Q Did you know [REDACTED] b64/7c4

A Yes

Q Are you aware of an incident where B section engaged a individual carrying an AK-47 along a canal in the vicinity of FOB Normandy during the May-June time frame?

A I'm aware of it but I did not participate because my vehicle was broken down.

Q Have you ever seen a detainee being transported between the brush guard and the hood of a HUMVEE?

A No, not between the brush guard and the hood. We did transport them on the hood of the HUMVEE.

Q How far and how fast did you transport the detainees on the hood?

A I'm not sure the speed was about 25-30 mph. I'm not sure of the distance.

Q Have you ever seen members of the BRT beat a detainee?
A NO

b64/7c4

b64/7c4

| | | |
|---------------|---|-------------------|
| EXHIBIT ID | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

Q Are you aware of any time members of the BRT stole valuable items and "bricks" of money from IRAQ civilians or detainees?

A NO

Q Do you know of any incident where soldiers followed ~~he~~^{she} a vehicle to a "nice" home so that they could search it for valuables under the pretext that the vehicle had tried to evade them?

A NO

Q Do you have anything else to add to this investigation?

A NO

b64/7c4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b64/7c4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] b627c2 (Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b64/7c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 28 AUG 03 | TIME 1430 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS BRT, 28CT, 4ID, 664/7c4 | | | |

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

Q What is your position?

A Squad leader

Q How long have you been in this platoon?

A one year

Q Did you know [REDACTED] 664/7c4

A yes

Q Do you know anything about an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy during the May-June time frame?

A. I was on emergency leave at the time of the incident

Q Have you ever seen detainees being transported between the Brushguard and the hood of the vehicle?

A. No, but we did place them on the hood and transport them

Q How far and how fast did you travel with the detainees on the hood?

A No more than 5 Kms. Speed was no more than 30mph.

Q Do you know of any detainees that were beaten by members of the BRT?

A. NO

664/7c4

| | | |
|---------------|---|-------------------|
| EXHIBIT 11 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] 664/7c4 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

Q Do you know of any members of the BRT who stole valuables or "bricks" of money from Civilians or detainees?
A NO

Q Do you know of any incident where members of the BRT followed a vehicle to a "nice" house so that they could search it for valuables. All of this was under the pretext that the vehicle tried to evade them?
A NO

Q Do you have anything else to add to this investigation?
A NO

b647c4

b647c4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b647c4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of August, 19 2003 at

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

b62-7c2

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b647c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION | DATE 28 AUG 03 | TIME 1615 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID b647c4 | | | |

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

Q What position did you fill during the MAY and June time frame?

A Runner in A Section, 1st Platoon

Q Do you know [REDACTED] b647c4

A yes

Q Have you ever seen a detainee placed between the brush guard and the hood of a detainee?

A No, we have transported them on the hood,

Q What was the max speed and distance you travelled with detainees on the hood of the HUMVEE?

A About 10 km and no faster than about 30 mph.

Q Have you ever seen a member of the BRT beat a detainee?

A NO.

Q Do you know if any member of the BRT has stolen valuable property or "bricks" of cash from IRAQI citizens or detainees?

A NO

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, during the May to June time frame?

A We (A sec) Arrived on scene after B sec engaged. We drove down the pack B sec was on to a crossing to the other side of the dike. I was behind on LRAS and saw two Blings structurally sound (well for this country) and no

| | | |
|---------------|--|-------------------|
| EXHIBIT 12 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

b647c4

STATEMENT (Continued)

evidence of Battle damage. The residents came out and observed us as we passed. Went to another house and there was no damage to the house. These occupants also came out, like we had just woken them up. We travelled further down the dike and came to a field. But there was no damage there either - No knocked down trees, no fires - Nothing. I'd say we travelled 2K Area and there was nothing to indicate there was a fire. Let alone "45 HEDP 40mm Rounds."

Nothing follows [redacted] b647c4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b647c4

[redacted signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of Aug, 192003 at

ORGANIZATION OR ADDRESS

[redacted signature] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted name] b627c2 (Typed Name of Person Administering Oath)
AR 15-6 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted initials] b64/7c4

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 28 AUG 03 | TIME 1010 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID | | | |

b647c4

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

Q What is your position?

A I'm a gunner in B Section.

Q How long have you been in the section

A All the time except for a period from the middle of may until sometime in June

Q Did you know [REDACTED] b647c4

A Yes

Q Are you aware of an incident where B Section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, sometime in the MAY-JUNE timeframe?

A Yes, I was in A section at the time

Q What happened when you arrived?

A We searched the areas outside the house. We didn't find anything, that would indicate that a fire fight went on we went back the next morning but didn't find anything

Q Have you ever seen a member of the BRT transport detainees by placing them between the hood and the brushguard of a HUMVEE?

A No, but we have transported them on the hood and behind the gunner

Q Do you know who made the decision to transport them in this manner?

A I don't know.

b647c4

| | | |
|---------------|--|-------------------|
| EXHIBIT 13 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q How far and how fast would you travel with detainees in this position?

A. We travelled a max distance of 10 km and a max speed of 25-30 mph.

Q Are you aware of any incident where a member of the BRT beat a detainee?

A. No, I'm not aware of any.

Q Are you aware of any individuals in the BRT who stole valuable items or "bricks" of money from IRAQI civilians or detainees?

A NO

Q Are you aware of any incident where members of your platoon would follow a vehicle to a "Nice" house so that they could search it for valuables under the pretext that the vehicle had fled from them?

A. NO.

Q Can you add anything else to this investigation?

A NO

b64 7c4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b64 7c4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

b62 7c2

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b64 7c4

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 27 AUG 03 | TIME 1632 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID | | | |

b647c4

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

Q How long have you been in the platoon?

A 1 1/2 years.

b657c5

Q Were you on a patrol w/ [REDACTED] along a canal when the patrol engaged an Individual carrying an AK 47?

b647c4

A That was B section, I'm in A section. We heard small arms fire and went to help. It was all over with by the time we arrived.

Q When you arrived did you see any wounded civilians?

A No

Q Do you know when this happened?

A I have no clue.

Q Have you ever seen members of the BRT placing detainees between the brush guard and the hood of a HUMVEE?

A Not between the hood and brush guard but on the hood itself.

Q Do you know who made the decision to transport them that way?

A NO

Q Have you ever seen or heard of members of the BRT beating detainees?

A Once we had to get physical during an arrest because the individual was resisting. We didn't beat him.

Q Are you aware of any times when member of the BRT stole items from Iraqi Civilians and detainees including "bricks" of money, Pictures of SADDAM and IRAQI service medals.

A NO

b647c4

| | | |
|---------------|--|-------------------|
| EXHIBIT 14 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

Q - Did member of the BRT ever follow a "nice" car home and then say they had to search the house because the vehicle tried to avoid them?

b64/7c4

A. NO

Q. Do you have anything else that might help this investigation.

A. No

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b647c4

[redacted] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of August, 192008 at

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b647c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 27 AUG 03 | TIME 1445 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID b647c4 | | | |

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

Q - How long have you been in 1st platoon?

A - Since OCT 2002

Q - Did you know [REDACTED] b647c4

A - yes

Q - Are you aware of any time when [REDACTED] b657c5 ordered soldiers to fire upon unarmed civilians?

A - No. We only fired when we were ambushed or hit by RPGs. We never fire into populated areas, only into open areas.

Q - Were you on a Patrol along a canal?

A - There were several times we conducted patrols along canals but we never fired upon anyone. I don't think that [REDACTED] b657c5 would give an order to fire upon civilians and [REDACTED] b647c4 would not have heard verbal commands because he was in another vehicle.

Q - Have you ever seen detainees placed between the grill and the brush guard of a HUMVEE and driven to the brigade holding area?

A - We sometimes would place them on the roof behind the gunner or on the hood next to the windshield because we didn't have room inside the vehicles. We would always drive at a slow pace on a hardball road. We never placed them between the grill and the brush guard.

Q - Have you ever seen any property theft by members of the BRT?

A - No - we would confiscate money and other things but we would always turn it in. We've had several health and welfare inspections and nothing has been found.

| | | |
|---------------|--|-------------------|
| EXHIBIT 15 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

b647c4

Q Have you ever seen or heard of members of BRT following a nice car with the pretext of going to their home to search it for valuables?

A No the only time we would search a house was on a planned Raid. or if a vehicle ~~was~~ or person ran from us.

Q Have you ever seen or heard of BRT soldiers beating detainees

A No. Sometimes we get physical during an arrest but no beatings went on. Our chain of command has always told us we would face UCMJ action if we did.

Q Where were the patrols along the canal.

A In the vicinity of Camp Normandy sometime in the May to June timeframe.

Q Do you have anything to add to this investigation.

A [redacted] was always saying that [redacted] wanted to get shot in the arm or leg so that [redacted] could go home. [redacted] would fake being sick. He was always whining. He would often say that [redacted] wanted to kill [redacted]. [redacted] is hard on us but fair. Sometimes [redacted] acts like a drill sergeant. Also, [redacted] would point [redacted] weapon at children and threatened to kill them if they didn't go away.

b647c4

b647c4

b657c5

b647c4

b647c4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b647c4

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 192003 at

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted]

b647c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 27 AUG 03 | TIME 1745 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS [REDACTED] b647c4 | | | |

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

Q How long have you been in the platoon?

A Since the end of March 2003

Q Did you know [REDACTED]? b647c4

A Yes

Q Are you aware of a patrol that engaged an individual carrying an AK 47 along a canal in the vicinity of FOB Normandy?

A No, I was in A Section at the time.

Q Have you ever seen anyone from the BRT transport a detainee between the brush guard and the hood of a HUMVEE?

A No

Q Have you ever seen a detainee being transported on the hood or on Top behind the gunners position.

A Yes, on the hood. We would only carry them for short distances.

Q Do you know who made the decision to transport the detainees on the hood?

A No

Q Have you ever seen or heard of members of the BRT beat a detainee?

A I've never seen it, but I heard from [REDACTED] that [REDACTED] beat a detainee. Everyone else said that [REDACTED] got physical during an arrest because the individual was resisting but [REDACTED] didn't severely beat him. b647c4

| | | |
|---------------|--|-------------------|
| EXHIBIT 14 | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4 | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

Q - Do you know of any instances where members of the BRT stole items such as "Bricks" of money, Iraqi service medals, and pictures of Saddam?

A No. When we detain someone we collect everything and turn it in.

Q Did members of the BRT ever follow a "nice" car home and then search the home under the pretext that the vehicle had fled from them?

A No

Q Do you have anything else to add to this investigation?

A No

b6647c4

b647c4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b647c4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 2003 at

ORGANIZATION OR ADDRESS

[redacted] b627c2
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)
AR 15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b647c4

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION | DATE 23 AUG 03 | TIME 0940 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS BRT, 2 BCT, 4ID 6647c4 | | | |

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

Q What is your position?

A I'm a gunner for A Section 1st Platoon.

Q How long have you been in the platoon?

A Since the end of June.

Q Are you aware of an incident where B Section engaged an individual carrying an AK 47 in the vicinity of FOB Normandy during the MAY-JUNE time frame?

A No, I don't think I was in the platoon at the time.

Q Are you aware of any incident where members of the BRT placed detainees between the brush guard and the hood of a HUMVEE?

A No, sometimes we would place them on the Hood to transport them because there was no room inside the vehicle.

Q How far and how fast would you travel with the detainees on the hood?

A No more than 5 kms. The fastest we traveled was about 25mph.

Q Do you know who made the decision to transport them in this manner?

A I'm not sure.

Q Are you aware of any member of the BRT who beat detainees?

A Not to my knowledge.

Q Are you aware of any member of the BRT who stole valuable items or "bricks" of money from civilians or detainees?

A I'm not aware of anyone who stole something from civilians or detainees. If we confiscated it we always turned it in.

EXHIBIT 17

INITIALS OF PERSON MAKING STATEMENT
[REDACTED] 6647c4

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

b647c4

Q Is there anything else that you can add to this investigation?

A. Not that I could think of.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

b647c4

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted]

b647c4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 192003

at

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

AR 15-C

(Authority To Administer Oaths)



DEPARTMENT OF THE ARMY
 HEADQUARTERS 2BCT, TASK FORCE IRONHORSE
 FOB WARHORSE
 BAQUBAH, IRAQ

AFYB-CO-S6

3 September 2003

MEMORANDUM FOR Chief of Staff, Headquarters, Task Force Ironhorse

SUBJECT: Findings and Recommendations of the investigation into alleged violations of the Law of Land Warfare

1. Findings.

b657c5

a. Allegation number one. The allegation of unlawful use of force on 8 June 2003 against [redacted] is unsubstantiated. There is no credible evidence that civilians were fired upon by members of the 2nd BCT BRT. All of the 16 individuals interviewed stated that no unarmed civilians were attacked that night. [redacted] (Exhibit 2) stated that [redacted] fired 2 rounds from [redacted] M-16 at an armed individual. Both rounds missed the target. After the individual fled into a field [redacted] says that 5 40mm rounds were fired. [redacted] (Exhibit 3) puts the number of 40 mm rounds at 15. [redacted] stated that 2 round apparently hit some Palm trees next to a house. [redacted] (Exhibit 4) stated that [redacted] saw 2 men through [redacted] LRAS and one of them had hot spots in the shoulder area. This could indicate that an individual was bleeding but it is inconclusive. The wounded individual in question was the purported individual that fled into the field. [redacted] (Exhibit 5) from A section, 1st platoon arrived on site approximately 5-10 minutes after the incident started. He stated that a thorough search of the area was conducted and they did not find any weapons, impact points, blood trails, or damage to vehicles or buildings. [redacted] (Exhibit 6), [redacted] (Exhibit 7), and [redacted] all stated that another search of the area the next morning failed to reveal anything either. [redacted] also said that after talking to the locals they gathered that no one had been injured. There is no evidence to suggest that civilians were fired upon on that night.

All b647c4

b647c4

b647c4

b. Allegation number two. There is no proof that the allegation of maltreatment of detainees is true. Every member of the platoon (Exhibits 2-17) did admit to transporting detainees on the hoods of the vehicles. No one admitted to stuffing detainees between the brush guard and the hood of the vehicle. It is physically impossible to put a person in between the brush guard and the hood. There is only 3 inches of clearance behind brush guard. The distance and speed traveled varied among those individuals interviewed. The shortest distance reported was by [redacted] at 1-1/2 kilometers. [redacted] and [redacted] estimated the distance to be 10 - 15 kilometers. The speed varied from 15 mph by [redacted] (Exhibit 8), and [redacted] (Exhibit 9) to 30 mph by [redacted] (Exhibit 10), [redacted] (Exhibit 11), [redacted] (Exhibit 12), [redacted] and [redacted] (Exhibit 13). Although members of the BRT did not mistreat the detainees, placing them on the hood is not a safe method of transportation. There is also no evidence that any detainee was ever severely beaten by members of A section, 1st Platoon. Four individuals, [redacted] (Exhibit 14), and [redacted] (Exhibit 15), did admit that they had to get physical with one detainee who

b647c4

6668

b64 7c4

resisted their attempts to apprehend him. [REDACTED] (Exhibit 16) stated that [REDACTED] did tell [REDACTED] that [REDACTED] beat a detainee. There is no evidence to support this claim.

b64 7c4

c. Allegation number three. The third allegation of theft of private property is uncorroborated. Every member of the platoon denies the allegation. Seven members of the platoon [REDACTED] (Exhibit 17), [REDACTED] admit to confiscating money and other items from detainees. Each one asserts that the items were turned in to the supported Task Force. [REDACTED] b65 7c5 [REDACTED] claim that on several occasions health and welfare searches were conducted to ensure no personnel possessed confiscated property. Every member of the platoon also denies following vehicles to nice homes so that they could be searched for valuable items. There is no corroborating evidence that members of the platoon stole property from detainees or Iraqi Citizens.

2. Recommendations

a. Allegation number one. Take no action against [REDACTED] b65 7c5 [REDACTED] There is no evidence to support the allegation of unlawful use of force.

b. Allegation number two. Although the allegation of maltreatment of detainees is not substantiated, the platoon leadership should coordinate for appropriate vehicles to provide safe transportation of detainees if the tactical situation permits. No administrative or judicial actions should be taken.

c. Allegation number three. Take no action. There is no evidence that any member of 1st platoon committed theft against any detainees or Iraqi citizens.

3. Point of contact is the undersigned at DSN [REDACTED] b62 7c2

[REDACTED] b62 7c2
Investigating Officer

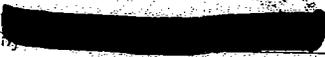
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by



b627c2

(Appointing authority)

on 24 AUGUST 2003

(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Carpenter, Salaman Pak, Iraq

(Place)

at

1445

(Time)

on 27 AUGUST 2003

(Date)

(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)

The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

Investigating officer

b627c2

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at

1700

(Time)

on

30 AUGUST 2003

(Date)

and completed findings and recommendations at

1340

(Time)

on

3 SEPTEMBER 2003

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

| | YES | NO ^{1/} | NA ^{2/} |
|--|-----|------------------|------------------|
| 1. Inclosures (para 3-15, AR 15-6) | | | |
| Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) | | | |
| a. The letter of appointment or a summary of oral appointment data? | | | |
| b. Copy of notice to respondent, if any? (See item 9, below) | X | | |
| c. Other correspondence with respondent or counsel, if any? | | | X |
| d. All other written communications to or from the appointing authority? | | | X |
| e. Privacy Act Statements (Certificate, if statement provided orally)? | | | X |
| f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | X | | |
| g. Information as to sessions of a formal board not included on page 1 of this report? | | | X |
| h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | | | X |

FOOTNOTES:

^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation of board.

| Exhibits (para 3-16, AR 15-6) | | YES | NO | N/A |
|---|---|-----|----|-----|
| a. | Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report? | | X | |
| b. | Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | | X | |
| c. | Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | | X | |
| d. | Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? | | | X |
| e. | Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? | | | X |
| f. | Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? | | | X |
| g. | If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? | | | X |
| 3 | Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)? | | | X |
| B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6) | | | | |
| 4 | At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)? | | | |
| 5 | Was a quorum present at every session of the board (para 5-2b, AR 15-6)? | | | |
| 6 | Was each absence of any member properly excused (para 5-2a, AR 15-6)? | | | |
| 7 | Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)? | | | |
| 8 | If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? | | | |
| C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) | | | | |
| 9 | Notice to respondents (para 5-5, AR 15-6): | | | |
| a. | Is the method and date of delivery to the respondent indicated on each letter of notification? | | | |
| b. | Was the date of delivery at least five working days prior to the first session of the board? | | | |
| c. | Does each letter of notification indicate — | | | |
| (1) | the date, hour, and place of the first session of the board concerning that respondent? | | | |
| (2) | the matter to be investigated, including specific allegations against the respondent, if any? | | | |
| (3) | the respondent's rights with regard to counsel? | | | |
| (4) | the name and address of each witness expected to be called by the recorder? | | | |
| (5) | the respondent's rights to be present, present evidence, and call witnesses? | | | |
| d. | Was the respondent provided a copy of all unclassified documents in the case file? | | | |
| e. | If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? | | | |
| 10 | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings): | | | |
| a. | Was he properly notified (para 5-5, AR 15-6)? | | | |
| b. | Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)? | | | |
| 11 | Counsel (para 5-6, AR 15-6): | | | |
| a. | Was each respondent represented by counsel? | | | |
| Name and business address of counsel: | | | | |
| (If counsel is a lawyer, check here <input type="checkbox"/>) | | | | |
| b. | Was respondent's counsel present at all open sessions of the board relating to that respondent? | | | |
| c. | If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)? | | | |
| 12 | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): | | | |
| a. | Was the challenge properly denied and by the appropriate officer? | | | |
| b. | Did each member successfully challenged cease to participate in the proceedings? | | | |
| 13 | Was the respondent given an opportunity to (para 5-8a, AR 15-6): | | | |
| a. | Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent? | | | |
| b. | Examine and object to the introduction of real and documentary evidence, including written statements? | | | |
| c. | Object to the testimony of witnesses and cross-examine witnesses other than his own? | | | |
| d. | Call witnesses and otherwise introduce evidence? | | | |
| e. | Testify as a witness? | | | |
| f. | Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)? | | | |
| 14 | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)? | | | |
| 15 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)? | | | |

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
See enclosure II. Memorandum of findings and recommendations.

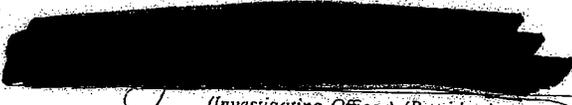
SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
See enclosure II. Memorandum of findings and recommendations.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

6627c2



(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are approved (disapproved) (approved with following exceptions/substitutions) (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Bde commander needs to ensure every leader is familiar with rights of detainees and discuss in general, what is considered appropriate handling of detainees.

Raymond T. Odierno

RECEIVED

09 SEP 2005

RAYMOND T. ODIERNO
Major General, USA
Commanding

6673



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF

AFYB-CG

24 August 2003

b62 7c2

MEMORANDUM FOR [REDACTED] Headquarters, 2d Brigade, 4th Infantry Division
(Mechanized), FOB Warhorse, Baqubah, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into three (3) allegations of soldier misconduct contained in a sworn statement by [REDACTED] 2d Brigade, dated 18 August 2003. b65 7c5

a. Unlawful use of force. Whether [REDACTED] ordered soldiers to fire an MK-19 on unarmed civilians (men, women, and children), and whether civilians were wounded or killed in the incident.

b. Maltreatment of detainees. Whether members of BRT, 2d Brigade placed detainees on top of a HMMWV, between the brush guard and hood during transportation to Brigade holding area.

c. Theft of private property. Whether members of BRT, 2d Brigade stole property from the homes of Iraqi citizens and the property of detainees.

2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All witness statements will be sworn and recorded on DA Form 2823.

3. Prepare the report of proceedings on DA Form 1574 and submit the original to me within 10 days of receipt of this memorandum. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.

4. Before proceeding with the investigation, contact [REDACTED] at [REDACTED] for an initial legal briefing. [REDACTED] will serve as your primary legal advisor. b62 7c2 b62 7c2

b62 7c2

FOR THE COMMANDER

b62 7c2

[REDACTED]

Chief of Staff

6674



DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
1001 761ST TANK BATTALION AVENUE
FORT HOOD, TEXAS 76544-5000

REPLY TO
ATTENTION OF

AFZF-JA-MJ

20 August 2003

MEMORANDUM THRU G3, III Corps & Fort Hood, Fort Hood, Texas 76544-5001
FOR Commanding General, III Corps & Fort Hood, Fort Hood, Texas 76544-5001
SUBJECT: Report of Alleged Law of War Violation

1. Purpose. To report an alleged Law of War violation IAW Department of Defense Directive (DoDD) 5100.77.

2. Synopsis of Allegation. A 4th Infantry Division (4ID) soldier alleges during Operation Iraqi Freedom he witnessed the unlawful use of force against non-combatants, theft of private property from Iraqi civilians, and the wrongful dispossession of private and/or enemy property.

3. Complainant Data.

a. Complainant. [REDACTED] b647c4

b. Current Unit of Assignment. Brigade Reconnaissance Troop (Rear) (Provisional), 2d Brigade (Rear) (Provisional), 4th Infantry Division (Mechanized) (Rear) (Provisional).

c. Current Status. [REDACTED] b647c4

d. Source of Complaint. In July 2003, [REDACTED] at Fort Hood that he had witnessed rules of engagement violations while he was in Iraq. In turn, [REDACTED] telephonically notified the Chief, Criminal Law Division, III Corps. b647c4

b647c4

4. General Nature of the Allegations. On 31 July 2003, [redacted] III Corps, personally met with [redacted] to discuss the allegations.

b647c4

b647c4

The following represents a brief synopsis of that interview. A more detailed report of allegation one, taken from [redacted] handwritten statement (enclosure 1) and [redacted] interview with the [redacted], is set forth at enclosure 2. Although use of the term "alleged" is omitted from the following sub-paragraphs, all of the information reported below is based on statements made by [redacted] and has not been otherwise substantiated or corroborated.

b647c4

b627c2

b647c4

a. *Allegation 1 - Unlawful use of force.* [redacted] states that while on patrol [redacted] witnessed his platoon sergeant, [redacted] order soldiers to fire an MK-19 on unarmed civilians (men, women, and children). In turn, soldiers directed grenades (from an MK-19) and M-16 fire at the civilians. All of the civilians were unarmed and had not engaged in a hostile act or demonstrated a hostile intent, although a single shot was heard from an area approximately 90° from the soldiers and 45° from the house. [redacted] comments indicate that several of the civilians were injured, to include one civilian who appeared to have had his arm severed.

b647c4

b64-7c4

b657c5

b647c4

b. *Allegation 2- Maltreatment of enemy prisoners of war.* [redacted] states that on at least one occasion, unit members placed EPWs on the top of a HMMWV and between the brush guard and hood. The vehicles would be driven with the EPWs in these positions. [redacted] states [redacted] was also told of soldiers in A Section who severely beat an EPW.

b647c4

b647c4

c. *Allegation 3- Theft of private property.* [redacted] relates that on numerous occasions, members of [redacted] stole property from the home of Iraqi citizens and the property of EPWs. [redacted] relates that soldiers stole items such as "bricks" of money, Iraqi service medals, pictures of Saddam Hussein, cigarette lighters, and t-shirts. Some soldiers would employ subterfuge to search the homes of Iraqi civilians, by following a car to a "nice" house and then claim that a search was necessary because the vehicle had fled from them.

4. Applicable Law Pertaining to Reporting Alleged Law of War Violations.

a. DoDD 5100.77¹ [enclosure 3], paragraph 4.3., provides that it "is DoD policy to ensure that . . . [a]ll reportable incidents committed by or against U.S. or enemy persons are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action."

¹ Electronic version.

AFZF-JA-MJ

SUBJECT: Report of Alleged Law of War Violation

b. DoDD 5100.77, paragraph 6.1., provides that "[a]ll military and civilian personnel assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Such reports may also be made through other channels such as the military police, a judge advocate, or an Inspector General. Reports that are made to officials other those specified in this subsection shall, nonetheless, be accepted and immediately forwarded through the recipient's chain of command."

c. III Corps & Fort Hood Regulation 27-2 [enclosure 4], paragraph 6a, provides that "[a]ll suspected incidents will be investigated."

5. Recommendation.

a. Promptly forward this information through command and operational channels so that a prompt investigation can be conducted and recorded, and appropriate remedial action taken, as necessary, in accordance with the DoD directive.

b. I will forward the allegations to SJAs at CENTCOM, V Corps, and 4ID for information purposes.

6. POC is [REDACTED] b62/c2

Encls

- b647c4
1. Copy - [REDACTED] statement
 2. Overview of allegation 1
 3. DoDD 5100.77
 4. III Corps & FH Regulation 27-2

[REDACTED] b627c2
Staff Judge Advocate

6677

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 50 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
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 Room 0223, Bldg 1001, Fort Hood | 2. DATE (YYYYMMDD) 22030818 | 3. TIME 1350 | 4. FILE NUMBER N/A |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | |
| 8. ORGANIZATION OR ADDRESS BRT 2D BDE, 4ID, FHTX | | | |

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

b647c4

SEE ATTACHED

b647c4

| | | |
|-------------|---|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 7 PAGES |
|-------------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

6673

6647c4

BRT 2nd BDE 4ID 1st PLT

It all started with my platoon sergeant running and hiding every time we got into a fire fight. There is about 4 to 5 times where he abandoned us in a fight. The joke of the platoon was him running and hiding. He must of heard us talking about him one day because right before a mission one night he went up to his gunner and asked him if he wanted to test the M-19 out on someone tonight. We went on a patrol mission that night. We usually just drive around and look for people with AKs and confiscate them. We have always been able to drive up to them and take the weapon from them with no shots fired. That night on a mission we seen a IRAQI civilian walking towards ~~us~~ ^{his} on the other side of the canal, so he decided to set up an ambush and kill him in stead of driving up to him and taking the weapon. We waited until he was next to us on the other side of the canal and opened fire on him. He never took his weapon off his shoulder. He just ran away from us into the field for cover. On the country side in IRAQ all people have guns for protection because most of them have never even seen an American soldier.

2 of 2

6647c4
6679

BATES NUMBERING ERROR

PAGE 6680

bb47c4

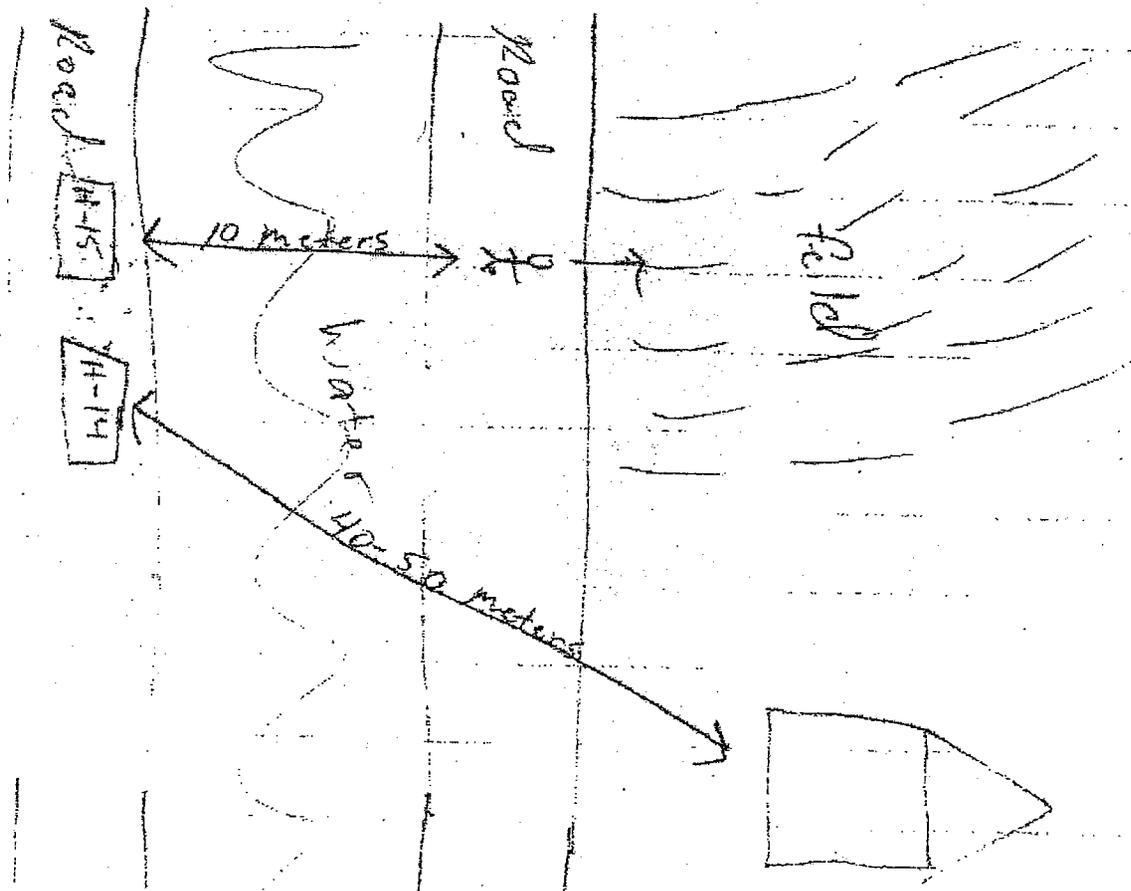
After the man ran into the field for cover we waited close to a minute and there was never any fire returned. That's when my pl~~t~~ sgt told his gunner to spray the field with M-19 rounds. The gunner put about 45 rounds into the field, still there was no return fire. But next door to the ~~field~~ ^{field} was a house. It is so hot over there that every one sleeps two side. After the M-19 explosions all you heard was women and children screaming. My Plt sgt told my gunner to get eyes on the house with the ~~LR.A.S.S.~~ L.R.A.S.S. There were 2 men - 4-6 women and about 10 children. My plt sgt asked my gunner if there was any weapons and he said no, that ~~they~~ ^{the 2 men} were just trying to get them all inside. Then a single shot come from of in the distance, well over 500 meters away. Then my plt sgt said F*** it, and light them up. His gunner shot about 3-4 M-19 rounds into the front yard and everyone else shot there M-16s. It lasted about 10 seconds. Then we just stopped and watched them. My gunner looking through the L.R.A.S.S. seen that the 2 men were injured. One of them had his arm half blown off. All the people at the house were panicing. Some ran into the woods, some into the house, and a couple ran next door to another house. We just sat there and watched them.

6647c4

Statement taken at 1350

Dated 2003 08 18

finally a SUV drove by and loaded a bunch of injur people in it and drove off. And so did we looking for more people to kill. The R.O.E. for us over there was to engage and capture the enemy, seize all weapons, and give medical attention to any one hurt. The R.O.E. was not followed because there were no enemy or weapons.



b647c4

We would also take POWs and there wasn't anyone to come pick him up so we would ~~put~~ ^{put} the POW on top of the HumV with the gunner until one tried to throw up. After that we would hog tie them and stuff them in between the hood and the brush ~~guard~~ ^{guard} of the HumV. I asked to at least tie his leg to the brush guard so ~~that~~ he doesn't fall off and my NCO would say who cares, if he falls off we just ran him over and one ~~less~~ ^{less} one to worry about. When we captured a POW in a vehicle we had to call a tow truck to pick it ~~up~~ ^{up}. One day we didn't ~~feel~~ feel like waiting so they threw an incendiary grenade in it and told the CO that it crashed into the ditch and caught fire. There are ~~other~~ other times when we would search houses and steal stuff from the houses or the POWs. Such as bricks of ~~money~~ ^{money}. IRAQI army metals uniforms, pictures of Saddam, T-shirts with his face on them all the way down to cigarette lighter. They would drive down the road and see a car pull into a nice house and say the car was running from them to search the house and see what they could get. There is a story about a section lost control on a IRAQI and beat him half to death. Bad enough that the whole hood of the HumV was covered in blood.

b647c4

Statement of [REDACTED] taken at 1350

Dated 2003 08 18

6647c4

After the incident we got back into our truck and continued our patrols. A section was on there way to meet us. We spotted what we thought was people burrying weapons up the road. So we waited for A section to show up. Then we searched for the weapons. We couldnt find any so we returned to the house. MY Platoon leader and some of my NCOs went to search the house but we had trouble finding it. We dont know if we ever found the right house.

6689

STATEMENT OF

TAKEN AT 1350

DATED 2003 08 18

STATEMENT (Continued)

b647c4

NOTHING FOLLOWS b647c4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. 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.

b647c4

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

b627c2

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of AUGUST, 2003 at ROOM C224, BLDG 1001, FHTX

[REDACTED] Bldg 1001 Rm 224 FHTX

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

ROOM 1224, BLDG 1001, FHTX

[REDACTED] b62-47c4 (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Judge Advocate, Captain, U.S. Army (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF

AFYB-CG

24 August 2003

b627c2

MEMORANDUM FOR [REDACTED] Headquarters, 2d Brigade, 4th Infantry Division
(Mechanized), FOB Warhorse, Baqubah, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into three (3) allegations of soldier misconduct contained in a sworn statement by [REDACTED] dated 18 August 2003. b647c4

a. Unlawful use of force. Whether [REDACTED] ordered soldiers to fire an MK-19 on unarmed civilians (men, women, and children), and whether civilians were wounded or killed in the incident. b657c5

b. Maltreatment of detainees. Whether members of BRT, 2d Brigade placed detainees on top of a HMMWV, between the brush guard and hood during transportation to Brigade holding area.

c. Theft of private property. Whether members of BRT, 2d Brigade stole property from the homes of Iraqi citizens and the property of detainees.

2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All witness statements will be sworn and recorded on DA Form 2823.

3. Prepare the report of proceedings on DA Form 1574 and submit the original to me within 10 days of receipt of this memorandum. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.

4. Before proceeding with the investigation, contact [REDACTED] at [REDACTED] for an initial legal briefing. [REDACTED] will serve as your primary legal advisor. b627c2

FOR THE COMMANDER:

b627c2

Original Signed

[REDACTED]
Chief of Staff



DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
1001 761ST TANK BATTALION AVENUE
FORT HOOD, TEXAS 76544-5000

REPLY TO
ATTENTION OF

AFZF-JA-MJ

20 August 2003

MEMORANDUM THRU G3, III Corps & Fort Hood, Fort Hood, Texas 76544-5001

FOR Commanding General, III Corps & Fort Hood, Fort Hood, Texas 76544-5001

SUBJECT: Report of Alleged Law of War Violation

1. Purpose. To report an alleged Law of War violation IAW Department of Defense Directive (DoDD) 5100.77.

2. Synopsis of Allegation. A 4th Infantry Division (4ID) soldier alleges during Operation Iraqi Freedom [redacted] witnessed the unlawful use of force against non-combatants, theft of private property from Iraqi civilians, and the wrongful dispossession of private and/or enemy property.

3. Complainant Data.

a. Complainant. [redacted]

b. Current Unit of Assignment. Brigade Reconnaissance Troop (Rear) (Provisional), 2d Brigade (Rear) (Provisional), 4th Infantry Division (Mechanized) (Rear) (Provisional).

c. Current Status. [redacted]

d. Source of Complaint. In July 2003, [redacted] at Fort Hood that he had witnessed rules of engagement violations while he was in Iraq. In turn, [redacted] telephonically notified the Chief, Criminal Law Division, III Corps.

b647c4

b647c4

b647c4

b647c4

4. General Nature of the Allegations. On 31 July 2003, [redacted] III Corps, personally met with [redacted] to discuss the allegations.

b647c4

b647c4

The following represents a brief synopsis of that interview. A more detailed report of allegation one, taken from [redacted] handwritten statement (enclosure 1) and [redacted] interview with the [redacted], is set forth at enclosure 2. Although use of the term "alleged" is omitted from the following sub-paragraphs, all of the information reported below is based on statements made by [redacted] and has not been otherwise substantiated or corroborated.

b647c4

b627c2

b647c4

a. *Allegation 1 - Unlawful use of force.* [redacted] states that while on patrol [redacted] witnessed his platoon sergeant, [redacted] order soldiers to fire an MK-19 on unarmed civilians (men, women, and children). In turn, soldiers directed grenades (from an MK-19) and M-16 fire at the civilians. All of the civilians were unarmed and had not engaged in a hostile act or demonstrated a hostile intent, although a single shot was heard from an area approximately 90° from the soldiers and 45° from the house. [redacted] comments indicate that several of the civilians were injured, to include one civilian who appeared to have had his arm severed.

b647c4

b64-7c4

b657c5

b647c4

b. *Allegation 2- Maltreatment of enemy prisoners of war.* [redacted] states that on at least one occasion, unit members placed EPWs on the top of a HMMWV and between the brush guard and hood. The vehicles would be driven with the EPWs in these positions. [redacted] states [redacted] was also told of soldiers in A Section who severely beat an EPW.

b647c4

b647c4

c. *Allegation 3- Theft of private property.* [redacted] relates that on numerous occasions, members of [redacted] stole property from the home of Iraqi citizens and the property of EPWs. [redacted] relates that soldiers stole items such as "bricks" of money, Iraqi service medals, pictures of Saddam Hussein, cigarette lighters, and t-shirts. Some soldiers would employ subterfuge to search the homes of Iraqi civilians, by following a car to a "nice" house and then claim that a search was necessary because the vehicle had fled from them.

4. Applicable Law Pertaining to Reporting Alleged Law of War Violations.

a. DoDD 5100.77¹ [enclosure 3], paragraph 4.3., provides that it "is DoD policy to ensure that . . . [a]ll reportable incidents committed by or against U.S. or enemy persons are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action."

¹ Electronic version.

AFZE-JA-MJ

SUBJECT: Report of Alleged Law of War Violation

b. DoDD 5100.77, paragraph 6.1, provides that "[a]ll military and civilian personnel assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Such reports may also be made through other channels such as the military police, a judge advocate, or an Inspector General. Reports that are made to officials other those specified in this subsection shall, nonetheless, be accepted and immediately forwarded through the recipient's chain of command."

c. III Corps & Fort Hood Regulation 27-2 [enclosure 4], paragraph 6a, provides that "[a]ll suspected incidents will be investigated."

5. Recommendation.

a. Promptly forward this information through command and operational channels so that a prompt investigation can be conducted and recorded, and appropriate remedial action taken, as necessary, in accordance with the DoD directive.

b. I will forward the allegations to SJAs at CENTCOM, V Corps, and 4ID for information purposes.

6. POC is [REDACTED]

b627c2

Encls

b647c4

1. Copy - [REDACTED] statement
2. Overview of allegation 1
3. DoDD 5100.77
4. III Corps & FH Regulation 27-2

[REDACTED]
Staff Judge Advocate

6689

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

| | | | | |
|----------------------------------|---------------------|------------------------|-------------------------------|---|
| NAME [REDACTED] B6-4 b7c-4 | GRADE [REDACTED] | SSN [REDACTED] B6-4 | UNIT: [REDACTED] B2-2/B3-1 | PAY (Basic & Sea/Foreign) [REDACTED] |
|----------------------------------|---------------------|------------------------|-------------------------------|---|

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: In that you, did, at or near Baghdad, Iraq, on or about 21 September 2003, violate a lawful general order, to wit: Frago 383A [General Order Civilian or Detainee Maltreatment], by wrongfully assaulting local national detainees. This is in violation of Article 92, UCMJ.

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 Proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. 2/ If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. 2/ In deciding what you want to do you have the right to consult with legal counsel located at Trial Defense Service, BIAP, TEL #551-9115. You now have 48 hours to decide what you want to do. 4/

| | |
|-------------------|---|
| DATE 17 OCT 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] B6-2 |
|-------------------|---|

3. Having been afforded the opportunity to consult with counsel, my decisions are as follows: (Initial appropriate blocks, date, and sign)

a. I demand trial by court-martial. B6-2

b. I do not demand trial by court-martial and in the Article 15 Proceedings:
B6-4 / b7c-4 B6-4 / b7c-4 B6-4 / b7c-4

(1) I request the hearing be Open Closed. (2) A person to speak on my behalf is is not requested.

(3) Matters in defense, mitigation, and/or extenuation: Are not presented will be presented in person Are attached.

| | |
|-------------------|--|
| DATE 29 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] B6-4 / b7c-4 B6-4 / b7c-4 |
|-------------------|--|

4. In a(n) Open Closed hearing 2/ all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: 2/2 Reduction to [REDACTED] forfeiture of \$721.00 per months for 2 months, suspended, to be automatically remitted if not vacated before 25 April 2004; and extra duty for 45 days. B6-4 / b7c-4

5. I direct the original DA 2627 be filed in the Performance Fiche Restricted Fiche of the OMPF. 2/ NA

6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above. B6-2

| | |
|-------------------|---|
| DATE 29 OCT 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] B6-2 |
|-------------------|---|

7. (Initial appropriate block, date, and sign)

a. I do not appeal b. I appeal and do not submit additional matters 2/2/ c. I appeal and submit additional matters 2/2/

| | |
|-------------------|--|
| DATE 29 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] B6-4 B6-4 |
|-------------------|--|

8. I have considered the appeal and it is my opinion that:
[REDACTED] b7c-4 [REDACTED] b7c-4

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
|------|----------------------------------|-----------|

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: 10/

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/
DA Form 4856, FP Form 754, and ERB. PEBD: [REDACTED] B6-4

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 22-100; the proponent agency is TRADOC

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

| | | | |
|-----------------------|-----------------------------|---------------------|--------------------|
| Name (Last, First MI) | Rank/Grade | Social Security No. | Date of Counseling |
| [REDACTED] | [REDACTED] | [REDACTED] | 3 OCT 03 |
| Organization | Name and Title of Counselor | | |
| [REDACTED] | [REDACTED] | | |

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

Event-Oriented Counseling: Abuse/Mistreatment of Prisoners

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

[REDACTED] you are being counseled for mistreatment and abuse of prisoners under U.S. Army custody, a violation of the laws of land warfare and the Uniform Code of Military Justice. On the night of 21 September 2003, you and two fellow soldiers approached the detainee holding area located on the [REDACTED] basecamp. Your section was responsible for guarding the prisoners held inside the detention facility. You and the two soldiers accompanying you proceeded to enter the holding cell and physically assault the four prisoners held inside. Tower 6 heard this activity and approached the holding area to investigate, at which time the three of you departed the area. Eagle troop called me [REDACTED] on the Squadron net and informed me of the situation. Upon questioning you that evening, you and the other soldiers involved admitted to the above actions.

These actions are unacceptable and reflect an extreme lack of judgement on your part. Mistreatment or abuse of prisoners is a serious war crime punishable by General Court Martial and possible incarceration. Prisoners of war in our theater are entitled to the same rights, protection, and treatment as prisoners in the United States.

For your behavior I am recommending action under Article 15 of the Uniform Code of Military Justice.

This counseling statement has been furnished to you, not as a punitive measure under the provisions of article 15, UCMJ, but as an administrative measure to stress that continued behavior of the same or similar nature may result in initiation of action eliminating you from the U.S. Army for (Unsatisfactory Performance) (Misconduct or Minor Disciplinary Infractions) under the provisions of Chapter (5) (8) (11) (13) (14), AR 635-200., or General Court Martial Proceedings. Such action may result in the issuance of either an Honorable Discharge, General Discharge, Other Than Honorable (OTH) Discharge, or incarceration. If you receive a General or an OTH Discharge, this could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released from active duty with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is nonrefundable and may be forfeited. This is also true if you fail to serve 20 months of a 24 month enlistment. You are advised to correct the deficiencies outlined above or initiation of elimination proceedings will be necessary.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the subordinate's goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)
o Recommend punishment under Article 15 of the Uniform Code of Military Justice.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: agree disagree with the information above.

Individual counseled remarks: B6-4 / b7C-4

B6-4 / b7C-4
[Redacted Signature]

Signature of Individual Counseled: _____

Date: 3 Oct 2003

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

o Ensure [Redacted] consults with legal counsel regarding Article 15 proceedings

B6-4 / b7C-4

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)
you

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DMAIN, 1ST ARMORED DIVISION
BIAP, IRAQ
210044DJULY03

(U) FRAGO 383A [GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD 03-215 (IRON STABILITY)

(U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY LTC [REDACTED], G-3

SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

b6-2

(U) REFERENCES:

- A. UNIFORM CODE OF MILITARY JUSTICE
- B. 1AD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10
- C. 1AD REGULATION / SUPPLEMENT 27-10-1-A

(S) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL

(S) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. COMMANDER 1AD ISSUES A GENERAL ORDER MAKING IT A MILITARY CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT PERSONS IN IRAQ.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ BY 1AD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE. THE DIVISION CANNOT ACCOMPLISH ITS MISSION, UNLESS 1AD SOLDIERS INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.

3.B. (U) CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND CIVILIANS.

3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR OTHERWISE TASK ORGANIZED TO 1AD - PROMULGATE AND ENFORCE THE TERMS OF THIS ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.

3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.

3.E. (U) COORDINATING INSTRUCTIONS.

3.E. (1) (U) THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2, UCMJ.

3.E. (2) (U) 1AD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18, 19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENCOM AOR BY 1AD REGULATION 27-10-1-A.

3.E.(3)(U) THIS GENERAL ORDER IS EFFECTIVE IMMEDIATELY.

3.E.(4)(U) FAILURE TO OBEY THIS GENERAL ORDER IS PUNISHABLE UNDER ARTICLE 92, UCMJ. THE MAXIMUM PUNISHMENT FOR SUCH AN OFFENSE IS A DISHONORABLE DISCHARGE, CONFINEMENT FOR A TERM OF TWO (2) YEARS, TOTAL FORFEITURE OF PAY AND ALLOWANCES, AND REDUCTION TO THE GRADE OF PRIVATE (E-1).

3.E.(5)(U) IAD PERSONNEL SHALL NOT MALTREAT CIVILIANS OR DETAINEES IN IRAQ WHO ARE SUBJECT TO SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT BY PERSONS ACTING PURSUANT TO COALITION PROVISIONAL AUTHORITY AND/OR U.S. NATIONAL COMMAND AUTHORITY. MALTREATMENT IS AN ACT OR ACTIONABLE OMISSION, WHICH RESULTS IN PHYSICAL PAIN OR MENTAL ANGUISH TO A PERSON WITHOUT JUSTIFIABLE CAUSE, AS PROVIDED BY APPLICABLE STATUTE(S) AND/OR REGULATION(S), UNDER THE UCMJ. MALTREATMENT INCLUDES BUT IS NOT LIMITED TO:

3.E.(5)a. (U) HITTING;

3.E.(5)b. (U) SLAPPING;

3.E.(5)c. (U) KICKING;

3.E.(5)d. (U) BUTT-STROKING;

3.E.(5)e. (U) SPITTING ON;

3.E.(5)f. (U) USING ABUSIVE LANGUAGE; OR

3.E.(5)g. (U) CAUSING MENTAL OPPRESSION.

3.E.(6)(U) IAD PERSONNEL SHALL NOT TAKE MONEY, PERSONAL PROPERTY OR PERSONAL PAPERS FROM CIVILIANS OR DETAINEES EXCEPT FOR THE FOLLOWING REASONS: (1) AS EVIDENCE OF AN OFFENSE OR, (2) FOR SAFEKEEPING PURSUANT TO DETENTION. ALL RETAINED PROPERTY TAKEN FROM CIVILIANS DURING SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT WILL BE INVENTORIED AND ACCOUNTED FOR ON CAPTURE CARDS OR EVIDENCE CARDS. THIS RETAINED PROPERTY WILL BE PROMPTLY TURNED OVER TO APPROPRIATE DETENTION FACILITY PERSONNEL.

3.E.(7)(U) DEFINITIONS:

3.E.(7)a.(U) **SEARCH**: INSPECTION OF PERSONS AND/OR PROPERTY BY VISUAL OR TECHNICAL MEANS AND/OR PHYSICAL CONTACT.

3.E.(7)b.(U) **QUESTIONING**: INTERROGATION OF A PERSON FOR ANY PURPOSE, IN ANY PLACE, WITH OR WITHOUT THE ABILITY TO TRANSLATE QUESTIONS AND ANSWERS.

3.E.(7)c.(U) **CAPTURE**: THE TAKING OF PERSONS AND/OR PROPERTY INTO CUSTODY FOR CRIMINAL OR INTELLIGENCE EVIDENCE PROCESSING AT DESIGNATED IAD HOLDING AREAS.

3.E.(7)d.(U) **DETENTION**: RESTRAINING AND/OR RESTRICTING PERSONS FOR SEARCH, QUESTIONING, TRANSPORT AND/OR PROSECUTION.

3.E.(7)e.(U) **TRANSPORT**: RELOCATION, HOWEVER SLIGHT, OF PERSONS AND/OR PROPERTY FROM POINT OF ORIGIN FOR SEARCH, SEIZURE, QUESTIONING, CAPTURE, OR DETENTION.

4. (U) SERVICE SUPPORT: [NO CHANGE].

5. (U) COMMAND AND SIGNAL: [NO CHANGE].

5.A. (U) COMMAND. [NO CHANGE].

5.B. (U) SIGNAL. [CHANGE]. POC FOR THIS IS

[REDACTED]

ACKNOWLEDGE

B6-2

[REDACTED]

B6-2

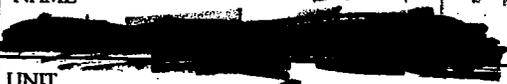
REQUEST FOR LEGAL ACTION
(The proponent of this form is SJA)

UNIT  B2-2 / B3-1 DATE
30 OCT 03

AS INDICATED BY CHECK REQUEST THE FOLLOWING ACTION BE TAKEN

| NONJUDICIAL ACTION | ADMINISTRATIVE/OTHER ACTION |
|--|-----------------------------|
| <input checked="" type="checkbox"/> Field Grade Article 15 | Letter of Reprimand |
| <input type="checkbox"/> Company Grade Article 15 | Administrative Discharge |
| <input type="checkbox"/> Summarized Article 15 | Admin Reduction Board |
| <input type="checkbox"/> Vacation of Suspension | Other (Specify) |
| <input type="checkbox"/> Other (Specify) | COURT-MARTIAL |

INDIVIDUAL INFORMATION

| | | | | |
|--|--|---------------------|-------------|----------|
| SOLDIERS NAME  B6-4 / 676-4 | SOLDIERS RANK  | SSN B6-4 / 676-4 | RACE BLK | SEX M |
| UNIT  B2-2 / B3-1 | PEBD/BASD  B6-4 | | | |

SUMMARY OF ACTION/OFFENSE(S):
Mis-treatment / Abuse of Prisoners under U.S. Army custody

Signature of Commander (or authorized individual)  B6-4 / 676-4
 Commander's signature block (rank, branch, position)  B6-2
Commanding

FOR BRIGADE LEGAL CENTER

| | | |
|-------------------------------|------------------------------------|-----------------------|
| Date received at Legal Center | Paperwork complete by Legal Center | |
| Date unit first contacted | Date picked up by unit | Date returned by unit |

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

NAME [REDACTED] GRADE B6-4/b7c-4 SSN [REDACTED] UNIT [REDACTED] PAY (Basic & Sea/Foreign) B6-4

I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: 1 In that you, did, at or near Baghdad, Iraq, on or about [REDACTED] violate a lawful general order, to wit: Frago 383A [General Order Civilian or Detainee Maltreatment], by wrongfully assaulting local national detainees. This is in violation of Article 92, UCMJ.

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 Proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. 2/ If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. 3/ In deciding what you want to do you have the right to consult with legal counsel located at Trial Defense Service, BIAP, TEL #551-9115. You now have 48 hours to decide what you want to do. 4/

DATE 17 OCT 03 TIME 1315MS NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] SIGNATURE [REDACTED] B6-2

3. Having been afforded the opportunity to consult with counsel, my decisions are as follows: (Initial appropriate blocks, date, [REDACTED])
a. I demand trial by court-martial. B6-2
b. I do not demand trial by court-martial and in the Article 15 Proceedings: B6-4/b7c-4
(1) I request the hearing be Open Closed. (2) A person to speak on my behalf Is Is not requested. B6-4/b7c-4
(3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached. B6-4/b7c-4

DATE 29 Oct 03 NAME AND GRADE OF SERVICE MEMBER [REDACTED] SIGNATURE [REDACTED] B6-4/b7c-4

4. In a(n) Open Closed hearing 3/ all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: 3/6/ Reduction to [REDACTED] forfeiture of \$721.00 per month for 2 months, suspended, to be automatically remitted if not vacated before 27 November 2003; and extra duty for 45 days.

5. I direct the original DA-2627 be filed in the Performance Fiche Restricted Fiche of the OMPF. 7/ NA
6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above. B6-2

DATE 29 OCT 03 NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] SIGNATURE [REDACTED] B6-2

7. (Initial appropriate block, date, and sign)
a. I do not appeal b. I appeal and do not submit additional matters 3/3/ c. I appeal and submit additional matters 3/3/ B6-2

DATE 29 Oct 03 NAME AND GRADE OF SERVICE MEMBER [REDACTED] SIGNATURE [REDACTED] B6-4/b7c-4

8. I have considered the appeal and it is my opinion that: [REDACTED] B6-4/b7c-4

DATE [REDACTED] NAME AND GRADE OF JUDGE ADVOCATE [REDACTED] SIGNATURE [REDACTED] B6-4/b7c-4

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: 10/

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

10. I have seen the action taken on my appeal. DATE [REDACTED] SIGNATURE OF SERVICE MEMBER [REDACTED]

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/ PEBD: [REDACTED] B6-4
DA Form 4856, FP Form 754, and ERB.

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 22-100; the proponent agency is TRADOC

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

| | | | | |
|------------------------|------------------------------|------------|-----------------------------|--------------------|
| Name (Last, First, MI) | b7c-4 B6-4 | Rank/Grade | Social Security No. | Date of Counseling |
| Organization | AE 09322-2380 B2-2 / B3-1 | | b7c-4 | 3 OCT 03 |
| | | | Name and Title of Counselor | B6-2 |

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

Event-Oriented Counseling: Abuse/Mistreatment of Prisoners

B6-4 / b7c-4

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

B6-2
you are being counseled for mistreatment and abuse of prisoners under U.S. Army custody, a violation of the laws of land warfare and the Uniform Code of Military Justice. On the night of 21 September 2003, you and two fellow soldiers approached the detainee holding area located on the [redacted] basecamp. Your section was responsible for guarding the prisoners held inside the detention facility. You and the two soldiers accompanying you proceeded to enter the holding cell and physically assault the four prisoners held inside. Tower 6 heard this activity, and approached the holding area to investigate, at which time the three of you departed the area. Eagle troop called me [redacted] on the Squadron net and informed me of the situation. Upon questioning you that evening, you and the other soldiers involved admitted to the above actions.

B6-2
These actions are unacceptable and reflect an extreme lack of judgement on your part. Mistreatment or abuse of prisoners is a serious war crime punishable by General Court Martial and possible incarceration. Prisoners of war in our theater are entitled to the same rights, protection, and treatment as prisoners in the United States.

For your behavior I am recommending action under Article 15 of the Uniform Code of Military Justice.

This counseling statement has been furnished to you, not as a punitive measure under the provisions of article 15, UCMJ, but as an administrative measure to stress that continued behavior of the same or similar nature may result in initiation of action eliminating you from the U.S. Army for (Unsatisfactory Performance) (Misconduct or Minor Disciplinary Infractions) under the provisions of Chapter (5) (8) (11) (13) (14), AR 635-200., or General Court Martial Proceedings. Such action may result in the issuance of either an Honorable Discharge, General Discharge, Other Than Honorable (OTH) Discharge, or incarceration. If you receive a General or an OTH Discharge, this could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released from active duty with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is nonrefundable and may be forfeited. This is also true if you fail to serve 20 months of a 24 month enlistment. You are advised to correct the deficiencies outlined above or initiation of elimination proceedings will be necessary.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)
o Recommend punishment under Article 15 of the Uniform Code of Military Justice.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: agree disagree with the information above.

Individual counseled remarks:

B6-4 / b7c-4
B6-4 / b7c-4
B6-4 / b7c-4

Signature of Individual Counseled:

[Redacted Signature]

Date: 3 oct 03

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

o Ensure [Redacted] consults with legal counsel regarding Article 15 proceedings

B6-4 / b7c-4

Signature of Counselor:

Date:

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)
you

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DMAIN, 1ST ARMORED DIVISION
BIAP, IRAQ
210044DJULY03

(U) FRAGO 383A [GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD
03-215 (IRON STABILITY)

(U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY LTC [REDACTED], G-3

SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

b6-2

(U) REFERENCES:

- A. UNIFORM CODE OF MILITARY JUSTICE
- B. 1AD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10
- C. 1AD REGULATION / SUPPLEMENT 27-10-1-A

(S) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL

(S) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. COMMANDER 1AD ISSUES A GENERAL ORDER MAKING IT A MILITARY
CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT
PERSONS IN IRAQ.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ
BY 1AD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND
DISCIPLINE. THE DIVISION CANNOT ACCOMPLISH ITS MISSION, UNLESS 1AD SOLDIERS
INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS
CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.

3.B. (U) CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM
DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND
CIVILIANS.

3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR
OTHERWISE TASK ORGANIZED TO 1AD - PROMULGATE AND ENFORCE THE TERMS OF THIS
ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.

3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS
GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.

3.E. (U) COORDINATING INSTRUCTIONS.

3.E.(1)(U) THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2,
UCMJ.

3.E.(2)(U) 1AD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18,
19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENCOM AOR BY 1AD REGULATION 27-
10-1-A.

6700

3.E.(3)(U) THIS GENERAL ORDER IS EFFECTIVE IMMEDIATELY.

3.E.(4)(U) FAILURE TO OBEY THIS GENERAL ORDER IS PUNISHABLE UNDER ARTICLE 92, UCMJ. THE MAXIMUM PUNISHMENT FOR SUCH AN OFFENSE IS A DISHONORABLE DISCHARGE, CONFINEMENT FOR A TERM OF TWO (2) YEARS, TOTAL FORFEITURE OF PAY AND ALLOWANCES, AND REDUCTION TO THE GRADE OF PRIVATE (E-1).

3.E.(5)(U) IAD PERSONNEL SHALL NOT MALTREAT CIVILIANS OR DETAINEES IN IRAQ WHO ARE SUBJECT TO SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT BY PERSONS ACTING PURSUANT TO COALITION PROVISIONAL AUTHORITY AND/OR U.S. NATIONAL COMMAND AUTHORITY. MALTREATMENT IS AN ACT OR ACTIONABLE OMISSION, WHICH RESULTS IN PHYSICAL PAIN OR MENTAL ANGUISH TO A PERSON WITHOUT JUSTIFIABLE CAUSE, AS PROVIDED BY APPLICABLE STATUTE(S) AND/OR REGULATION(S), UNDER THE UCMJ. MALTREATMENT INCLUDES BUT IS NOT LIMITED TO:

3.E.(5)a. (U) HITTING;

3.E.(5)b. (U) SLAPPING;

3.E.(5)c. (U) KICKING;

3.E.(5)d. (U) BUTT-STROKING;

3.E.(5)e. (U) SPITTING ON;

3.E.(5)f. (U) USING ABUSIVE LANGUAGE; OR

3.E.(5)g. (U) CAUSING MENTAL OPPRESSION.

3.E.(6)(U) IAD PERSONNEL SHALL NOT TAKE MONEY, PERSONAL PROPERTY OR PERSONAL PAPERS FROM CIVILIANS OR DETAINEES EXCEPT FOR THE FOLLOWING REASONS: (1) AS EVIDENCE OF AN OFFENSE OR, (2) FOR SAFEKEEPING PURSUANT TO DETENTION. ALL RETAINED PROPERTY TAKEN FROM CIVILIANS DURING SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT WILL BE INVENTORIED AND ACCOUNTED FOR ON CAPTURE CARDS OR EVIDENCE CARDS. THIS RETAINED PROPERTY WILL BE PROMPTLY TURNED OVER TO APPROPRIATE DETENTION FACILITY PERSONNEL.

3.E.(7)(U) DEFINITIONS:

3.E.(7)a.(U) **SEARCH:** INSPECTION OF PERSONS AND/OR PROPERTY BY VISUAL OR TECHNICAL MEANS AND/OR PHYSICAL CONTACT.

3.E.(7)b.(U) **QUESTIONING:** INTERROGATION OF A PERSON FOR ANY PURPOSE, IN ANY PLACE, WITH OR WITHOUT THE ABILITY TO TRANSLATE QUESTIONS AND ANSWERS.

3.E.(7)c.(U) **CAPTURE:** THE TAKING OF PERSONS AND/OR PROPERTY INTO CUSTODY FOR CRIMINAL OR INTELLIGENCE EVIDENCE PROCESSING AT DESIGNATED IAD HOLDING AREAS.

3.E.(7)d.(U) **DETENTION:** RESTRAINING AND/OR RESTRICTING PERSONS FOR SEARCH, QUESTIONING, TRANSPORT AND/OR PROSECUTION.

3.E.(7)e.(U) **TRANSPORT:** RELOCATION, HOWEVER SLIGHT, OF PERSONS AND/OR PROPERTY FROM POINT OF ORIGIN FOR SEARCH, SEIZURE, QUESTIONING, CAPTURE, OR DETENTION.

4. (U) SERVICE SUPPORT: [NO CHANGE].

5. (U) COMMAND AND SIGNAL: [NO CHANGE].

5.A. (U) COMMAND. [NO CHANGE].

5.B. (U) SIGNAL. [CHANGE]. POC FOR THIS IS

ACKNOWLEDGE

B6-2

B6-2

REQUEST FOR LEGAL ACTION
(The proponent of this form is SJA)

| | |
|-----------------------|-------------------------|
| UNIT B2-2/B3-1 | DATE 3 OCT 03 |
|-----------------------|-------------------------|

AS INDICATED BY CHECK REQUEST THE FOLLOWING ACTION BE TAKEN

| | NONJUDICIAL ACTION | | ADMINISTRATIVE/OTHER ACTION |
|-------------------------------------|--------------------------|--|-----------------------------|
| <input checked="" type="checkbox"/> | Field Grade Article 15 | | Letter of Reprimand |
| | Company Grade Article 15 | | Administrative Discharge |
| | Summarized Article 15 | | Admin Reduction Board |
| | Vacation of Suspension | | Other (Specify) |
| | Other (Specify) | | COURT-MARTIAL |

INDIVIDUAL INFORMATION

| | | | | |
|---------------------------------------|--------------------------|-----------------------------|---------------------|-----------------|
| SOLDIERS NAME B6-4 / 1076-4 | SOLDIERS RANK | SSN B6-4 / 1076-4 | RACE WHT. | SEX M |
| UNIT B2-2/B3-1 | PEBD/BASD B6-4 | | | |

SUMMARY OF ACTION/OFFENSE(S):
Mistreatment/Abuse of Prisoners under U.S. Army custody

| | |
|--|--|
| Signature of Commander (or authorized individual) B6-2 | Commander's signature block (rank, branch, position) Commanding B6-2 |
|--|--|

FOR BRIGADE LEGAL CENTER

| | | |
|-------------------------------|------------------------------------|-----------------------|
| Date received at Legal Center | Paperwork complete by Legal Center | |
| Date unit first contacted | Date picked up by unit | Date returned by unit |

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

NAME [redacted] GRADE [redacted] SSN [redacted] UNIT: [redacted] PAY (Basic & Sea/Foreign) [redacted]

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: In that you, did, at or near Baghdad, Iraq, on or about 21 September 2003, violate a lawful general order, to wit: FRAGO 383A [General Order Civilian or Detainee Maltreatment], by wrongfully assaulting local national detainees. This is in violation of Article 92, UCMJ.

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 Proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s).

DATE 17 OCT 03 TIME 1330 hrs NAME, GRADE, AND ORGANIZATION OF COMMANDER [redacted]

3. Having been afforded the opportunity to consult with counsel, my decisions are as follows: a. I demand trial by court-martial. b. do not demand trial by court-martial and in the Article 15 Proceedings: (1) I request the hearing be Open Closed. (2) A person to speak on my behalf Is not requested. (3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

DATE 29 Oct 03 NAME AND GRADE OF SERVICE MEMBER [redacted]

4. In a(n) Open Closed hearing, all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: Reduction to [redacted]; forfeiture of \$645.00 per month for 2 months; suspended, to be automatically remitted if not vacated before 25 April 2004; and extra duty for 45 days.

5. I direct the original DA 2627 be filed in the Performance Fiche Restricted Fiche of the OMPF. NA

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

DATE 29 OCT 03 NAME, GRADE, AND ORGANIZATION OF COMMANDER [redacted]

7. (Initial appropriate block, date, and sign) a. I do not appeal b. I appeal and do not submit additional matters g/g/ c. I appeal and submit additional matters g/g/

DATE 24 Oct 03 NAME AND GRADE OF SERVICE MEMBER [redacted]

8. I have considered the appeal and it is my opinion that:

DATE [redacted] NAME AND GRADE OF JUDGE ADVOCATE [redacted] SIGNATURE [redacted]

9. After consideration of all matters presented in appeal, the appeal is: Denied Granted as follows: 10/

DATE [redacted] NAME, GRADE, AND ORGANIZATION OF COMMANDER [redacted] SIGNATURE [redacted]

10. I have seen the action taken on my appeal. DATE [redacted] SIGNATURE OF SERVICE MEMBER [redacted]

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/ DA Form 4856, FP Form 754, and ERB. PEBD: [redacted]

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 22-100; the proponent agency is TRADOC

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

| | | | | | | | |
|-----------------------|--------------------|------------|------------|-----------------------------|------|--------------------|----------|
| Name (Last, First MI) | B6-4 / b7c-1 | Rank/Grade | [REDACTED] | Social Security No. | B6-4 | Date of Counseling | 3 OCT 03 |
| Organization | B6-4 / B2-2 / B3-1 | | | Name and Title of Counselor | B6-2 | | |

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

Event-Oriented Counseling: Abuse/Mistreatment of Prisoners

B6-4 / b7c-4

B2-2 / B3-1

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

[REDACTED] you are being counseled for mistreatment and abuse of prisoners under U.S. Army custody, a violation of the laws of land warfare and the Uniform Code of Military Justice. On the night of 21 September 2003, you and two fellow soldiers approached the detainee holding area located on the [REDACTED] basecamp. Your section was responsible for guarding the prisoners held inside the detention facility. You and the two soldiers accompanying you proceeded to enter the holding cell and physically assault the four prisoners held inside. Tower 6 heard this activity, and approached the holding area to investigate, at which time the three of you departed the area. Eagle troop called me, [REDACTED] on the Squadron net and informed me of the situation. Upon questioning you that evening, you and the other soldiers involved admitted to the above actions.

These actions are unacceptable and reflect an extreme lack of judgement on your part. Mistreatment or abuse of prisoners is a serious war crime punishable by General Court Martial and possible incarceration. Prisoners of war in our theater are entitled to the same rights, protection, and treatment as prisoners in the United States.

For your behavior I am recommending action under Article 15 of the Uniform Code of Military Justice.

This counseling statement has been furnished to you, not as a punitive measure under the provisions of article 15, UCMJ, but as an administrative measure to stress that continued behavior of the same or similar nature may result in initiation of action eliminating you from the U.S. Army for (Unsatisfactory Performance) (Misconduct or Minor Disciplinary Infractions) under the provisions of Chapter (5) (8) (11) (13) (14), AR 635-200., or General Court Martial Proceedings. Such action may result in the issuance of either an Honorable Discharge, General Discharge, Other Than Honorable (OTH) Discharge, or incarceration. If you receive a General or an OTH Discharge, this could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released from active duty with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is nonrefundable and may be forfeited. This is also true if you fail to serve 20 months of a 24 month enlistment. You are advised to correct the deficiencies outlined above or initiation of elimination proceedings will be necessary.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)
o Recommend punishment under Article 15 of the Uniform Code of Military Justice

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: agree disagree with the information above.

Individual counseled remarks:

B6-4 / b7C-4

B6-4 / b7C-4

Signature of Individual Counseled:

[Redacted Signature]

Date: 3/10/03

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

o Ensure [Redacted] consults with legal counsel regarding Article 15 proceedings

B6-4 / b7C-4

B6-2

Signature of Counselor:

[Redacted Signature]

Date: 3 OCT 03

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)
you

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DMAIN, 1ST ARMORED DIVISION
BIAP, IRAQ
210044DJULY03

(U) FRAGO 383A [GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD 03-215 (IRON STABILITY)

(U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY LTC [REDACTED], G-3

SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

b6-2

(U) REFERENCES:

- A. UNIFORM CODE OF MILITARY JUSTICE
- B. 1AD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10
- C. 1AD REGULATION / SUPPLEMENT 27-10-1-A

(S) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL

(S) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. COMMANDER 1AD ISSUES A GENERAL ORDER MAKING IT A MILITARY CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT PERSONS IN IRAQ.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ BY 1AD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE. THE DIVISION CANNOT ACCOMPLISH ITS MISSION, UNLESS 1AD SOLDIERS INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.

3.B. (U) CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND CIVILIANS.

3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR OTHERWISE TASK ORGANIZED TO 1AD - PROMULGATE AND ENFORCE THE TERMS OF THIS ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.

3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.

3.E. (U) COORDINATING INSTRUCTIONS.

3.E. (1) (U) THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2, UCMJ.

3.E. (2) (U) 1AD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18, 19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENCOM AOR BY 1AD REGULATION 27-10-1-A.

6707

3.E.(3)(U) THIS GENERAL ORDER IS EFFECTIVE IMMEDIATELY.

3.E.(4)(U) FAILURE TO OBEY THIS GENERAL ORDER IS PUNISHABLE UNDER ARTICLE 92, UCMJ. THE MAXIMUM PUNISHMENT FOR SUCH AN OFFENSE IS A DISHONORABLE DISCHARGE, CONFINEMENT FOR A TERM OF TWO (2) YEARS, TOTAL FORFEITURE OF PAY AND ALLOWANCES, AND REDUCTION TO THE GRADE OF PRIVATE (E-1).

3.E.(5)(U) IAD PERSONNEL SHALL NOT MALTREAT CIVILIANS OR DETAINEES IN IRAQ WHO ARE SUBJECT TO SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT BY PERSONS ACTING PURSUANT TO COALITION PROVISIONAL AUTHORITY AND/OR U.S. NATIONAL COMMAND AUTHORITY. MALTREATMENT IS AN ACT OR ACTIONABLE OMISSION, WHICH RESULTS IN PHYSICAL PAIN OR MENTAL ANGUISH TO A PERSON WITHOUT JUSTIFIABLE CAUSE, AS PROVIDED BY APPLICABLE STATUTE(S) AND/OR REGULATION(S), UNDER THE UCMJ. MALTREATMENT INCLUDES BUT IS NOT LIMITED TO:

3.E.(5)a. (U) HITTING;

3.E.(5)b. (U) SLAPPING;

3.E.(5)c. (U) KICKING;

3.E.(5)d. (U) BUTT-STROKING;

3.E.(5)e. (U) SPITTING ON;

3.E.(5)f. (U) USING ABUSIVE LANGUAGE; OR

3.E.(5)g. (U) CAUSING MENTAL OPPRESSION.

3.E.(6)(U) IAD PERSONNEL SHALL NOT TAKE MONEY, PERSONAL PROPERTY OR PERSONAL PAPERS FROM CIVILIANS OR DETAINEES EXCEPT FOR THE FOLLOWING REASONS: (1) AS EVIDENCE OF AN OFFENSE OR, (2) FOR SAFEKEEPING PURSUANT TO DETENTION. ALL RETAINED PROPERTY TAKEN FROM CIVILIANS DURING SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT WILL BE INVENTORIED AND ACCOUNTED FOR ON CAPTURE CARDS OR EVIDENCE CARDS. THIS RETAINED PROPERTY WILL BE PROMPTLY TURNED OVER TO APPROPRIATE DETENTION FACILITY PERSONNEL.

3.E.(7)(U) DEFINITIONS:

3.E.(7)a.(U) **SEARCH:** INSPECTION OF PERSONS AND/OR PROPERTY BY VISUAL OR TECHNICAL MEANS AND/OR PHYSICAL CONTACT.

3.E.(7)b.(U) **QUESTIONING:** INTERROGATION OF A PERSON FOR ANY PURPOSE, IN ANY PLACE, WITH OR WITHOUT THE ABILITY TO TRANSLATE QUESTIONS AND ANSWERS.

3.E.(7)c.(U) **CAPTURE:** THE TAKING OF PERSONS AND/OR PROPERTY INTO CUSTODY FOR CRIMINAL OR INTELLIGENCE EVIDENCE PROCESSING AT DESIGNATED IAD HOLDING AREAS.

3.E.(7)d.(U) **DETENTION:** RESTRAINING AND/OR RESTRICTING PERSONS FOR SEARCH, QUESTIONING, TRANSPORT AND/OR PROSECUTION.

3.E.(7)e.(U) **TRANSPORT:** RELOCATION, HOWEVER SLIGHT, OF PERSONS AND/OR PROPERTY FROM POINT OF ORIGIN FOR SEARCH, SEIZURE, QUESTIONING, CAPTURE, OR DETENTION.

4. (U) SERVICE SUPPORT: [NO CHANGE].

5. (U) COMMAND AND SIGNAL: [NO CHANGE].

5.A. (U) COMMAND. [NO CHANGE].

5.B. (U) SIGNAL. [CHANGE]. POC FOR THIS IS

ACKNOWLEDGE

B6-2

B6-2

REQUEST FOR LEGAL ACTION
(The proponent of this form is SJA)

UNIT

 *B6-4*

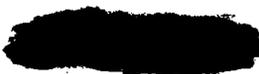
DATE

30 OCT 03

AS INDICATED BY CHECK REQUEST THE FOLLOWING ACTION BE TAKEN

| NONJUDICIAL ACTION | | ADMINISTRATIVE/OTHER ACTION | |
|-------------------------------------|--------------------------|-----------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Field Grade Article 15 | <input type="checkbox"/> | Letter of Reprimand |
| <input type="checkbox"/> | Company Grade Article 15 | <input type="checkbox"/> | Administrative Discharge |
| <input type="checkbox"/> | Summarized Article 15 | <input type="checkbox"/> | Admin Reduction Board |
| <input type="checkbox"/> | Vacation of Suspension | <input type="checkbox"/> | Other (Specify) |
| <input type="checkbox"/> | Other (Specify) | <input type="checkbox"/> | COURT-MARTIAL |

INDIVIDUAL INFORMATION

| | | | | |
|---|---|---|--------------------|------------------|
| SOLDIERS NAME  <i>B6-4/b7c-4</i> | SOLDIERS RANK  | SSN  <i>B6-4/b7c-4</i> | RACE <i>WHT</i> | SEX <i>M.</i> |
| UNIT  <i>B2-2/B3-1</i> | PEBD/BASD  <i>B6-4</i> | | | |

SUMMARY OF ACTION/OFFENSE(S):

Mistreatment / Abuse of Prisoners under U.S. Army Custody

Signature of Commander (or authorized individual)

 *B6-2*

Commander's signature block (rank, branch, position)

 *Commanding B6-2*

FOR BRIGADE LEGAL CENTER

Date received at Legal Center

Paperwork complete by Legal Center

Date unit first contacted

Date picked up by unit

Date returned by unit

MEMORANDUM FOR Commander, 1-9 Field Artillery Battalion

SUBJECT: AR 15-6 Investigation Legal Review, Beating of 2 Iraqi Detainees.

1. After carefully reviewing the above referenced AR 15-6 Investigation, I find that it is legally sufficient.

2. Facts. On 30 June 2003, soldiers of 1-9 FA were patrolling Highway 10. Near the intersection of HWY 1 and HWY 10, the convoy stopped to investigate a civilian vehicle parked on the side of the road. Immediately after the convoy started moving again, an RPG round struck one of the Avengers in the convoy. Soldiers then dismounted to provide security to the convoy. One of those soldiers, SSG [REDACTED] noticed a vehicle with it's lights on nearby his position. Soon after, 2 Iraqis appeared from the side of the road with their hands in the air, apparently trying to surrender. SSG [REDACTED] captured the 2 Iraqis, then searched both them and the vehicle. When questioned, the 2 Iraqis indicated that the vehicle had run out of gas, and that they were seeking assistance. After they obtained gas, they returned to the vehicle. After refueling, the 2 Iraqis heard an explosion, and noticed American soldiers in the area. They left the vehicle and dropped to the ground so that they or their vehicle would not be accidentally targeted by the American response to the attack. At this point, several witnesses indicated that a group of five to six unruly soldiers then approached the 2 detainees. SSG [REDACTED] left to obtain "zip ties" for the detainees when the other soldiers arrived. Statements from two soldiers, SPC [REDACTED] and SPC [REDACTED] witnessed several of these soldiers punch, kick, butt stroke, and shout at the detainees. The Iraqi detainees did not resist during their beating. Soon after, the detainees were taken to the Brigade Detention Cell. Their injuries were noticed by the Guards at the detention cell, and a medic was immediately summoned to treat the injuries.

B6-4
b7c-4

3. Findings and Recommendations. The Investigating Officer, MAJ [REDACTED] found that the 2 Iraqis did not have any wounds on them when initially captured. Several soldiers stated that the Iraqis were cooperative, and did not offer resistance. The IO found that five or six American soldiers beat the Iraqis at the site of the capture without provocation or justification. Finally, the IO concluded that the beatings took place before the Iraqis were taken to the Detention Facility. Based upon these findings, the IO recommended that 1-9 FA BN receive additional classes on the ROE and appropriate methods of handling detainees. The IO also recommended that further investigations be conducted to determine which individuals were involved in the assaults. The recommendation of the IO is consistent with the findings.

B6-2

4. The POC is the undersigned at [REDACTED] B6-2

[REDACTED SIGNATURE]

B6-2

CPT, JA
Operational Law Attorney

TAB A: Report/Findings

006712

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by B6-2 [REDACTED] COL, AR, Commanding
(Appointing authority)

on 10 JULY 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at HQ, 2nd Brigade Combat Team, Spartan Base at 1000 hrs
(Place) (Time)

on 12 July 2003 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)
None.

The (investigating officer) (board) finished gathering/hearing evidence at 1600 hrs. on 15 JULY 2003
(Time) (Date)
and completed findings and recommendations at 2000 hrs. on 20 JULY 2003
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

| A. COMPLETE IN ALL CASES | | YES | NO ^{1/} | NA ^{2/} |
|--------------------------|--|-----|------------------|------------------|
| 1 | Inclosures (para 3-15, AR 15-6) | | | |
| | Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) | | | |
| | a. The letter of appointment or a summary of oral appointment data? | X | | |
| | b. Copy of notice to respondent, if any? (See item 9, below) | | X | |
| | c. Other correspondence with respondent or counsel, if any? | | | X |
| | d. All other written communications to or from the appointing authority? | | X | |
| | e. Privacy Act Statements (Certificate, if statement provided orally)? | | X | |
| | f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | | X | |
| | g. Information as to sessions of a formal board not included on page 1 of this report? | | | X |
| | h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | | X | |

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.

006713

| | | YES | NO ¹⁾ | NA ²⁾ |
|---|---|-----|------------------|------------------|
| 2 | Exhibits (para 3-16, AR 15-6) | | | |
| | a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report? | X | | |
| | b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | X | | |
| | c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | X | | |
| | d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? | | | X |
| | e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? | X | | |
| | f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? | X | | |
| | g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? | | | X |
| 3 | Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)? | | | X |
| B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6) | | | | |
| 4 | At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)? | | | |
| 5 | Was a quorum present at every session of the board (para 5-2b, AR 15-6)? | | | |
| 6 | Was each absence of any member properly excused (para 5-2a, AR 15-6)? | | | |
| 7 | Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)? | | | |
| 8 | If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? | | | |
| C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) | | | | |
| 9 | Notice to respondents (para 5-5, AR 15-6): | | | |
| | a. Is the method and date of delivery to the respondent indicated on each letter of notification? | | | |
| | b. Was the date of delivery at least five working days prior to the first session of the board? | | | |
| | c. Does each letter of notification indicate -- | | | |
| | (1) the date, hour, and place of the first session of the board concerning that respondent? | | | |
| | (2) the matter to be investigated, including specific allegations against the respondent, if any? | | | |
| | (3) the respondent's rights with regard to counsel? | | | |
| | (4) the name and address of each witness expected to be called by the recorder? | | | |
| | (5) the respondent's rights to be present, present evidence, and call witnesses? | | | |
| | d. Was the respondent provided a copy of all unclassified documents in the case file? | | | |
| | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? | | | |
| 10 | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings): | | | |
| | a. Was he properly notified (para 5-5, AR 15-6)? | | | |
| | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)? | | | |
| 11 | Counsel (para 5-6, AR 15-6): | | | |
| | a. Was each respondent represented by counsel? | | | |
| | Name and business address of counsel: | | | |
| | (If counsel is a lawyer, check here <input type="checkbox"/>) | | | |
| | b. Was respondent's counsel present at all open sessions of the board relating to that respondent? | | | |
| | c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)? | | | |
| 12 | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): | | | |
| | a. Was the challenge properly denied and by the appropriate officer? | | | |
| | b. Did each member successfully challenged cease to participate in the proceedings? | | | |
| 13 | Was the respondent given an opportunity to (para 5-8a, AR 15-6): | | | |
| | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent? | | | |
| | b. Examine and object to the introduction of real and documentary evidence, including written statements? | | | |
| | c. Object to the testimony of witnesses and cross-examine witnesses other than his own? | | | |
| | d. Call witnesses and otherwise introduce evidence? | | | |
| | e. Testify as a witness? | | | |
| | f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)? | | | |
| 14 | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)? | | | |
| 15 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)? | | | |

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

006714

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
SEE Attachment labeled DA 1574 Findings.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

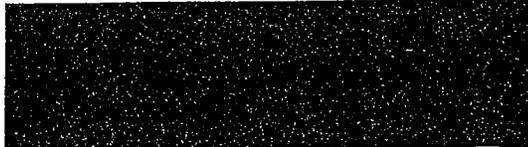
In view of the above findings, the (investigating officer) (board) recommends:
See attachment labeled DA 1574 Findings

006715

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

B6-2



(Recorder)

(Investigating Officer) (President)

U M

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

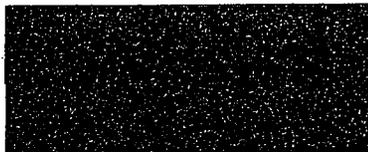
(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

B6-2



006716

DA 1574, SECTION IV - FINDINGS

B6-4
b7c-4

Summary: On 30 JUN 03 @ 2230 hrs, [redacted] and [redacted] were apprehended and brought to the 2nd Brigade Combat Team (2nd BCT) detention cell on suspicion of conducting an attack against U.S. forces and possession of a pistol. During the inprocessing it was discovered that the detainees had been beaten and suffered several non-life-threatening injuries: [redacted] sustained a left mandibular hematoma (struck in the jaw), a scleral hematoma (from a blow to the left eye), an anterior neck contusion (blow to the Adam's apple), and several other lacerations; [redacted] sustained a ruptured right tympanic membrane. (small laceration to the ear drum), a pulmonary contusion (struck in the ribs), a right mandibular hematoma (struck in the jaw), and several lacerations. A disputation ensued as to how and where the men were beaten, with one argument being that the beatings occurred at the site of the incident, the counter-argument being that the detainees were beaten at the detention facility presumably by the guards there. The investigation revealed that both detainees were beaten at the site of the incident and arrived at the BCT detention facility in the condition mentioned above. It is my assessment that excessive force was used against the detainees who, according to every witness making sworn statement, never offered any resistance. Two witnesses accused [redacted] 1/9 FA BN, of beating the victims, but others who were observed could not be identified.

B6-4
b7c-4

B6-4
b7c-4

B6-4
b7c-4

Events Leading Up To Incident:

On 29 JUN at 2300 hrs, [redacted] a taxi driver, was on his way from Khadimiya to pick up his wife at Haswa. He drives a white mid-1980s Volkswagen Passat taxicab, which is not the standard Iraqi orange and white taxi. En route he was flagged down at the Abu Ghurayb market - he was off duty, but thought that it was an opportunity to earn a little extra money, so he picked up [redacted] as a customer. [redacted] a steel worker in Abu Ghurayb, was also on his way to Haswa. As they departed, they approached a U.S. checkpoint just across what is called the Abum Nessar Bridge. The taxi got through the checkpoint without any problem, but upon crossing the bridge the taxi began to sputter. [redacted] then realized that his taxi was out of gas, and pulled over to seek assistance. [redacted] and [redacted] noticed a house north of them and walked up to it to inquire about assistance. They were then met by some of the residents - - specifically three to five young men - who provided them with five liters of fuel.

B6-4
b7c-4

B6-4
b7c-4

B6-4
b7c-4

B6-4
b7c-4

B6-4
b7c-4

Shortly after refueling, both men noted the taxi being approached by vehicles of an American convoy from the opposite side of the highway (Highway 10). A soldier, described as a black man, asked [redacted] why he was stopped; he explains as best he can and once again they are again underway. Suddenly the men hear an explosion ahead of them about 300 meters. According to [redacted], "something hit the convoy." Immediately, troops in the convoy began returning fires, which terrified both the driver and his passenger. Rather than remain in the taxi, both men decided to get out of the taxi and take cover in the field, which was being irrigated at the time; "they were afraid their car might get hit by the soldiers firing."

B6-4
b7c-4

The convoy, comprised of a command HMMWV, an Avenger, and two Bradley Linebackers, was conducting a night patrol throughout the 1-9 FA BN zone of the 2nd BCT area of responsibility; the convoy also had an NBC news reporter

006717

embedded with them. The explosion was caused by an RPG attack in which the Avenger was impacted and ultimately destroyed. The vehicle immediately became engulfed in flames. [REDACTED] a track commander (TC) for one of the Linebackers notified first the Bulldog X-Ray, and then the other Linebacker TC [REDACTED], B/1-3 ADA BN; SSGs [REDACTED] and [REDACTED] headed toward the site to provide security.

} B6-4
b7C-4

SSG [REDACTED] reached the site first. His crew included SPC [REDACTED] driver, and SPC [REDACTED] gunner. Upon arriving at the site, SSG [REDACTED] noticed a stationary white car with its headlights on. He then began to approach the vehicle, but before reaching it he noticed two Iraqi males coming out of the field from behind some bushes with their hands raised in surrender and shouting, "No Ali-

} B6-4
b7C-4

B6-4
b7C-4

Baba!" SSG [REDACTED] then dismounted his Linebacker under the cover of both his gunner and driver; subsequently, he motioned for the two men to get on the ground, to which the men complied. According to SSG [REDACTED], "they were dirty, didn't seem hostile at the time, and did not appear injured." The two men never offered any resistance. When SSG [REDACTED] asked whose car it was, [REDACTED] pointed to himself

} B6-4
b7C-4

} B6-4
b7C-4

B6-4
b7C-4

and responded in English, "taxi driver", indicating that it was his car. SSG [REDACTED] then ordered SPC [REDACTED] to shine his headlights on the Iraqis while he conducted a search of the men and their vehicle. Nothing was found on the men, but a search of the taxi did produce a .32 caliber pistol emplaced between the driver's seat and the front passenger's seat. According to [REDACTED], "I keep a pistol to protect myself from looters". SSG [REDACTED] then notified SSG [REDACTED]

B6-4
b7C-4

B6-4
b7C-4

SSG [REDACTED] then returned to the two Iraqis in order zip-strip them, but discovered that he had no zip ties. He went and got a zip tie, then proceeded to tie up [REDACTED] first. As he zip tied him, SSG [REDACTED] noticed that four to six soldiers, whom he believed were from 1-9 FA BN, began to converge onto the location where the detainees were being held. Based upon sworn statements of the detainees, SSG [REDACTED], SPC [REDACTED], and SPC [REDACTED] - all of whom were eyewitnesses - this small mob of soldiers proceeded to beat the two detainees without the slightest provocation or justification other than mere suspicion.

B6-4
b7C-4

Amplification of the Beating Incident:

B6-4
b7C-4

Incident According to [REDACTED] [quoting from interview] I was searched by six men. After I was searched, I was beaten, but didn't know who was beating me. They were some black and some white. The tall black man hit me with a rifle in the face (pointed at his left eye and his jaw). All six beat me, but the tall black man hurt me the worst (notes that the black man had a very thin mustache). I was punched from behind about 20 times and kicked six or seven times in the side, the legs, and the ribs. We were then separated. I was moved to another vehicle and beaten some more, then moved to another area with the taxi driver.

B6-4
b7C-4

Incident According to [REDACTED] [quoting from interview] I was beaten by six to eight men. They were mixed, some white and some black. It was dark and I was scared. I was punched in the chest below the breast. I did not resist because I wasn't expecting a beating. I cooperated fully. I had the rifle put into my mouth and also pointed at my chest. I was punched on the way to the vehicle.

006713

Incident According to [REDACTED]: While SSG [REDACTED] was zip-stripping the detainees, four to six black soldiers showed up with a white officer from 1-9 FA BN. One large soldier was "particularly pissed and had his weapon pointed into one detainee's face and said 'you shooting at my f----- platoon sergeant? I knew it was you. Talk to me!'" He then observed that the large black soldier reached back and struck the younger man [REDACTED] open-handedly multiple times.

B6-4
b7C-4

Incident According to SPC [REDACTED] was scanning the area while SSG [REDACTED] was searching the two Iraqis. Suddenly he saw a soldier come from behind his Bradley, pull off his CVC, and throw it onto the front of his track. According to SPC [REDACTED] the soldier was a stocky-built black male who was "storming mad;" furthermore, SPC [REDACTED] identified this soldier as one of the individuals I questioned for this investigation named SGT [REDACTED]. [REDACTED] watched as the apparently furious soldier hustled over to the detainees, saying, "Why you shooting missiles at my platoon sergeant?" The soldier then proceeded to beat both detainees; one detainee (probably [REDACTED]) was on his knees when he was punched with both open and closed fists, with one blow causing him to fall backwards. The other detainee (probably [REDACTED]) was also on his knees when the soldier began striking him several times. SPC [REDACTED] also observed one of the six individuals pointing his M-16 into the chest of "the old man" [REDACTED]. He could not distinguish the other 5 men in the mob, but in subsequent questioning and observation was certain that the soldier he saw doing most of the beating was SGT [REDACTED]. He also stated that all six of the individuals beating the detainees were from 1-9 FA BN. Finally, SPC [REDACTED] added that "the two Iraqi civilians never resisted or tried to fight back." The six soldiers then put the two detainees in a HMMWV and transported them to a different location where they were later questioned by LTC [REDACTED], 1-9 FA BN commander.

B6-4
b7C-4

B6-4
b7C-4

Incident According to SSG [REDACTED] After searching the two Iraqi detainees, SSG [REDACTED] zip-tied one of them [REDACTED]. He noticed a group of five to six soldiers coming towards his location. According to [REDACTED], the group consisted of "five or six, including 2 Staff Sergeants, who all appeared to be African Americans." He described these soldiers as "aggressive" and "hostile". The most aggressive and hostile of the group was who SSG [REDACTED] identified as SGT [REDACTED]. [REDACTED] also caveated his statement by saying, "I did not witness any violence except for words. It is possible that while I was away these soldiers became violent, because when I left the soldiers were still there. When I returned the two Iraqis were gone." The following day, SSG [REDACTED] requested to make another statement because key information was left out of his original statement. He amended the statement to include some of the aforementioned details. SSG [REDACTED] also noted that the Iraqi detainees never offered any resistance.

B6-4
b7C-4

B6-4
b7C-4

B6-4
b7C-4

Post-Incident Events

The detainees were transported to a different location where they were questioned directly by LTC [REDACTED], who is a Foreign Area Officer trained in the Arabic language. CPT [REDACTED], the A/1-9 commander was present just prior to the questioning, and according to his statement, "saw no marks on their faces besides a little blood." According to most of the witnesses, LTC [REDACTED] questioned the two men for anywhere between 15 and 20 minutes. They were then separated, questioned

B6-4
b7C-4

B6-4
b7C-4

006719

again, and then were prepared to be taken to the detention facility. The men seemed to comprehend LTC [redacted] questioning; this is somewhat disputed, however, by [redacted] who claimed, "the tall black man spoke some Arabic but I couldn't understand what he was saying." There were no indicators that LTC [redacted] became hostile with the detainees. Again the men offered no resistance. After the brief interrogation, the detainees were then taken to the 2nd BCT detention facility.

B6-4
b7c-4

At 0311 hours on 30 JUN 03, A/1-9 FA BN, led by CPT [redacted] transported the two Iraqis to the 2nd BCT detention facility, where they were processed by SSG [redacted] chemical reconnaissance squad leader, and SGT [redacted] 3rd MP CO. It was at this time that SGT [redacted] first noticed the condition the detainees were in; according to [redacted] "from what I saw both individuals were messed up pretty bad." He noted that one individual had one side of his face really swollen and that he kept moaning in pain [redacted]. The other individual was bleeding from the mouth [redacted] and his face was swollen, too. SGT [redacted] decided that "These individuals were injured so bad that I radioed to Regulator X-Ray (3rd MP CO) that we needed a medic." SGT [redacted] medic, arrived at about 0430 hours. During the investigation, I asked her whether or not the injuries looked like they were sustained right before her arrival; her response was an emphatic no - the blood was dried and it looked like they were sustained hours prior to arrival at the detention facility.

B6-4
b7c-4

B6-4
b7c-4

b6-1
b7c-1

B6-4
b7c-4

Upon examination, SGT [redacted] determined that the detainees had been "brutally beaten". According to her statement, [redacted] was beaten primarily on the left side of the head, resulting in "a swollen neck" and he was bleeding from the mouth. She then observed that [redacted] was also beaten in the facial area and had a possible fracture to the right side of his rib cage.

B6-4
b7c-4

At about this time, SGT [redacted] spoke with CPT [redacted] and asked what they had done to these guys. CPT [redacted] response was matter-of-factly, "they just got roughed up a little bit." According to SPC [redacted], CPT [redacted] "boasted several times that they (A CO 1/9 FA), knew the story of the detainees because his commander knew Arabic and had interrogated the detainees on site." During the investigation, I specifically asked each detainee about his treatment here at the detention cell. [redacted] responded that nobody ever touched him or mistreated him at the detention facility. [redacted] went further pointing out that not only was he untouched, but that he was "treated very well and respectfully."

B6-4
b7c-4

B6-4
b7c-4

Conclusion:

On 29 JUN 03 [redacted] and [redacted] were apprehended based upon suspicion of conducting an attack on American soldiers. On 30 JUN 03, they were discovered badly beaten at the BCT detention facility (LB96068723). They were brought in by A/1-9 FA BN, and they were handed over to and processed by the 92nd Chemical Company, which is responsible for the detention facility. Several conclusions can be drawn from witness accounts and interviews as well as the victims themselves: first, [redacted] and [redacted] did not possess any weapons other than a .32 caliber pistol, which was found in the taxicab at the time of the arrest; second, both men surrendered immediately and never offered any resistance throughout the entire ordeal; third, they were beaten on site by five or six

B6-4
b7c-4

B6-4
b7c-4

006720

soldiers who demonstrated a lack of understanding of the Rules of Engagement (ROE) and who without provocation or justification employed excessive force in handling the detainees; fourth, one soldier, SGT [REDACTED], has been implicated by at least two witnesses as one of the five or six who did the beatings; [REDACTED] was afforded an opportunity to make a positive identification as well, but upon seeing SGT [REDACTED], said he was the right height and description, but he could not be certain; and fifth, the two men, by their own admission, were never abused or mishandled in any way at the detention facility – on the contrary, both detainees acknowledged humane treatment during the whole time they were being detained.

} B6-4
b7C-4
} B6-4
b7C-4

Recommendations:

1. That 1-9 FA BN receive a class on ROE for handling detainees.
2. That the ROE be included in the 1-9 FA BN Field S.O.P.
3. Further investigation may be required since all the individuals who participated in the beating could not be identified.

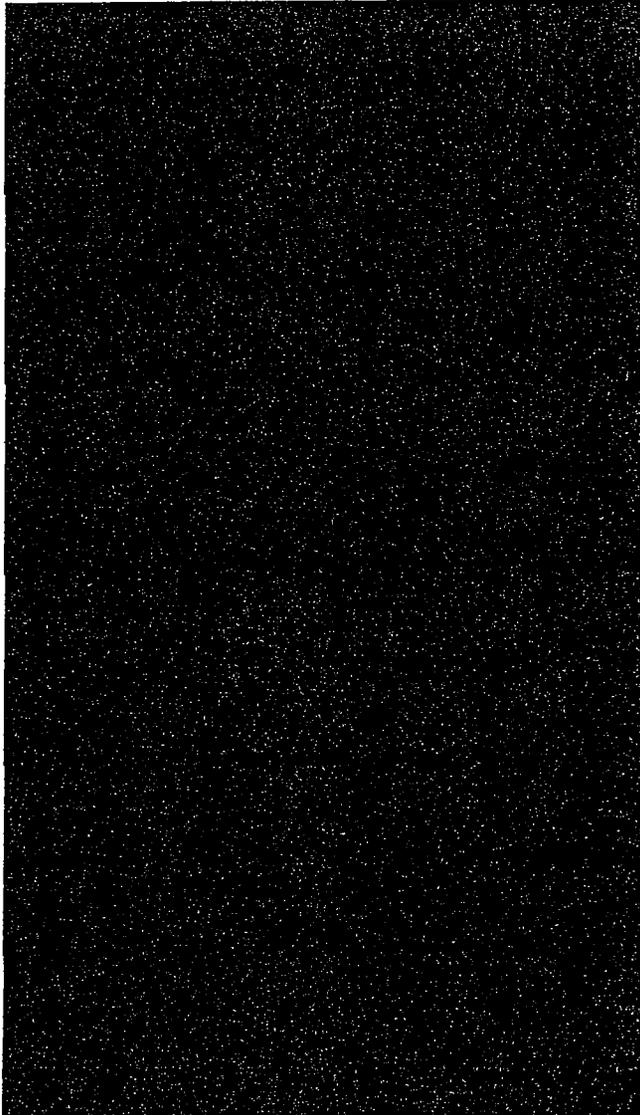
TAB B: Witness Statements

006722

Witness Statements

B6-4 1676-4

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.



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
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
20030715 1455

5. LAST NAME FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
B6-4 | b7C-4 B6-4 E-6

8. ORGANIZATION OR ADDRESS
B Btry 1/3 ADA b7C-4

9. I, [redacted] B6-4 | b7C-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 29 Jun at approx. 2331 while doing a routine patrol of the retrans area, Assassin elements came over the radio and were yelling "RPG, RPG. The [redacted] been hit." I called the situation up to [redacted] and immediately tried to find out the location of the strike/Attack. Once a location was obtained, I contacted [redacted] and [redacted] and informed them to meet me on [redacted] to assist with the attack. Once on location, myself and [redacted] took up far side security on the east and [redacted] nearside on the west. [redacted] told me he had to detainees that came out of the grass and were now in the prone position. I dismounted my Truck and went to check it out. Two individuals were lying prone on the ground, with their hands to their sides. [redacted] informed me that the white veh. was theirs. I told him to search it and find what he could. He found a pistol/revolver. At that time I told him to continue to detain them because they were going to jail. I got [redacted] walked down to the west to check on [redacted] and [redacted]. After that I returned to my truck and continued to search and scan. After some time [redacted] came up to the truck and informed me the [redacted] wanted to talk to me. I dismounted and moved over by a [redacted] that was west of my position and informed [redacted] of what I knew about the two individuals. After that I returned to the truck and waited for further guidance.

36-4 b7C-4

/ End of Statement / [redacted] B6-4 b7C-4

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT
[redacted] B6-4 | b7C-4 PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

B6-4 / b7C-4

AFFIDAVIT

I, [REDACTED] B6-4 / b7C-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

B6-4
b7C-4

B6-2

[REDACTED]

(Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of July, 2003 at JSCA JSC

[REDACTED]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

PAGE 1 OF 1 PAGES

006725

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
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 I-9FA TOC | 2. DATE (YYYYMMDD) 2003 07 14 | 3. TIME 1801 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] BG-4 / b7C-4 | 6. SSN [REDACTED] BG-4 | 7. GRADE/STATUS O-3 | |
| 8. ORGANIZATION OR ADDRESS A/1-9 FA b7C-4 | | | |

9. I, CPT [REDACTED] BG-4 / b7C-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of 29-30 JUN 03 I responded with members of my battery when the Avenger on patrol with my battery was hit by an RPG. We left with 2 HMMWV's and 2 FASVs. While heading east on HWY 10 the rest of the patrol evacuating the injured reporter was moving West. 1SG's HMMWV did a U-Turn and went with the patrol back to the aid station. The convoy continued with now just 1 HMMWV and 2 FASVs. Upon arriving at the site of the attack we pulled over next to 2 gun trucks from AHB/1-9FA. When we arrived at the site there were 2 gun trucks, 3 Bradleys, and 1 FASV. The vehicles all came from static sites except the 2 gun trucks which had left 1-9FA 15 before us. Upon arriving at the site I looked at the burning Avenger and then was told the 2 crew members were next to the FASV. I asked the 2 crew members if they were OK. They looked kind of in shock/tired and told me they were OK, except for bruises. ~~While~~ I then asked them how the attack happened. They told me that they had stopped to check out a

| | | |
|-------------|--|--------------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] BG-4 / b7C-4 | PAGE 1 OF <u>5</u> PAGES |
|-------------|--|--------------------------|

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

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

STATEMENT OF CPT [REDACTED] ^{B6-4 / 1076-4} TAKEN AT 1-9FA Tac DATED 14 Jul 03

9. STATEMENT (Continued)

stationary vehicle with 8 individuals around it. After ~~pass~~ leaving the vehicle they were engaged a 100m or so up the road by an RPG from the north side of the road. While talking to the Avenger Crew I was told by a soldier that there were detainees by the 2 Bradley's 100m + up the road to the East. I moved up the road with a couple of soldiers and found members of B/1-3 ADA and possibly HHB/1-9FA watching the 2 detainees who were zip stripped and lying face first on the ground. I asked them if they spoke English. They said no and something in Arabic. To check if they were telling the truth or not I asked them one more question as to what they were doing and all they said was stuff in Arabic. So I went over to one of the Bradley's and talked to either SSG [REDACTED] or [REDACTED] and asked them the circumstance behind b76-4 detaining them. They told me they spotted them in the field, on the

I, CPT [REDACTED] ^{B6-4 / 1076-4} HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. 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.

^{B6-4 / b76-4}
[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2003 at 1-9FA Tac

ORGANIZATION OR ADDRESS
[REDACTED]

^{B6-2}
[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] ^{B6-4}

PAGE 2 OF 5 PAGES

06727

B6-4 / b7C-4

Statement of [redacted] Taken at [redacted] A TOC dated 14 Jul 03

north side of the road (direction of attack) in their thermals. They called them forward, asked them what they were doing there and was told somehow there car ran out of gas and they had run off into the field after the attack. The ADA soldiers had searched the car and found a revolver and detained them. Cars have been used to mark / slow down convoys for RPG attacks so I decided to take them to the detention center so someone else that is trained in interrogation could figure out if they were involved or not. I went back over to and told the soldiers to move the detainees up the road to one of the FASU's for transportation back to the detention center. As the prisoners were moved I went to check again on the burning avenger. While by the burning Avenger a soldier told me LTC [redacted] had arrived, saw I went over to where LTC [redacted] was and told him what had happened, how the site was secured, and briefed [redacted] that we had 2 detainees. I took LTC [redacted] to where the 2 detainees were and he proceeded to question them in Arabic (LTC [redacted] is trained to speak Arabic). He was having what appeared to be a normal conversation with the individuals asking them what they knew. Several times while he was talking to them I went off to check on the vehicle ~~seeing~~ with 3 dead civilians that had run into a CAT around the time of the RPG attack (just after). I was present though when LTC

006728

B6-4 b7C-4
Statement of CPT [REDACTED] Taken at I-9 FA TOC dated 14 Jul 03

faces. I saw no marks on their faces besides a little blood on the nose of the older Iraqi. After the prisoners had been turned in, ~~the next~~ the next day, I asked the ADA how the detention went. The detainees were on the road when zip stripped and told to lie down. One of the detainees kept trying to get up they said so they pushed him toward the ground, pavement, to ~~instill~~ ^{B6-4 b7C-4} instill in him to stay down. This maybe were the bloody nose came from.

Anyway after LTC ^{B6-4 b7C-4} [REDACTED] was done questioning the detainees, we were all around the civilian vehicle, trying to figure out how to get the bodies out and upload the truck onto a PLS. ~~Several~~ ^{B6-4 b7C-4} Many people were around were the detainees were and I believe soldiers may have rotated guarding them. When the PLS was about done loading the truck, ^{B6-4 b7C-4} LTC [REDACTED] we left to get an interpreter to take to the Jordanian hospital and I went back over to where the detainees were and told the soldiers to load them into a FASU. This was anywhere from 1/2 to 1 hour since I had last seen them. They were loaded up with one soldier in the back to guard them and we left for the detention center.

We arrived at the detention center and I went up to the in processing tent. I told the soldier on duty that I had 2 detainees possibly involved in an RPG attack, gave them the revolver, and asked them if they wanted the detainees. They said no till I

006729

B6-4

B6-4 b7C-4

Statement of CPT [redacted] taken at 1- [redacted] TOC dated 14 JUL 03

outside the FASV. I do not know the 2 soldiers names at the detention center, neither one of them was wearing DCU tops. It took me about 1/2 an hour to finish the paperwork, which I had to get more statements the next day and bring back; ~~and then the detention center wanted.~~ After I finished the paperwork they told me to have the prisoners brought over. I had one of my soldiers go get them and they brought them over. I saw their bodies in the light and do not remember seeing any other marks on them besides the blood on the nose I saw earlier. [redacted] The 2 soldiers at the detention center then looked at the detainees, pulled out their electric shock sticks, and had the detainees get on their knees. I asked them if there was anything else they needed, they said "No". So I said I would bring the rest of the statements by COB that day and we left with the detainees still on their knees by the inprocessing area.

Nothing Follows

B6-4 b7C-4

[redacted] B6-4
 [redacted] B6-4
 [redacted] B6-4
 [redacted]

was couple of - looked like it happened
in couple hours prior to

- young guy face done with blunt dye

- old woman ribs not done with " "

B7C-4

B6-4

B6-4

B6-4

[Redacted]

B6-4

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
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: 1/A FA TOC
2. DATE (YYYYMMDD): 20030714
3. TIME: 2041
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-6
8. ORGANIZATION OR ADDRESS: B 1/3 ADA 2BCT

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 29 JUN 03 I was ordered to respond to an RPG attack on an Avenger at 0000am. Upon Arriving at the Site I noticed red headlights pointed in my direction but not moving. I proceeded East until I reached the vehicle. Upon arriving 2 Iraqi males came out of the bushes with their hands up. I dismounted my track and placed the men on the ground. My Gunner and Driver covered [redacted] covered the 2 men while I searched the car the older man had indicated was his. I found a .32 cal. revolver between the front seat and Homade Console. I returned to the Iraqis and searched them. Someone came and asked if these 2 were to be arrested and returned later with 4 zip strips. I zipped the older man while the other soldier, who I did not recognize as he was not in ADA, zipped the younger Iraqi man. An officer asked if anyone could move the car and said I could drive a straight shift, so I moved the car approximately 100 meters westward. I asked around as to where the car should go I was told to leave it where it was now. Upon returning to my track my prisoners had been taken away. My Gunner, SPC [redacted], said they had been taken away in a MMRV.

Nothing follows will 14 JUL 03

B6-4
B7C-4

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

006732

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

B6-4 B7C-4
14 JUL 03
B6-4
B7C-4

AFFIDAVIT

B6-4 _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

B6-4 B7C-4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2003 at 1-9 P.A. B.N. TDCA

B6-2
b7(c)-2

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006733

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
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 2BCT TOC | 2. DATE (YYYYMMDD) 20030715 | 3. TIME 1335 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN [REDACTED] | 7. GRADE/STATUS E-6 | |
| 8. ORGANIZATION OR ADDRESS B 1/3 ADA 2BCT Iraq | | | |

9. [REDACTED] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am amending my statement of 1454203 to include the following. After the 2 Iraqi men were zipped a group of soldiers (American) came to my location. There were 5 or 6 in the group to include 2 E-6's. I am not sure of the other ranks among them but, the party was made up of all African-Americans. By their body language and speech the soldiers were hostile to the Iraqis. I told these soldiers to take it easy and back off they moved 2 or 3 feet away. I cannot say with any certainty that these soldiers abused the Iraqis because I did not witness any violence except for words. As stated before I moved the civilian car. It is possible that while I was away these soldiers became violent because when I left the soldiers were still there. When I returned the 2 Iraqis were gone.

No thing Follows [REDACTED] 15 JUL 03

| | | |
|-------------|---|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 1 PAGES |
|-------------|---|-------------------|

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

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

C06734

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

No Statement Made
No Statement made

15 JUL 03
15 JUL 03

AFFIDAVIT

I, [Redacted] B6-4 B7C-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Redacted Signature] B6-4 B7C-4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of JULY, 2003 at 2nd BCT, ROC

ORGANIZATION OR ADDRESS

[Redacted Name] B6-2
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006735

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
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 HWY 10 | 2. DATE (YYYYMMDD) 2003 Jul 13 | 3. TIME | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN [REDACTED] | 7. GRADE/STATUS E5 /SGT | |

8. ORGANIZATION OR ADDRESS
A 1/9 FA B6-4
B7C-4

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

30 June 2003, I arrived to the scene, and immediately took my defense position. I saw the two prisoner come in the brady muddy and dirty. Both of them was fired up. Someone who know a little of there language started to question them. The prisoner keep say gas, I'm out of gas that why we was walking the mud area trying to find fuel from the area. And we heard a noise like a explodise and we dive in the mud. Lt. Col [REDACTED] came and started to question the prisoner. Ask them in there language what going on. That told the Lt. Col the same thing. That Lt. Col came over my side and started to ask him the same thing. Look in the person pocket and found a wallet, knife and documents. Put them back the person pocket. Started back asking the prisoner question again. When he got finished. He left and talk to Cpt [REDACTED] Then Svc Battery came and begin to pick up the dead body and vehicle. And we took the prisoner and put them in cut.

B6-4
B7C-4

| | | |
|-------------|--|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 1/9 Teet | PAGE 1 OF 2 PAGES |
|-------------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED 13 July 03

C06736

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

STATEMENT OF 367 [REDACTED] ^{B6-4} TAKEN AT _____ DATED 2005 Jul 17

9. STATEMENT (Continued)

During that time one of the prisoners began to resist by talking and saying no mr, no mr. The soldier ^{B6-4} reach over and took the prisoner and pull to make him move. And I look at the person face and seen it ^{B6-4} brushed up little. And I told one of the soldier this person have a knife his pocket keep a eye on him. Then we returned to compound.

Nothing

Follower

[REDACTED] ^{B6-4}

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

^{B6-4}
^{B7C-4}

[REDACTED] 13501403
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2005 at 1-8 FA MW TSC

ORGANIZATION OR ADDRESS

^{B6-4}
^{B7C-2}

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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
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: 1/9 FA TOC; 2. DATE: 2003 07 14; 3. TIME: 2243; 4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] B6-4; 6. SSN: [redacted] B6-4; 7. GRADE/STATUS: E-6
8. ORGANIZATION OR ADDRESS: HHB 1/9 FA

9. I, [redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 29 JUNE 2003, I was assigned as a shadow patrol along with SSG [redacted] B6-4. We were to be the rolling QRF for SSG [redacted] B6-4 Patrol. At 2320 we were informed that an avenger from 1-3 ADA had been ambushed by an RPG. At 2330 we left the 1-9 FA FOB and went to the ambush site. We drove east on Hwy 10 until we reached the ambush area. When we arrived we saw a civilian truck badly wrecked and about 200 meters further east was the burning avenger. SSG [redacted] B6-4 took his patrol further east to the far ADA Bradley where they started trying to sort out the events. SSG [redacted] B6-4 and I stayed between the Avenger and the civilian truck facing the north side of Hwy 10, we were told that was where the RPG came from. Once our security was in place, SSG [redacted] B6-4 and I went to the other ADA Bradley that was immediately to the north side of the ambushed Avenger. The Bradley and avenger crews were on the ground trying to describe what had happened to us. We then were told by 1-9 TOC to inspect the civilian accident. SSG [redacted] B6-4 and I took SPC [redacted] B6-4 our medic to the truck. SPC [redacted] B6-4 declared all 3 civilians dead and we returned to our perimeter positions. Then LTC [redacted] B6-4 called to let us know he was about 5 minutes out. He wanted to talk to the 2 detainees when he arrived. The two detainees were escorted down to an A 1-9 FAAS-V by CPT [redacted] B6-4, A Btry commander, and I believe SSG [redacted] B6-4. They walked them about 800 meters from the ADA [redacted] B6-4 on the east of our perimeter.

B7C-4

10. EXHIBIT; 11. INITIALS OF PERSON MAKING STATEMENT: [redacted] B6-4; PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED. 006738

B6-4

STATEMENT OF [REDACTED] TAKEN AT 1-9 FA TOC DATED 14 July 2003

9. STATEMENT (Continued) I saw the two detainees, both had their hands zip tied behind their backs and only one was wearing shoes or sandals. The 2 detainees were secured on the west side of the FAAS-V. LTC [REDACTED] then arrived and went straight to the burning avenger where he talked with CPT [REDACTED]. Then LTC [REDACTED] had SSG [REDACTED] and I extract one of the civilians out of the truck so spc [REDACTED] could better examine him. SFC [REDACTED] declared him dead. SSG [REDACTED] and I followed LTC [REDACTED] over to the 2 detainees. LTC [REDACTED] then asked 2 soldiers from A-1-9 to separate the 2 detainees. The 2 soldiers took one of them to the east side of the vehicle where I could not see. I watched and heard LTC [REDACTED] question the first detainee. LTC [REDACTED] kept his hands behind his back while he questioned him. Then SSG [REDACTED] and I turned to watch back to the north. LTC [REDACTED] continued to question the first detainee. After approximately 10 minutes, Service Btry arrived to recover the Avenger and civilian truck. SSG [REDACTED] and I went over to help recover the truck. That was the last time I saw the 2 detainees, and they were both in good condition. All I saw wrong with them was that they had mud all over their clothes and feet or sandals on the one. Then as we finished the recovery we heard someone say they had the 2 detainees in a FAAS-V and were ready to SP. We waited for them to leave and when the Service btry was ready we left. We went to the Jordanian Hospital to rejoin our patrol. At about 0145 we returned to 1-9 FOB. I never saw the 2 detainees again. ————— nothing follows ————— [REDACTED]

B7C-4

B6-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

B6-4
B7C-4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2003 at 2nd BCT TOC

B6-2
B7C-2

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

B6-4 B7C4

PAGE 2 OF 2 PAGES

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
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: Al Fallujah
2. DATE (YYYYMMDD): 12 July 03
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted] B6-4
6. SSN: [Redacted] B6-4
7. GRADE/STATUS: E5 / SGT
8. ORGANIZATION OR ADDRESS: 3rd Military Police Company

9. [Redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON the 30 of JUNE around or about 04:30am, I was called to the Detainee Cell for medical assistance. Upon arrival, there stood two Iraqi looters that had been brutally beaten. The first individual that I seen had been beaten on the left side of the head. The individual also had a swollen neck and was bleeding from the mouth. The second individual had been beaten in the facial area also. He also had possible fracture to the right side of rib cage. I basically screened both [Redacted] men with equipment I had available. I had SPC [Redacted] the interpreter, to asked the individuals what happened and when. They stated that when they were captured, they were beaten with weapons [Redacted]. I then requested for Charlie med to [Redacted] assist in treatment for the individuals.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted] B6-4
PAGE 1 OF 1 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED. 006739

B7C-4

STATEMENT OF

B6-4
TAKEN AT

19:00

DATED

12 July 03

9. STATEMENT (Continued)

Nothing follows

B6-4
B7C-4

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

WITNESSES:

B6-4
B7C-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of JULY, 2003 at J¹ BCT DETENTION FACILITY

ORGANIZATION OR ADDRESS

B6-2
B7C-2

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS

MAKING STATEMENT

B6-4 B7C-4

PAGE

OF

PAGES

006740

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
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: 1-9FA Batt.
2. DATE (YYYYMMDD): 20030714
3. TIME: 1935
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted] B6-4
6. SSN: [Redacted] B6-4
7. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS: A Btry 19 FA B7C-4

9. I, [Redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on the night of June 29, early June 30, I WAS IN A CONVOY responding to AN RPG ATTACK. I WAS THE LAST VEHICLE IN THE 4 VEHICLE, PROVIDING REAR SECURITY. WHEN I ARRIVED AT THE SITE WE PULLED REAR SECURITY TO ENSURE NO VEHICLE CAME DOWN THE ROAD. I SAW TWO IRAQI MEN BEING ESCORTED BY SOME SOLDIERS AND THEY WERE WALKING FINE. THE SOLDIERS HAD THEM STAND BY THE FASV, AND THEN SAT THEM DOWN. THE LTC [Redacted] B6-4 CAME AND QUESTIONED THE 2 IRAQI'S AND HE SHOWED NO ANGRY OR ANY HOSTILITY TOWARDS THE TWO GUYS. AFTER HE FINISHED WE TURNED OUR FASV AROUND TO BLOCK OFF TRAFFIC SO THE GUYS COULD LOAD UP A TUCK. ON A PIS. AFTER THEY FINISHED WE LEFT AND CAME BACK TO THE COMPOUND. Nothing follows

[Redacted] B6-4 B7C-4 14 July 03

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

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

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

006741

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

B6-4 B7C-4
19 July 03



nothing follows

AFFIDAVIT

 B6-4 B7C-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

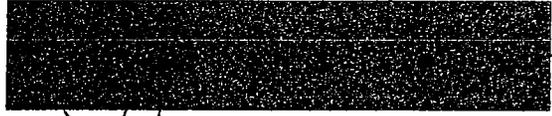
 B6-4 B7C-4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2003 at 24 BCF 1-9 RA DN TOC

ORGANIZATION OR ADDRESS

B6-2
B7C-2



(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006742

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
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: 2nd BCT TOC
2. DATE (YYYYMMDD): 2003-07-15
3. TIME: 1517
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted] B6-4
6. SSN: [Redacted] B6-4
7. GRADE/STATUS: E-2 PV2
8. ORGANIZATION OR ADDRESS: B Y3 ADA

9. [Redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
The night of the incident, SSG [Redacted] B6-4 and I were on patrol in the area of the Getrans-site, we heard over the radio that one of our averages had been hit down the road from our position by an RPG. we proceeded to the location of the attack, and began to pull security. SSG [Redacted] B6-4 dismantled after scanning the area to assist some of us military personnel while I continued to scan the area and monitor the radios. The other Bradley was to my left and a civilian vehicle was to my 10-11. I saw two civilians lying face down within the light of the Bradley headlights. I look back later to see the two civilians zip tied and standing with several military personnel standing around them. They were pulled to the side where one was pushed to his knees. I went back to scanning my sector, later SSG [Redacted] B6-4 and me moved to the inside of the perimeter for SSG [Redacted] B6-4 to speak to one of the officers. About 0300-0330 we headed back to Getransite to continue patrols. [Redacted] B6-4

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 7 PAGES

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

[Redacted] B6-4 B7C-4
20030715

AFFIDAVIT

I, [Redacted] B6-4 B7C-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

B6-4
B7C-4

[Redacted Signature] _____
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of July, 2003

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[Redacted Name]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006744

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
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 [redacted] 2. DATE (YYYYMMDD) 20030714 3. TIME 2205 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E6/USA.
8. ORGANIZATION OR ADDRESS HNB 1-9FA, TOC APO, AE 09303-3214

9. [redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
on 29 JUN 03 at 2400 I was scheduled for shadow patrol for 164 FST. At 2320 we received word of an RPG attack on an Avenger and deployed 5 gun trucks to vic 15E to establish a QRF and perimeter security. I arrived at the scene at 2345 to observe an Avenger HMMWV on fire @ Linebacker set on the east side, a Linebacker on the west, a CATV near the HMMWV, a destroyed pickup truck on the west side and a civilian car on the east side. I established security and called for and provided ground control for OH-58D's, call sign Eagle and Demol. CPT [redacted] showed up and we moved to the civilian car. En route, we were informed that there were 2 detainees at the East Linebacker. Upon arrival we observed 2 individuals zip tied and seated on the ground with a group of 5-6 soldiers surrounding them as guards. One individual, a large black soldier, was upset and shouting at the detainees, using profanity and expressing anger that his HMMWV was destroyed. Unknown whether he meant his HMMWV or if he was implying B1-3ADA's HMMWV. I was informed LTC [redacted] was enroute and I departed that area to return to my C2 HMMWV. I returned to CPT [redacted] and informed him LTC [redacted] would question the detainees down by my C2 vehicle. The 2 detainees were walked to that area and placed on the west side of the CATV. They did not appear to have any type of walking impediment. LTC [redacted] arrived and began questioning the individuals while I provided PSD to him. I left the questioning to [redacted] the incoming shift of Kiowas. On return LTC [redacted] had finished his questioning and he tasked me to retrieve the bodies out of the destroyed pickup truck. While moving to that mission, I noted the CAT-V departing and was told the detainees

B6-4

B7C-4

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [redacted] B6-4 PAGE 1 OF 2 PAGES

006743

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

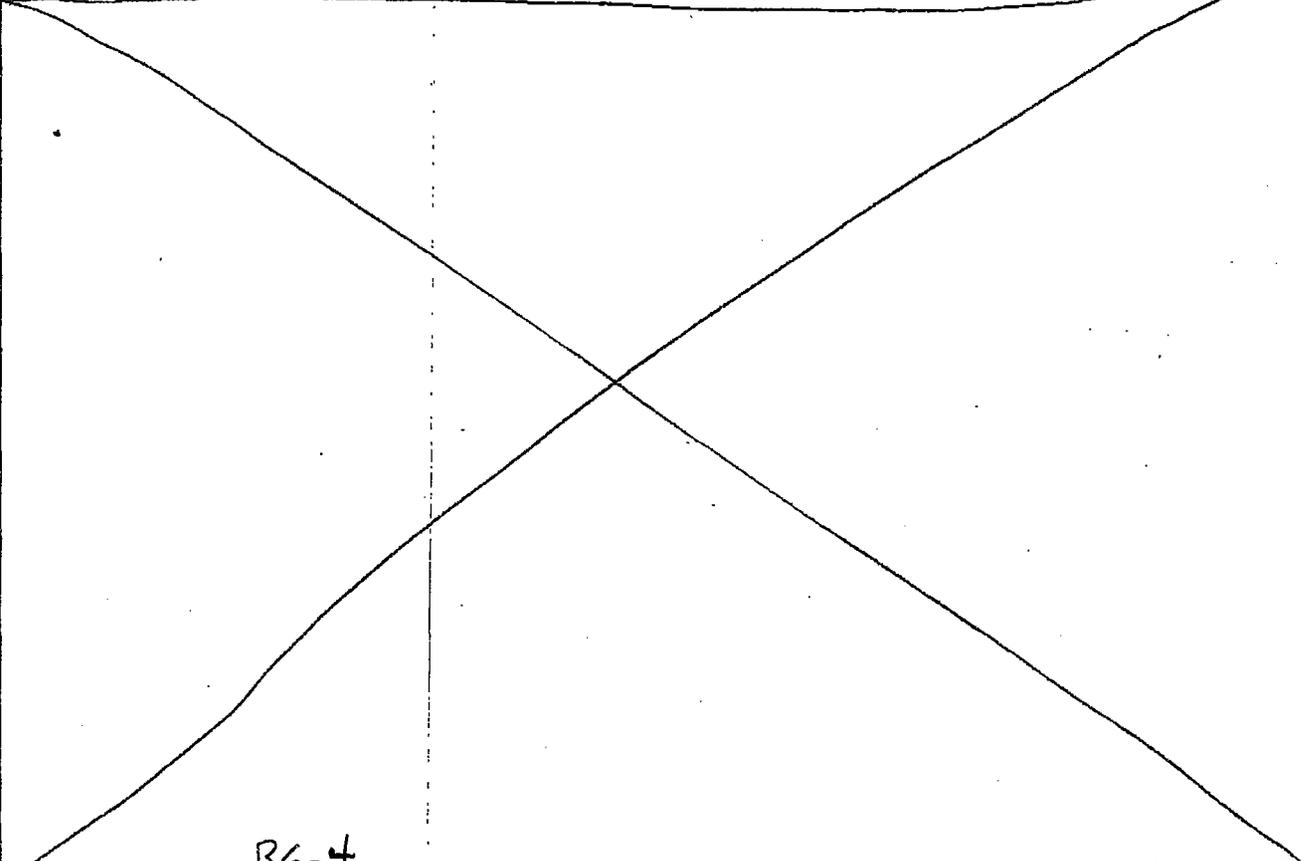
B6-4

STATEMENT OF SSG [REDACTED] TAKEN AT 1-9 FA TOC DATED 14 JUL 03

9. STATEMENT (Continued)

were aboard and enroute to the Brigade holding cell [REDACTED]

B6-4



B6-4

1
B7C-4
1

AFFIDAVIT

I, SSG [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

B6-4

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me; a person authorized by law to administer oaths, this 14 day of JULY, 2003 at 1-9 FA TOC

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] B6-4

PAGE 2 OF 2 PAGES

006746

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
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: 1-9 FA TOC
2. DATE (YYYYMMDD): 200314 July 21 44
3. TIME: 21 44
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] B6-4
6. SSN: [REDACTED]
7. GRADE/STATUS: E-4 / SPC
8. ORGANIZATION OR ADDRESS: B-1/3 ADA B6-4

9. [REDACTED] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Upon the night of the 29 of June 2003 responded to a distress call of an RPG attack on an Avenger during a patrol in the area. When we arrived on the scene we came across an abandoned car. Minutes later we found the personnel in question in the field to left of the road. My crew detained them until they were taken from our custody by personnel of 1/4 FA. During this transaction I witnessed the detainees being mishandled and "roughed up". Miss-treatment that took place was put to a stop by my squad-leader and other 1/4 personnel. The detainees were not badly beaten when they left my custody. After they were removed from the scene my section remained with the burning Avenger until relieved the following morning.

B7C-4

nothing follows [REDACTED] B6-4

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] B6-4
PAGE 1 OF ___ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

006747

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large handwritten X across the statement area]

B6-4

[Redacted]

14 July 03

B7C-4

AFFIDAVIT

I, [Redacted] B6-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

B6-4

[Redacted Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of July, 2003 at 1-9 F.A.T.O.G.

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[Redacted Name]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006748

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
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
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
1B 1/3 ADA

9. I, SPC [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

29th of June B-14 was on ORF when we recieved the call that an Avenger was struck by an RPG. When we arrived on the scene we first noticed the burning Avenger & the injured reporter, we then noticed a car 100m down the road w/ its headlights on. As soon as we got to the car two Iraqi civilians walked out from our left from behind some brush SSG [redacted] and I immediatly [redacted] told them to get down on there belly's, then as my driver SPC [redacted] and I watched them from the front right & left of the Bradley SSG [redacted] searched there vehicle [redacted] and found a Pistol we notified SSG [redacted] B-23 and we proceed to zip tie the individuals. Then minutes later a short, heavy set Black male came from my right and through his coc onto my

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

track and struck open handed to one Iraqi civilian and the blow knocked his backwards, he repeated the assault on him and the other Iraqi civilian but only open + closed fists no weapons or objects one individual had his M-16 one one civilians Chest + chest only that I witnessed. There were 5-6 19 personnel during this incident. They took the two & civilians down the street to a hummer. The two Iraqi Civilians never resisted or tried to fight back.

nothing follows

B6-4 B7C-4

AFFIDAVIT

I, SPC [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

B6-4
B7C-4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of JULY, 2002 at 2nd BCT 10C

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006750

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
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: Iraq
2. DATE (YYYYMMDD): 20030715
3. TIME: 1555
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted] B6-4
6. SSN: [Redacted] B6-4
7. GRADE/STATUS: E-6

8. ORGANIZATION OR ADDRESS: B Btry 1-3 ADA

9. I, [Redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 29 June 03 I was on Patrol down Hwy 10. After the turn around of Hwy 10 and Hwy 1, we proceeded back up Hwy 10. when we were hit with an RPG round. The first time I saw the detainees was on side of the CAT when Lt. Col [Redacted] B6-4 was questioning one of them. The one Col [Redacted] B6-4 was talking to was on his knees and the other one was lying down. This was the last only time I saw the two person that was detained. [Redacted] B6-4
Statement _____ End of

B7C-4

[Redacted] B6-4

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted] B6-4
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

006751

B6-4

STATEMENT OF [REDACTED] TAKEN AT Iraqi DATED 20030715

9. STATEMENT (Continued)

[Large area crossed out with a large X]

B6-4

[REDACTED]

B7E-4

B6-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

B6-4

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of July, 2003 at Iraqi

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[REDACTED]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] B6-4

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
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: 1-9 FA TOC
2. DATE (YYYYMMDD): 20030714
3. TIME: 23:25
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted] B6-4
6. SSN: [Redacted] B6-4
7. GRADE/STATUS: E-6
8. ORGANIZATION OR ADDRESS

9. [Redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the 29th of June I was NCOIC of the 1/9 FA night patrol on MWY 10. We were alerted around 23:20 that we needed to secure a sight where a "Avenger" had been hit with a RPG. Upon arriving of the scene I immediately notified higher of a civilian car accident. Trying to get information from other soldiers on the situation I was informed that 2 [Redacted] B6-4 civilians had been detained as suspects. I immediately called my lead element to have the civilians zip tied. I walked to my lead element, about 300 meters down the road, and by that time the civilians were already zipped up. After that I walked back to the dead civilians to try to assess the situation. After verifying the dead people were actually dead (with the doc) I received word that Battle King 6 was en route and wanted to speak to the detainees. As I was walking back up to my lead element 3 or 4 soldiers were escorting the detainees. It looked like I was not cooperating. The soldiers had to drag him down. I then continued on to the lead vehicle. After informing them not to go near the crash scene I walked back. When I got back [Redacted] was already questioning the detainees. Eventually I had to leave for the Jordanian hospital to try and get an ambulance for the dead people.

B7C-4

Nothing Follows

B6-4 [Redacted]

10. EXHIBIT: B6-4
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted]
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

006753

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large X mark across the page]
B6-4 B7C-4
[Redacted]
14 July 03

[Redacted] B6-4 AFFIDAVIT
I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

B6-4
B7C-4

[Redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2003
1-9 FA AN 920

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[Redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006754

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
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: D Cell MEK Compound A
2. DATE (YYYYMMDD): 20030713
3. TIME: 1840
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: SSG/E-6
8. ORGANIZATION OR ADDRESS:

9. 54B3065 Chemical Recon Squad leader [Redacted] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 29 June 03 at 0000 hrs I assumed duty as Sergeant of the guards at the D Cell. I was on duty with Sgt [Redacted] B6-4. At 0330 hrs, a group from 1/9 FA drove up in a FAASV and 2 Humvees. They said they had 2 prisoners captured during an incident of attack on friendly forces. Sgt [Redacted] B6-4 did the paper work signing the prisoners over to the D Cell. The prisoners were in the FAASV when I asked where they were at. I went to the FAASV to escort the prisoners to the D Cell from the FAASV. They were inside with 2 guards from 1/9 FA. As it was dark, I couldn't see the prisoners until we brought them into the processing tent. When I did, I saw the older man was bleeding from his nose and the younger man's face was severely swollen on the left side. I asked what happened to the prisoners to the Captain who brought them in. He didn't say anything. Since their paperwork was in order they left. When we were in processing them I saw the younger man had a lot of blood in his mouth. The interpreter on duty, SPC [Redacted] B6-4 asked them what happened. The younger man said they punched him in the face at least 4 times and hit him in the neck with a rifle butt. The older man said he was also punched in the face and kicked in the chest. Sgt [Redacted] B6-4 called X-Ray for a medic to come and look at the prisoners. Sgt [Redacted] B6-4 was the medic and she looked them over and said that nothing was broken and they were beat up pretty bad.

B7C-4

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted] B6-4
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

008755

B6-4

STATEMENT OF [REDACTED] TAKEN AT D Cell DATED 2003 07 13

9. STATEMENT (Continued)

She gave them some medications for the pain and swelling. She said it didn't look like they needed to go to C 26 FSB. So we put the older prisoner in the D Cell and the MI, [REDACTED] to the older man to the interrogation tent. After he was done, he came and got the younger man and we put the older man in the D Cell; when [REDACTED] was done with the younger man, he told us that the soldiers who captured them beat them up pretty badly. I was relieved at 0600 by the next shift. **///END OF STATEMENT///**

B7C-4

B6-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

B6-4

[REDACTED] (Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of JULY, 2003 at 2nd AFGT Detention Facility

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] B6-4

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
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: 1-9 FA TOC
2. DATE (YYYYMMDD): 2003 07 14
3. TIME: 2000
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] B6-4
6. SSN: [REDACTED] B6-4
7. GRADE/STATUS: E-6
8. ORGANIZATION OR ADDRESS: A 1-9 FA

9. [REDACTED] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 29 JUN 03 Round about 2345 one of Patrol vehicles was hit with RPG myself CPT [REDACTED] B6-4, Sgt [REDACTED] B6-4, Sgt [REDACTED] B6-4, Sgt [REDACTED] B6-4 went to the location when arrived to location we noticed civilian truck ran head on into on of our track vehicles killing all people inside we looked into vehicle to see what we could medic replied the were dead the check the burning advenger to see how much damage was done the vehicle was totally destroyed. Then we was told there to prisoners with Bradley crew, so we walked about 100m to the location the have already been searched and zippered tied lying face down could not see who the were. CPT tried to question them the speaking english so he instructed a soldier to take them back to the basket until LTC [REDACTED] B6-4 arrives to translate. I could to check the area making sure people was doing their job and standing in big groups for easy target. Once LTC [REDACTED] B6-4 arrived I stood sh to left watching area as he questioned them; He shined a light to check them over. Once he finished he instructed a soldier to watch them as he checked others things. Then they were put in a fast-u and transported to holding area with MPs. CPT [REDACTED] B6-4 filled out papers once finished instructed me to tell soldiers to turn them over to MPs nothing follows [REDACTED] B6-4

1
0764
1

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] B6-4
PAGE 1 OF _____ PAGES

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

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

006757

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

B6-4
[Redacted] B7E4

B6-4 B7C-4

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

B6-4
B7C-4

[Redacted] 14 JUL 03
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JULY, 2003

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[Redacted] (Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006758

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
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: FALLUJAH
2. DATE (YYYYMMDD): 00030713
3. TIME: 1905
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] B6-4
6. SSN: [REDACTED] B6-4
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: A CO 103 MI BN 1 BCT 3ID

9. [REDACTED] B6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 00030630 AT APPROXIMATELY 0315 HOURS LOCAL TIME A CONVOY ARRIVED AT THE 2 BCT FALLUJAH DETENTION CENTER, A MIXED CONVOY OF BOTH TRACKED AND WHEELED VEHICLES, A CONVOY TYPICALLY INDICATIVE OF THE ARRIVAL OF NEW DETAINEES. TYPICALLY PAPERWORK TO BE COMPLETED BY THE ARRESTING UNIT REQUIRES 30-45 MINUTES; SO, I WAITED BEFORE APPROACHING THE IN-PROCESSING TENT MAINTAINED BY D-CELL 3 MP CO AT APPROXIMATELY 0430 HOURS LOCAL TIME SGT [REDACTED] OF D-CELL, THE SGT FOR THE DETENTION FACILITY FOR THAT TIME APPROACHED ME, TELLING ME THE PAPERWORK WAS ALMOST FINISHED, TELLING ME THE TIME FOR IN-PROCESSING WAS ABOUT TO BEGIN. WE WALKED TO THE IN-PROCESSING TENT TOGETHER WHERE AN OFFICER FROM THE ARRESTING UNIT WAS FINISHING OUT PAPERWORK. AS THE OFFICER WAS FINISHING HE BOASTED SEVERAL TIMES THAT THEY, THE ARRESTING UNIT (A CO 1/4 FA), KNEW THE STORY OF THE DETAINEES BECAUSE HIS COMMANDER KNEW ARABIC AND HAD INTERVIEWED THE DETAINEES ON SITE ONCE FINISHING THE PAPERWORK THE OFFICER STOOD, SAYING HE WOULD BRING IN THE DETAINEES. SGT [REDACTED] B6-4, SUPPORTING D-CELL WENT TO ASSIST IN TRANSPORTING THE 2 DETAINEES. MINUTES LATER THE TWO DETAINEES ARRIVED WITH SANDRAGS COVERING THEIR HEADS, WITH RIBTIES MAINTAINING THEIR HANDS BEHIND THEIR BACKS. AT NO TIME DID THE OFFICER FROM THE ARRESTING UNIT REAPPEAR AT THE IN-PROCESSING TENT. THE CONVOY OF VEHICLES DEPARTED THE DETENTION FACILITY. IN ORDER TO BEGIN PROCESSING WE REMOVED THE BAGS FROM THE DETAINEES HEADS TO DISCOVER BOTH DETAINEES, TOO 23 NUMBER, HAD BEEN BEATEN. THE OLDER DETAINEE HAD DRIED BLOOD IN HIS NOSE AND MOUTH AS WELL AS DRIED BLOOD STREAMING DOWN HIS CHEEK. THE YOUNGER DETAINEE B6-4 HAD A BLOODY MOUTH, SWOLLEN CHEEK, AND SWOLLEN EYE. SGT [REDACTED] B6-4 CALLED FOR MEDICAL ASSISTANCE AND SGT [REDACTED] B6-4 ARRIVED SHORTLY THEREAFTER. THE TWO DETAINEES WERE MEDICALLY SCREENED BEFORE IN-PROCESSING AND INTERROGATION TOOK PLACE. DURING MEDICAL ATTENTION BOTH DETAINEES TOLD STORIES OF BEING PUNCHED, KICKED AND KICKED IN THE HEAD, FACE, AND RIBS BY THE AMERICAN SOLDIERS WHO ARRESTED THEM. THE YOUNGER DETAINEE ALSO TOLD

B7L-4

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] B6-4
PAGE 1 OF _____ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

006759

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

OF BEING ASSAULTED BY A WEAPON, HE POINTED TO AN M-16 ~~WEAPON~~ PROPPED IN THE CORNER OF THE TENT, STRUCK IN THE NECK BY ONE OF THE AMERICAN SOLDIERS WHO ARRESTED HIM. FOR MORE INFORMATION FROM THE FOLLOWING INTERVIEW OF BOTH DETAINEES REFERENCE SUBSEQUENT REPORT WRITTEN BY MYSELF: CIR NAME: [REDACTED] [REDACTED]; SSN: USA120199552; DTG: 0455-0545 ON 20030630. B6-4

B6-4

NOTHING FOLLOWS

B6-4

20030713

B7C-4

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

B6-4

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of JULY, 2003 at 2nd REG. DETENTION FACILITY

ORGANIZATION OR ADDRESS

B6-2
B7C-2

[REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

006760

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
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.

B6-4

| | | | |
|---|--------------------------------|--------------------------|----------------|
| 1. LOCATION Detention Facility | 2. DATE (YYYYMMDD) 20030713 | 3. TIME 1844 | 4. FILE NUMBER |
| 5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED] Military Police | 6. SSN [REDACTED] B6-4 | 7. GRADE/STATUS E5/PA | |
| 8. ORGANIZATION OR ADDRESS 3D MP Co | | | |

[REDACTED] B6-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 30 June 03, approximately at 0311 at the D-cell A 1/a brought in 2 individuals for wpns violation and attack on coalition forces. I talked to the cpt. and told him before he brought the individuals out of the vehicle that he had to complete the paperwork. Also at that time it was just myself and [REDACTED] working up front so I did not have any security to watch them. After completing the paperwork [REDACTED] B6-4 brought these two individuals over right in front of the table. From what I saw both individuals were messed up pretty bad. The one individual had one side of his face really swollen with his eye blood shot. Like someone hit him a few to many. There was blood on his face and he kept on ~~moaning~~ moaning cause he was hurt. The other individual also was bleeding from the mouth, his face swollen too. These individuals

B7C-4

| | | |
|-------------|--|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] B6-4 | PAGE 1 OF 2 PAGES |
|-------------|--|-------------------|

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

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

006761

B6-4

STATEMENT OF [REDACTED] TAKEN AT D-cell DATED 13 July 03

9. STATEMENT (Continued)

were injured so bad that I radio to regulator & ray that we needed a medic at D-cell. At 0440 SGT [REDACTED] ^{B6-4} showed up at the scene at B6-4 evaluated the two individuals. Also ^{B6-4} SPC [REDACTED] from MI was there when SSG [REDACTED] brought the individuals in the inprocessing area for interpreter.

B7C-4
/

||| End of STATEMENT |||
PT

AFFIDAVIT

I, [REDACTED] ^{B6-4 B7C-4} HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

^{B6-4 B7C-4}

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2003 at Detention Facility

[REDACTED]
ORGANIZATION OR ADDRESS

^{B6-2 B7C-2}

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] ^{B6-4 B7C-4}

PAGE 2 OF 2 PAGES. L06762

B6-4 b7c-4

Witness Summary: [REDACTED]

The following witness summary is provided in lieu of a sworn statement because the individual making the statement was speaking through an interpreter.

[REDACTED] is a steel worker at a plant in Abu Ghurayb. On the night of 29 June 2003 at approximately 2330 hours, he was on his way to Hiswa. He flagged down a taxi that was also on its way to Hiswa. On the way, the taxi runs out of gas after passing through an American checkpoint and crossing a bridge. [REDACTED] and the taxi driver noticed a house near the road, and went to inquire about assistance. About 3 younger men came to his aid with about five liters of fuel. [REDACTED] recalled that he had just lit a cigarette when he heard an explosion up ahead of them. It was a U.S. military convoy up ahead that had one vehicle on fire. The two men remained in the car until they heard soldiers shooting; [REDACTED] decided not to remain in the car out of fear that the car might be hit by the soldiers. After about 20 minutes in the irrigation ditch, Americans came after them. They surrendered. Upon surrendering and having his hands tied behind him, he recalls being badly beaten. He claims he was stretched out on the ground and then beaten. There were six soldiers, some black and some white. One black man who was tall and wore a very thin mustache beat him and hurt him worse than all the others - [REDACTED] remembers the black man hitting him in the face with the butt of a rifle. In general, [REDACTED] recalled being punched in his side and from behind about 20 times, and also recalls being kicked about seven times in his side, legs, and ribs. He alleges that all six soldiers took turns beating him. One of the men, again a black man, robbed him of 75,000 Iraqi dinars, 100 dollars in US cash, and a pack of Mikado Cigarettes. [REDACTED] reports that he was later moved to another location before being finally moved to the detention facility. When asked how he was treated at the detention facility, [REDACTED]'s response was "Nobody touched or beat me here", which he reiterated twice for clarity. Finally, when asked if he ever resisted, he unequivocally denied ever offering any resistance; the translator added that he asked [REDACTED] very directly "in our language" to ensure that we would elicit an honest response. I also asked him if he ever had a weapon - - he answered that he never had a weapon, and that the only weapon observed over the course of the night was a pistol that belonged to the taxi driver.

B6-4
b7c-4

B6-4 B7C-4

Witness Summary: [REDACTED]

The following witness summary is provided in lieu of a sworn statement because the individual making the statement was speaking through an interpreter.

[REDACTED] is a taxi driver who has three wives and was on his way to pick up a wife who was staying in Haswa. He had just finished work in the vicinity of the Abu Ghurayb Market and about to leave for Haswa when he noticed an individual flagging him down; he saw an opportunity to earn some extra cash, so he pulls over to take the customer. He believed it was between 2230 and 2300 hours when he picked up [REDACTED]. [REDACTED] was also going to Haswa. On the way, [REDACTED] emphasized that they went through the American checkpoint without any problem and then upon crossing the Abum Nessir Bridge, the taxi (a white Volkswagen Passat) started rattling and eventually ran out of gas. He walked to a nearby house to ask for assistance; the residents there – five or six males about 18 years old – provided him with about five liters of gas. [REDACTED] then noted that a convoy was coming by from the opposite direction. One man from the convoy pulled up close and asked them why they were stopped; [REDACTED] responded that they ran out of gas and were just refueling so they could continue on. As he drove on, [REDACTED] noticed the convoy about 300 meters ahead of him. Then suddenly, according to [REDACTED], "something hit the convoy." He noted that both he and his passenger heard shooting and exited the vehicle on the right side; afraid, they ran to take cover in an irrigation ditch. Subsequently, they were surrounded by troops, to whom they surrendered with their hands raised in the air. [REDACTED] reports being searched and tied and then laid prostrate on the ground. He recalls his car being searched and explaining that he "keeps a pistol to protect him from looters." He next recalled being approached by six to eight soldiers, who immediately started beating him; the soldiers were mixed, some black and some white. He recalled being incredibly scared. According to [REDACTED], he was punched in the chest below the breast, punched in the right jaw with a fist (not a weapon), his lip was cut, and he was punched in the chest several times. He also accounts that he had a rifle muzzle put into his mouth as well as stuck in his chest. I asked him if he ever offered any resistance, and his answer was emphatically no – [REDACTED] said that he "cooperated fully because he was not expecting a beating." After being beaten, he was moved to a different location where he was questioned by a tall black man who "spoke some Arabic." He added that "the tall black man spoke some Arabic, but he couldn't understand what the tall black man was saying." He then recalled being transported to the detention facility. I asked him about his treatment from the moment he arrived at the facility; [REDACTED] said that he was never beaten there in fact he was treated very humanely and very respectfully.

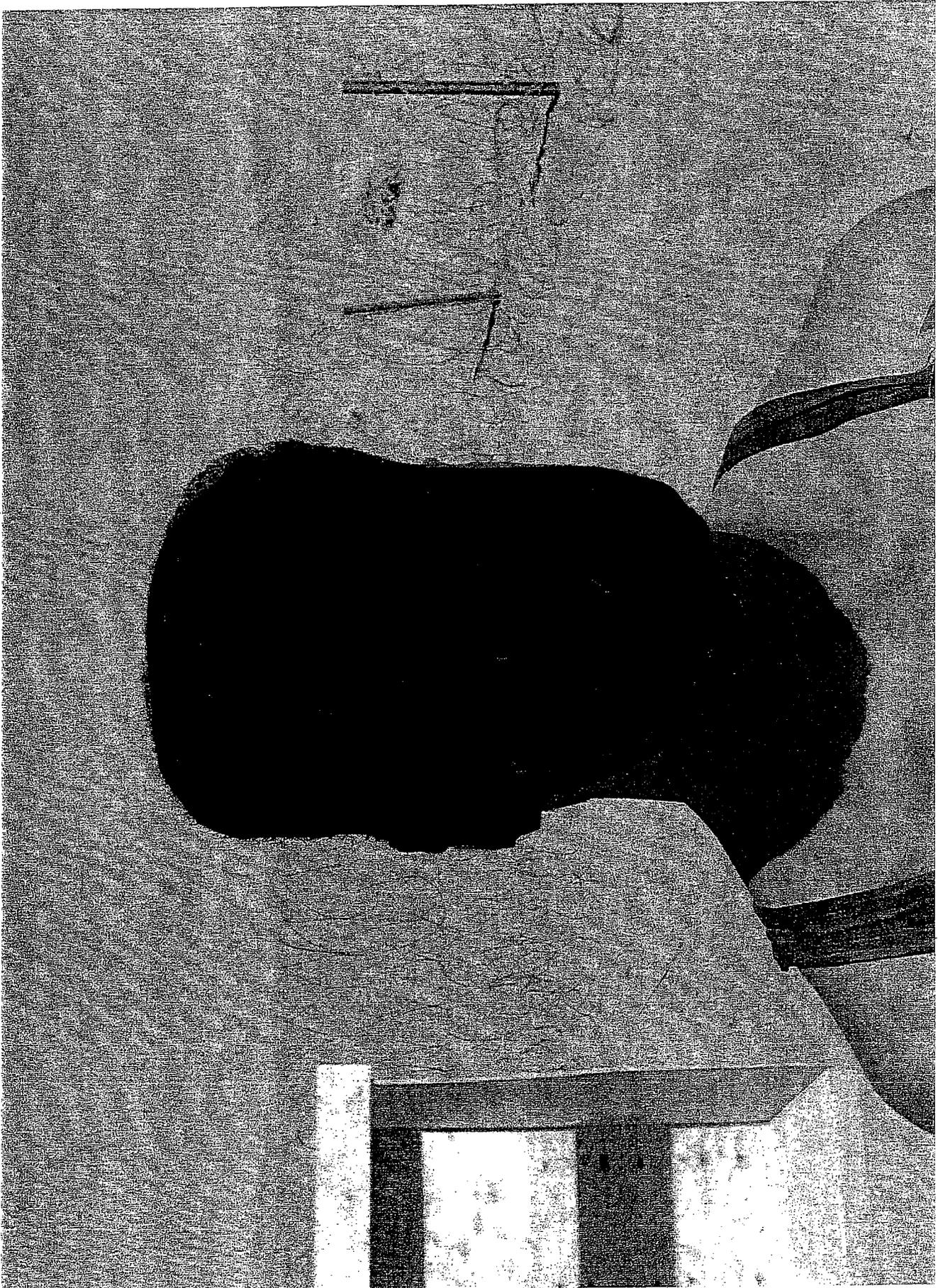
B6-4
B7C-4

006764

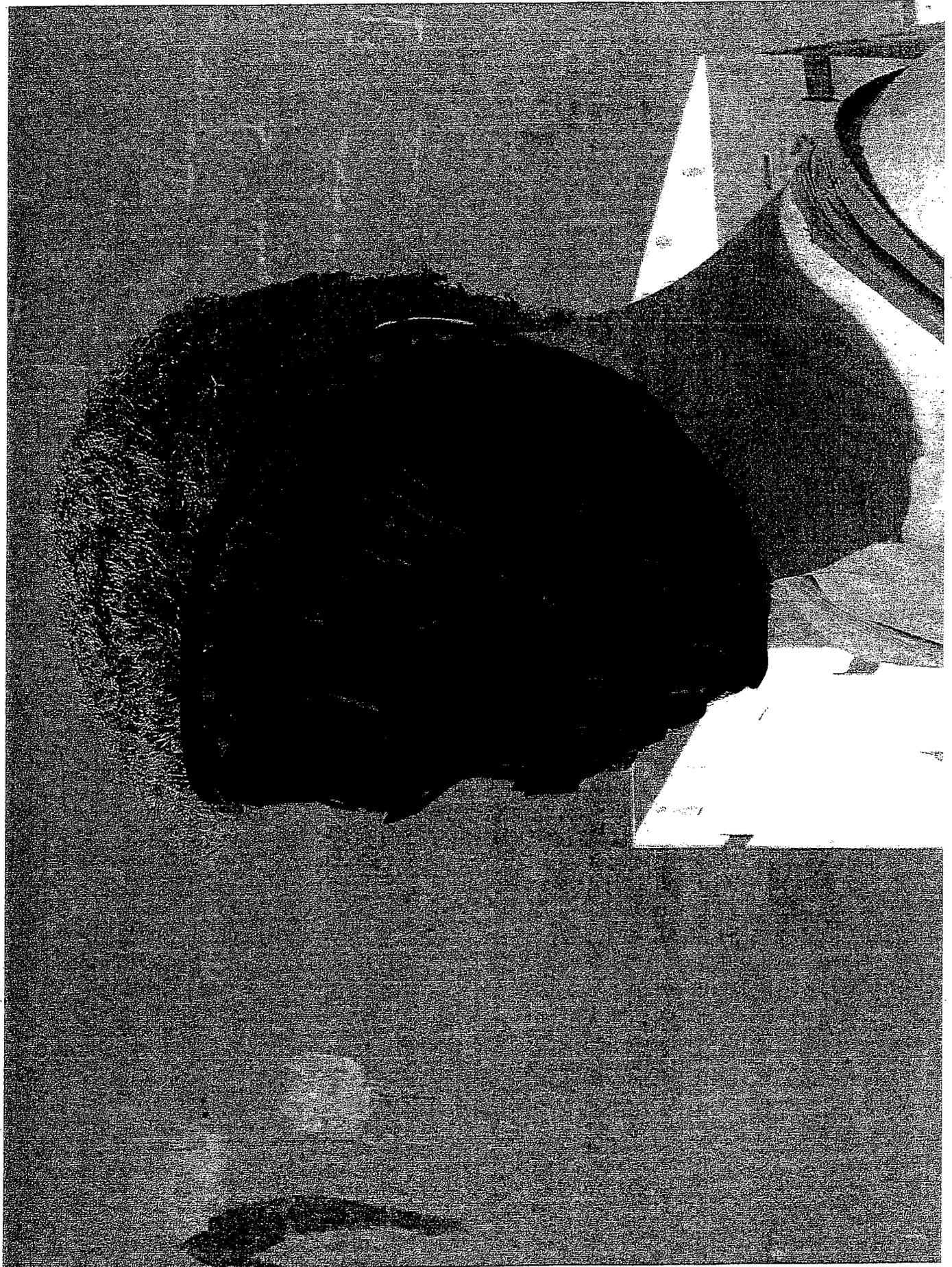
TAB C: Exhibits

B6-4
[Redacted]

B6-4
[Redacted]



006760



006767

B6-4



006763

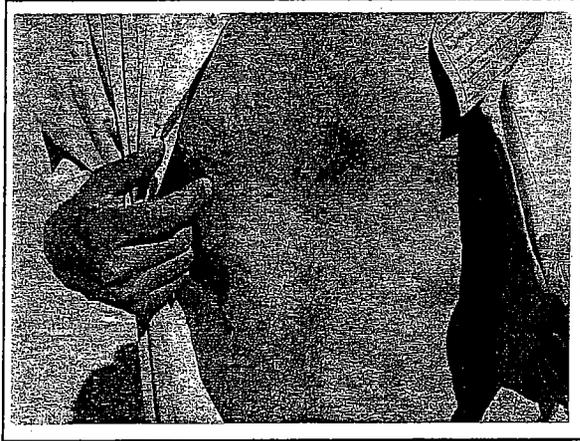
B6-4

B6-4

[REDACTED]



006769



C06770₁

TAB D: Appointment Orders

006771

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE, 3D INFANTRY DIVISION (MECHANIZED)
SPARTAN BASE, IRAQ
APO AE 09303

AFZP-VB-C

10 July 2003

MEMORANDUM FOR MAJ *B6-4 B7C-4* [REDACTED] 2d Brigade Combat Team, Spartan Base, Iraq.

SUBJECT: Appointment of 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer IAW AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding the beating of 2 Iraqi detainees on or about 2 July 2003. The Iraqis were discovered beaten at the Brigade Detention Facility at LB 96068723. 1-9 FA was the unit who apprehended the Iraqis. 92^d Chemical Company is the unit responsible for the detention facility.

2. In your investigation, all statements from all unit personnel and any additional witnesses will be sworn and included with your report. Use DA Form 2823 for this purpose. If you suspect any soldier of a crime, you will advise that soldier of his Article 31 rights. Use the DA Form 3881 for this purpose. Using DA Form 1571 you will make written findings determining the facts and circumstances relating to the beatings and will also make written recommendations concerning any matter within the scope of this investigation.

3. You will submit your findings and recommendations to the undersigned not later than ten (10) days from the date of this appointment.

4. POC for this action is CPT *B6-4 B7C-4* [REDACTED] Brigade Legal Advisor, at *B6-4 B7C-4* [REDACTED]

B6-4 B7C-4
[REDACTED]
COL, AR
Commanding

006772

BATES PAGES 6773 – 6941 (CRIMINAL
INVESTIGATION TASK FORCE DOCUMENTS)
HAVE BEEN REMOVED.

RELEASABILITY DETERMINATION TO BE
MADE AT A LATER DATE.

Ex 63
7c

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

03-084

| | | | | |
|--------------------|---------------------|-------------------|--------------------|---|
| NAME [REDACTED] | GRADE [REDACTED] | SSN [REDACTED] | UNIT [REDACTED] | PAY (Basic & Sea/Foreign) [REDACTED] |
|--------------------|---------------------|-------------------|--------------------|---|

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/}
 In that you, did, at [REDACTED] on or about 24 Sep 03, violate the Geneva Convention, dtd 12 Aug 49, to wit: Articles 13, 17 and 87, by wrongfully using excessive force during the interrogation of Detainee [REDACTED]. This is in violation of Article 92, UCMJ.
 (See continuation sheet.)

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

| | | | |
|------------------|--------------|--|-------------------------|
| DATE 3 Nov 03 | TIME 1630 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|------------------|--------------|--|-------------------------|

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (*Initial appropriate blocks, date, and sign*)
 a. I demand trial by court-martial.
 b. I do not demand trial by court-martial and in the Article 15 proceedings:
 (1) I request the hearing be Open Closed. (2) A person to speak in my behalf Is Is not requested.
 (3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | | |
|------------------|--|-------------------------|
| DATE 6 NOV 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|------------------|--|-------------------------|

4. In a(n) Open Closed hearing ^{1/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{2/ 3/}
 Reduction to Private First Class (E3), suspended and will be automatically remitted if not vacated on or before 3 May 04; Forfeiture of \$200.00 per month for two months; and To perform Extra Duty for 30 days.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{2/}
 6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

| | | |
|------------------|--|-------------------------|
| DATE 6 NOV 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|------------------|--|-------------------------|

7. (*Initial appropriate block, date, and sign*)
 a. I do not appeal b. I appeal and do not submit additional matters ^{1/ 2/} c. I appeal and submit additional matters ^{1/ 2/}

| | | |
|------------------|--|-------------------------|
| DATE 6 NOV 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|------------------|--|-------------------------|

8. I have considered the appeal and it is my opinion that:

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
|------|----------------------------------|-----------|

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}
 1. DA Form 2823, dtd 1 Oct 03
 2. Geneva Convention, dtd 12 Aug 49
 3. Art 15-6 Findings and Recommendations, dtd 6 Oct 03

C/M

6942

Exb3
4c

CONTINUATION SHEET, DA FORM 2627, [REDACTED]
[REDACTED]

Item 1 continued:

2. In that you, did, at [REDACTED], on or about 24 Sep 03, commit an assault upon Detainee [REDACTED] by hitting him on his feet with a police riot baton, a dangerous weapon, a means likely to produce death or grievous bodily harm. This is in violation of Article 128, UCMJ.

006943

101/1 5/17
6,7
ETL 6/3
TC

03-083

SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

This form will be used only in cases involving enlisted personnel and then *ONLY* when no punishment *OTHER THAN* oral admonition or reprimand, restriction for 14 days or less, extra duties for 14 days or less, or a combination thereof has been imposed. ¹

| | | | |
|--------------------|---------------------|-------------------|--------------------|
| NAME [REDACTED] | GRADE [REDACTED] | SSN [REDACTED] | UNIT [REDACTED] |
|--------------------|---------------------|-------------------|--------------------|

1. On 5 Nov 03, the above service member was advised that I was considering imposition of nonjudicial punishment under the provisions of Article 15, UCMJ, Summarized Proceedings, for the following misconduct: ²
 In that you, did, at [REDACTED] on or about 24 Sep 03, violate the Geneva Convention, dtd 12 Aug 49, to wit: Article 13, 17 and 87, by wrongfully using excessive force during the interrogation of Detainee [REDACTED]. This is in violation of Article 92, UCMJ.

2. The member was advised that no statement was required, but that any statement made could be used against him or her in the proceeding or in a court-martial. The member was also informed of the right to demand trial by court-martial ³, the right to present matters in defense, extenuation and/or mitigation, that any matters presented would be considered by me before deciding whether to impose punishment, the type or amount of punishment, if imposed, and that no punishment would be imposed unless I was convinced beyond a reasonable doubt that the service member committed the misconduct. The service member was afforded the opportunity to take 24 hours to make a decision regarding these rights. No demand for trial by court-martial was made. After considering all matters presented, the following punishment was imposed: ⁴
 To be restricted to your place of duty, place of worship, dining facility, PX and company area for 14 days; and an oral admonition.

3. The member was advised of the right to appeal to the [REDACTED] within 5 calendar days, that an appeal made after that time could be rejected as untimely, and that the punishment was effective immediately unless otherwise stated above. The member [REDACTED]
 Elected immediately not to appeal Requested time to decide whether to appeal and the decision is indicated in item 4, below. ^{5 6}

| | | |
|--------------------------|---|-------------------------|
| DATE <u>05 NOV 03</u> | NAME, GRADE, AND ORGANIZATION OF IMPOSING COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|--------------------------|---|-------------------------|

4. (Initial appropriate block, date, and sign)
 a. I do not appeal b. I appeal and do not submit matters for consideration ⁷ c. I appeal and submit additional matters ⁷

| | | |
|--------------------------|--|-------------------------|
| DATE <u>05 NOV 03</u> | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|--------------------------|--|-------------------------|

5. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ⁸

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

6. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

7. ALLIED DOCUMENTS AND/OR COMMENTS ^{9 10 11}
 1. DA Form 2823, dtd 1 Oct 03
 2. Geneva Convention, dtd 12 Aug 49
 3. Art 15-6 Findings and Recommendations, dtd 6 Oct 03

000044



DEPARTMENT OF THE ARMY

Ex 63
1-7c

6 November 2003

MEMORANDUM for SJA

SUBJECT: Punishment imposed for [REDACTED]

1. I have imposed the following punishment under the provisions of Article 15, UCMJ, Summarized Proceedings:

- 14 Days of Restriction: Mess, Worship and Exchange for hygiene products only
- Oral Reprimand

2. POC for this memorandum is the undersigned at [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Commanding

006945

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

COPY 5 SM COPY
FOIA EXEMPTION
2,3557 (76)
111 (3)

See Notes on Reverse Before Completing Form

| | | | | |
|------------|------------|------------|------------|---------------------------|
| NAME | GRADE | SSN | UNIT | PAY (Basic & Sea/Foreign) |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/} In that you, did, at or near [REDACTED] on or about 20 August 2003, commit an assault upon [REDACTED] by pointing at him with a dangerous weapon, to wit: a loaded firearm. This is a violation of Art. 128, UCMJ.
SEE CONTINUATION SHEET

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

| | | |
|---------------------|--|-------------------------|
| DATE 12 Dec 2003 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
| TIME 1030 hrs | [REDACTED] | [REDACTED] |

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (*Initial appropriate blocks, date, and sign*)
a. I demand trial by court-martial.
b. I do not demand trial by court-martial and in the Article 15 proceedings:
(1) I request the hearing be Open Closed, (2) A person to speak in my behalf Is Is not requested.
(3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | | |
|-------------------|--|-------------------------|
| DATE 12 Dec 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/} To forfeit [REDACTED] per month for two months.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{7/} NA
6. You are advised of your right to appeal to the [REDACTED] Cdr, CJTF-7 within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

| | | |
|-------------------|--|-------------------------|
| DATE 12 Dec 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

7. (*Initial appropriate block, date, and sign*)
a. I do not appeal. b. I appeal and do not submit additional matters ^{8/9/} c. I appeal and submit additional matters ^{8/9/}

| | | |
|-------------------|--|-------------------------|
| DATE 12 Dec 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

8. I have considered the appeal and it is my opinion that:

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
|------|----------------------------------|-----------|

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/12/13/} Blk/M
1- Report of Investigation
1- ORB

E-6
3
7c

DA FORM 2627, PERTAINING TO [REDACTED]

Item 1, Continued:

In that you, did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] numerous times on the body and the head with a closed fist. This is a violation of Art. 128, UCMJ.

In that you did, at or near [REDACTED] on or about 20 August 2003, commit an assault upon [REDACTED] by shooting near him with a dangerous weapon, to wit: a loaded firearm. This is a violation of Art. 128, UCMJ.

In that you, did, at or near [REDACTED] on or about 20 August 2003, wrongfully communicate to [REDACTED] a threat that you would kill [REDACTED] if [REDACTED] did not talk. This is a violation of Art. 134, UCMJ.

006947

CHARGE SHEET

Ex 6
3

| | | | | |
|--|---------------------------------|------------------------|-----------------------------------|----------------------------|
| 1. NAME OF ACCUSED (Last, First, MI) [REDACTED] | | | I. PERSONAL DATA | |
| 2. UNIT OR ORGANIZATION [REDACTED] | | | 3. GRADE OR RANK [REDACTED] | 4. PAY GRADE [REDACTED] |
| 7. PAY PER MONTH | | | 8. NATURE OF RESTRAINT OF ACCUSED | |
| a. BASIC [REDACTED] | b. SEAFORIGN DUTY [REDACTED] | c. TOTAL [REDACTED] | N/A | |
| | | | e. INITIAL DATE [REDACTED] | 5. TERM [REDACTED] |
| | | | 6. DATE(S) IMPOSED [REDACTED] | |

10. Charge I: II. CHARGES AND SPECIFICATIONS
VIOLATION OF THE UCMJ, ARTICLE 120

SPECIFICATION 1: In that [REDACTED] US Army, did, at or near [REDACTED] on or about 20 August 2003, commit an assault upon [REDACTED] by pointing at him with a dangerous weapon, to wit: a loaded firearm.

SPECIFICATION 2: In that [REDACTED] US Army, did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] numerous times on the body and the head with a closed fist.

SPECIFICATION 3: In that [REDACTED] US Army, did, at or near [REDACTED] on or about 20 August 2003, commit an assault upon [REDACTED] by shooting near him with a dangerous weapon, to wit: a loaded firearm.

Charge II: VIOLATION OF THE UCMJ, ARTICLE 134

SPECIFICATION: In that [REDACTED], US Army, did, at or near [REDACTED] on or about 20 August 2003, wrongfully communicate to [REDACTED] a threat that he would kill [REDACTED] if [REDACTED] did not talk.

| | | |
|---|------------------------|--|
| I(a). NAME OF ACCUSER (Last, First, MI) [REDACTED] | II. PREFERRAL | |
| | b. GRADE [REDACTED] | c. ORGANIZATION OF ACCUSER [REDACTED] |
| c. SIGNATURE [REDACTED] | e. DATE OCT 03 | |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 6th day of October, 2003, 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.

| | |
|-------------------------------------|--|
| Typed Name of Officer [REDACTED] | [REDACTED] |
| Grade [REDACTED] | Trial Counsel [REDACTED] |
| [REDACTED] | Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer) |

12. On 6 Oct, 2002, 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. 300 (a)). (See R.C.M. 305 if notification cannot be made.)

Ex 6
3
7c

Typed Name of Commander

Organization of Commander

Signature

13. IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

The sworn charges were received at _____ hours, _____ 2002 at _____
Designation of Command or
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 400)

FOR THE

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE

Referred for trial to the _____ Court-martial convened by _____
_____ 20 _____ subject to the following instructions:²

By _____ of _____
Command or District

Typed Name of Officer _____
Official Capacity of Officer Signing

Grade

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 struck.
2 - See R.C.M. 601(a) concerning instructions. If none, so state.

CHARGE SHEET

Ex 6
3

I. PERSONAL DATA

| | | | | |
|--------------------------------------|---------------------|-----------------------------------|------------------|--------------------|
| 1. NAME OF ACCUSED (Last, First, MI) | | 2. SSN | 3. GRADE OR RANK | 4. PAY GRADE |
| 5. UNIT OR ORGANIZATION | | 6. CURRENT SERVICE | | |
| 7. PAY PER MONTH | | 8. NATURE OF RESTRAINT OF ACCUSED | | 9. DATE(S) IMPOSED |
| a. BASIC | b. SEA/FOREIGN DUTY | c. TOTAL | | |

II. CHARGES AND SPECIFICATIONS

10. CHARGE I:

VIOLATION OF THE UCMJ, ARTICLE 123

SPECIFICATION: In that [redacted], U.S. Army, did, at [redacted], on or about 20 August 2003, commit an assault upon [redacted] by shooting near his head with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.

a force

CHARGE II:

VIOLATION OF THE UCMJ, ARTICLE 134 (~~THREAT, COMMUNICATING~~)

SPECIFICATION: In that [redacted], U.S. Army, did, at [redacted] on or about 20 August 2003, wrongfully communicate to [redacted] a threat to kill him.

III. PREFERRAL

| | | |
|--|----------|----------------------------|
| 11a. NAME OF ACCUSER (Last, First, MI) | b. GRADE | c. ORGANIZATION OF ACCUSER |
| d. SIGNATURE OF ACCUSER | e. DATE | |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this _____ day of _____, 2003, 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.

Typed Name of Officer

Organization of Officer

Grade

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

Signature

Ex 6
7c

12

On _____, 2003, 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.)

Typed Name of Immediate Commander

Organization of Immediate Commander

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at _____ hours, _____ 2003 at _____
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE _____

Typed Name of Officer

Commanding
Official Capacity of Officer Signing

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

| | | |
|--|----------|---------|
| 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY | b. PLACE | c. DATE |
|--|----------|---------|

Referred for trial to the _____ court-martial convened by _____

_____, _____ 20 03, subject to the following instructions:²

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, 20 03, 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.

Ex 6
3
7c

DEPARTMENT OF THE ARMY

[REDACTED]

12 October 2003

[REDACTED]

MEMORANDUM FOR RECORD

Subject: Local Suspension of Security Clearance and Access

1. The access to TS/SCI for the following individual is locally suspended pending Court Martial:
[REDACTED]
2. Due to mission requirements, the above individual will retain his SECRET/NOFORN access. The individual is deployed with Task Force Ironhorse and will require the clearance for Operation Iraqi Freedom.
3. Upon completion of the investigation and the outcome of the pending legal action, the suspension will either be lifted or formally forwarded to the Central Clearance Facility.
3. POC this memorandum is [REDACTED]

[REDACTED]

Chief of Staff

REPORT TO SUSPEND FAVORABLE PERSONNEL ACTIONS (FLAG)
For use of this form, see AR 600-8-2; the proponent agency is MILPERCEN.

Ex 6
3
7c

SECTION I - ADMINISTRATIVE DATA

1. NAME (Last, First, MI) [REDACTED] 2. SSN [REDACTED] 3. RANK [REDACTED]

4. On active duty Not on active duty On ADT 5. ETS/ESA/MRD

6. UNIT ASSIGNED AND ARMY MAJOR COMMAND [REDACTED] 7. STATION (Geographical location) [REDACTED]

8. PSC CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER [REDACTED]

9. THIS ACTION IS TO:
 Initiate a flag (Sections II and V only) Transfer a flag (Sections III and V only) Remove flag (Sections IV and V only)

SECTION II - INITIATE A FLAG

10. A FLAG IS INITIATED, EFFECTIVE 20 September 2003 FOR THE FOLLOWING REASON:

NON-TRANSFERABLE

Adverse action (A) Elimination - field initiated (B) Removal from selection list - field initiated (C) Referred OER (D) Security violation (E) HQDA use only - elimination or removal from selection list (F)

TRANSFERABLE

APFT failure (J) Weight control program (K)

SECTION III - TRANSFER A FLAG

11. A FLAG IS TRANSFERED FOR THE FOLLOWING REASON:

Adverse action - HQDA directed reassignment (G) Adverse action - punishment phase (H) Supporting documents attached? Yes No

APFT failure (J) Weight control program (K)

SECTION IV - REMOVE A FLAG

12. A FLAG IS REMOVED, EFFECTIVE _____ FOR THE FOLLOWING REASON:

Case closed favorably (C) Disciplinary action taken (D) Soldier transferred to a different Army component or discharged while case in process (destroy case file) (E) Other final action (E)

SECTION V - AUTHENTICATION

DISTRIBUTION
 1 - Unit Commander 1 - F&AO
 1 - PSC 1 - Commander, gaining unit (transfer flag only)

NAME, RANK, TITLE, AND ORGANIZATION [REDACTED] SIGNATURE [REDACTED] DATE [REDACTED]

DEPARTMENT OF THE ARMY
U.S. Army Trial Defense Service

Ex 6
3 7c

[REDACTED]
[REDACTED]
[REDACTED]

AFZF-JA-TDS

24 October 2003

MEMORANDUM FOR

SUBJECT: Article 32(b) Investigation Delay Request -- [REDACTED]
[REDACTED]
[REDACTED]

1. The defense requests a delay in the Article 32 investigation from 1 Nov 03 to 10 Nov 03.
2. The reason for the delay is to allow the recently retained civilian defense counsel adequate time to appear and prepare for the hearing. On or about 19 Oct 2003, [REDACTED] retained [REDACTED], as his lead counsel for his defense. [REDACTED] defense requires that [REDACTED] be present at the Article 32 hearing. I have spoken to [REDACTED] and he can be in our AO on or about 10 Nov 2003. I will send the Trial Counsel the necessary information to arrange travel.
3. The defense will be credited with the delay.
4. POC is the undersigned at [REDACTED]
5. I certify that a copy of this was served, via email, on the trial counsel and the Article 32 officer on 23 October 2003.

[REDACTED]
[REDACTED]
Senior Defense Counsel

006954



DEPARTMENT OF THE ARMY

Ex 6,3
7c

REPLY TO
ATTENTION OF

[Redacted]

MEMORANDUM FOR [Redacted]

SUBJECT: Delegation of Authority to Exercise Article 15, UCMJ, Powers

1. Pursuant to AR 27-10, paragraph 3-7 c., I hereby delegate to you the authority to exercise Article 15, UCMJ, powers to assist you in disposing of suspected offenses committed by the following soldiers:

- a. [Redacted]
- b. [Redacted]
- c. [Redacted]

2. You may exercise any power that I possess under Article 15, UCMJ, however, you are not required to take any specific action.

3. This delegation will remain effective until you take action, if any, but not later than 18 October 2003.

[Redacted Signature]

Commanding

Ex 6,3
7c

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

| | | | | |
|--------------------|---------------------|---------------------|--------------------|---|
| NAME [REDACTED] | GRADE [REDACTED] | SSN [REDACTED] 8 | UNIT [REDACTED] | PAY (Basic & Sea/Foreign) [REDACTED] |
|--------------------|---------------------|---------------------|--------------------|---|

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct:^{1/}
In that you did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and head with a closed fist. This is in violation of Art. 128, UCMJ.

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

| | | | |
|------------------|--------------|--|-------------------------|
| DATE 3 Oct 03 | TIME 1513 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|------------------|--------------|--|-------------------------|

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)
a. Demand trial by court-martial.
b. Do not demand trial by court-martial and in the Article 15 proceedings:
(1) I request the hearing be Open Closed. (2) A person to speak in my behalf: Is Is not requested.
(3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | | |
|-------------------|--|-------------------------|
| DATE 10 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/} ^{6/}
Reduction to E2, suspended to be automatically remitted if not vacated by 8 April 2004; Forfeiture of \$250.00 pay per month for two months.

5. I direct the original DA Form 2627 be filed in the Performance file Restricted file of the OMPF.^{7/}

6. You are advised of your right to appeal to the [REDACTED] within [REDACTED] calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

| | | |
|-------------------|--|-------------------------|
| DATE 10 Oct 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

7. (Initial appropriate block, date, and sign)
a. I do not appeal b. I appeal and do not submit additional matters ^{8/} ^{9/} c. I appeal and submit additional matters ^{8/} ^{9/}

| | | |
|-------------------|--|-------------------------|
| DATE 12 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

8. I have considered the appeal and it is my opinion that:

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
|------|----------------------------------|-----------|

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

| | | |
|--|------|-----------------------------|
| 10. I have seen the action taken on my appeal. | DATE | SIGNATURE OF SERVICE MEMBER |
|--|------|-----------------------------|

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/

DA FORM 2823

22567
EXG 3
7c

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

| | | | | |
|--------------------|---------------------|-------------------|--------------------|---|
| NAME [REDACTED] | GRADE [REDACTED] | SSN [REDACTED] | UNIT [REDACTED] | PAY (Basic & Sea/Foreign) [REDACTED] |
|--------------------|---------------------|-------------------|--------------------|---|

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct:^{1/}
 In that you did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and head with a closed fist. This is in violation of Art. 128, UCMJ.

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

| | | |
|------------------------------|--|-------------------------|
| DATE 2 OCT 2003 TIME 1502 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|------------------------------|--|-------------------------|

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (*Initial appropriate blocks, date, and sign*)
 a. demand trial by court-martial.
 b. I do not demand trial by court-martial and in the Article 15 proceedings:
 (1) I request the hearing be open Closed. (2) A person to speak in my behalf Is Is not requested.
 (3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | | |
|----------------|--|-------------------------|
| DATE 10 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|----------------|--|-------------------------|

4. In a(n) open Closed hearing^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed:^{6/ 6/}
 Reduction to E3, suspended to be automatically remitted if not vacated by 8 April 2004; Forfeiture of \$250.00 pay per month for two months.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF.^{7/}
 6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

| | | |
|----------------|--|-------------------------|
| DATE 10 Oct 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|----------------|--|-------------------------|

7. (*Initial appropriate block, date, and sign*)
 a. I do not appeal b. I appeal and do not submit additional matters^{8/ 2/} c. I appeal and submit additional matters^{8/ 2/}

| | | |
|----------------|--|-------------------------|
| DATE 12 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|----------------|--|-------------------------|

8. I have considered the appeal and it is my opinion that:

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
|------|----------------------------------|-----------|

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows:^{10/}

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/

DA FORM 2823

006957

REPORT TO SUSPEND FAVORABLE PERSONNEL ACTIONS (FLAG)

For use of this form, see AR 600-8-2; the proponent agency is MILPERCEN.

Ex 6,3

SECTION I - ADMINISTRATIVE DATA

| | | |
|---|------------------------------------|--------------------------|
| 1. NAME (Last, First, MI) [REDACTED] | 2. SSN [REDACTED] | 3. RANK [REDACTED] 7C |
| 4. <input checked="" type="checkbox"/> On active duty <input type="checkbox"/> Not on active duty <input type="checkbox"/> On ADT | 5. ETS/ESA/MRD | |
| 6. UNIT ASSIGNED AND ARMY MAJOR COMMAND [REDACTED] | 7. STATION (Geographical location) | |
| 8. PSC CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER | | |

9. THIS ACTION IS TO:

| | | |
|---|---|--|
| <input checked="" type="checkbox"/> Initiate a flag (Sections II and V only) | <input type="checkbox"/> Transfer a flag (Sections III and V only) | <input type="checkbox"/> Remove flag (Sections IV and V only) |
|---|---|--|

SECTION II - INITIATE A FLAG

10. A FLAG IS INITIATED, EFFECTIVE 23 SEP 2003 FOR THE FOLLOWING REASON:

| | |
|---|---|
| <u>NON-TRANSFERABLE</u> | <u>TRANSFERABLE</u> |
| <input checked="" type="checkbox"/> Adverse action (A) | <input type="checkbox"/> APFT failure (J) |
| <input type="checkbox"/> Elimination - field initiated (B) | <input type="checkbox"/> Weight control program (K) |
| <input type="checkbox"/> Removal from selection list - field initiated (C) | |
| <input type="checkbox"/> Referred DER (D) | |
| <input type="checkbox"/> Security violation (E) | |
| <input type="checkbox"/> HQDA use only - elimination or removal from selection list (F) | |

SECTION III - TRANSFER A FLAG

11. A FLAG IS TRANSFERRED FOR THE FOLLOWING REASON:

| | |
|--|---|
| <input type="checkbox"/> Adverse action - HQDA directed reassignment (G) | <input type="checkbox"/> APFT failure (J) |
| <input type="checkbox"/> Adverse action - punishment phase (H) | <input type="checkbox"/> Weight control program (K) |
| <input type="checkbox"/> Supporting documents attached? <input type="checkbox"/> Yes <input type="checkbox"/> No | |

SECTION IV - REMOVE A FLAG

12. A FLAG IS REMOVED, EFFECTIVE _____ FOR THE FOLLOWING REASON:

| | |
|--|--|
| <input type="checkbox"/> Case closed favorably (C) | <input type="checkbox"/> Soldier transferred to a different Army component or discharged while case in process (destroy case file) (E) |
| <input type="checkbox"/> Disciplinary action taken (D) | <input type="checkbox"/> Other final action (E) |

SECTION V - AUTHENTICATION

DISTRIBUTION

| | |
|--------------------|--|
| 1 - Unit Commander | 1 - F&AO |
| 1 - PSC | 1 - Commander, gaining unit (transfer flag only) |

| | | |
|---|-------------------------|--------------------|
| NAME, RANK, TITLE, AND ORGANIZATION [REDACTED] | SIGNATURE [REDACTED] | DATE [REDACTED] |
|---|-------------------------|--------------------|

006958

Ex 6
7c

ARTICLE 15 SCRIPT

Introduction

ADC(S): [REDACTED], my purpose today is to determine whether you are guilty of the offense listed on your Article 15: assault of [REDACTED] on or about 20 August 2003. This violates Article 128 of the Uniform Code of Military Justice.

Maximum Punishment and Filing

ADC(S): If I find you guilty, then I will also decide upon an appropriate punishment. The maximum punishment that I can impose is:

1. Reduction to Private (E-1).
2. Forfeiture of 1/2 month's pay per month for two months.
3. Extra duty for 45 consecutive days.
4. Restriction for 60 days but if extra duty and restriction are combined restriction may not exceed 45 days.
5. A written or oral reprimand or admonition.

Right to Attorney

ADC(S): Have you consulted with a defense lawyer about your case?

Accused: [Response]

ADC(S): Did you complete this form as indicated?

Accused: [Response]

Right to Present Evidence

ADC(S): I have already reviewed the same evidence that you were provided. Do you have any additional evidence or anything you would like to say at this time?

Accused: [Response]

Findings and Punishment

[The standard of proof is the same at an article 15 as it is at a court-martial. If you are convinced *beyond a reasonable doubt* that the accused is guilty of the offenses make a finding of guilty. If you are not convinced beyond a reasonable doubt, you should make a finding of not guilty.]

If Finding of Not Guilty

ADC(S): I have considered all of the evidence presented. I am not convinced beyond a reasonable doubt that you are guilty of these offenses. Therefore, these proceedings are terminated and no punishment will be imposed. [Counsel the soldier as desired] You are dismissed.

If Finding of Guilty

ADC(S): I have considered all the evidence presented. I am convinced beyond a reasonable doubt that you are guilty of the offense of assault. I have considered all matters presented in defense, mitigation, and extenuation, and I impose the following punishment:

1. To be reduced to Private (E-3) (E-2) (E-1) *Suspended 180 days*
2. To forfeit \$ _____ pay per month for (one month) (two months).
[Maximum forfeiture is as follows:
E4: \$882.65 pay per month for two months.
E3: ~~\$814.40~~ *suspended* pay per month for two months.* *\$250 month*
E2: \$695.00 pay per month for two months.*
E1: \$625.40 pay per month for two months.*
*Even if the soldier's reduction is suspended.]
XJ
3. To perform extra duty for _____ consecutive days. [Maximum length of extra duty is 45 days.]
4. To be restricted to the limits of company area, place of duty, place of worship, medical facility, dental facility, and dining facility, for _____ days.
[Maximum length of restriction is 60 days, but if extra duty and restriction are combined restriction may not exceed 45 days.]
5. (Give oral reprimand/admonition) or written reprimand/admonition.

NOTE: Suspension. You may suspend any punishment for a period not to exceed 180 days.
[e.g., If administered on 23 Jan, maximum end date would be 21 Jul 03] If you suspend any punishment, give an exact date for the suspension to terminate.

Format: (All) (The Following) punishment(s) _____

(is) (are) suspended until _____

Please do not write the punishment on the Article 15 form. The JA will type in the punishment as recorded on this worksheet.

Appeal Rights

ADC(S): You are advised of your right to appeal this Article 15 to the 4th Infantry Division (Mechanized) Commanding General within 5 calendar days.

Conclusion and Signature

ADC(S): Do you have anything you wish to add?

Accused: [Response]

ADC(S): You are dismissed to wait outside my office for further instructions.

[Date and sign in Block 6 of the DA Form 2627, check that blocks 4 and 5 have been completed.]

I [redacted] am writing a statement on the issues involving my case which I swear to be the truth and nothing but the truth. I feel there are mitigating circumstances that need to be heard by the reviewing official. Although I'm aware ~~of what~~ now that what we did was wrong at the time I had no idea it was unlawful. The reason I'm saying this is because there was an interrogator present who is trained in the art of interrogating and as the translator began striking the detainee and saw that the interrogator said nothing I thought that was normal ~~pro~~ procedure while interrogating an EPH, so we started striking the individual. The interrogator and translator told us when to strike the individual & I assumed that was the norm since we've never been present during a interrogation, prior to this incident, and I'm not trained in that area ~~since~~ since they don't teach us that in my area which is [redacted] the five districts [redacted] there are U.S. soldiers getting killed and it's everywhere in the ~~theatre~~ and I thought what I was doing at the time could save ~~the~~ U.S. soldiers from getting injured or ~~possibly~~ killed ~~and~~ and at that time the soldiers who were ~~being~~ have been killed there. No BAI CMBR [redacted]

his driver [redacted] myself and anyone else who could have been traveling with us, and after I found this out my emotions were so strong for me to control seems that my life as well as those of my fellow soldiers were being threatened.

* people who worked the Gunter Jail were also present ([redacted]) & striking the individual as well so I assumed this was normal procedure at Gunter Jail.

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

Ex 6, 3
7c

See Notes on Reverse Before Completing Form

| | | | | |
|--------------------|---------------------|-------------------|--------------------|---|
| NAME [REDACTED] | GRADE [REDACTED] | SSN [REDACTED] | UNIT [REDACTED] | PAY (Basic & Sea/Foreign) [REDACTED] |
|--------------------|---------------------|-------------------|--------------------|---|

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/}
In that you did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and the head with a closed fist. This is in violation of Article 128, UCMJ.

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

| | | |
|------------------|--|-------------------------|
| DATE 3 Oct 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|------------------|--|-------------------------|

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)
a. I demand trial by court-martial.
b. I do not demand trial by court-martial and in the Article 15 proceedings:
(1) I request the hearing be Open Closed. (2) A person to speak in my behalf Is Is not requested.
(3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | | |
|-------------------|--|-------------------------|
| DATE 10 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

4. In a(n) Open Closed hearing ^{2/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{2/ 2/}

Reduction to E5; Forfeiture of \$250.00 pay per month for two months; Forfeiture of \$918.00 pay per month for two months, suspended to be automatically remitted if not vacated by 8 April 2004.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{2/}
6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

| | | |
|-------------------|--|-------------------------|
| DATE 10 Oct 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

7. (Initial appropriate block, date, and sign)
a. I do not appeal b. I appeal and do not submit additional matters ^{2/ 2/} c. I appeal and submit additional matters ^{2/ 2/}

| | | |
|-------------------|--|-------------------------|
| DATE 11 Oct 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

8. I have considered the appeal and it is my opinion that: The proceedings were conducted in accordance with law and regulations and the punishment imposed were not unjust nor disproportionate to the offense committed.

| | | |
|-------------------|--|-------------------------|
| DATE 18 Oct 03 | NAME AND GRADE OF JUDGE ADVOCATE [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

Reduction to E5, suspended, to be automatically remitted if not vacated before 11 April 2004.

| | | |
|-------------------|--|-------------------------|
| DATE 18 Oct 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

10. I have seen the action taken on my appeal. DATE 27 Oct 03 SIGNATURE OF SERVICE MEMBER [REDACTED]

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}
DA FORM 2823

Ex 6.3
TC

REPORT TO SUSPEND FAVORABLE PERSONNEL ACTIONS (FLAG)

For use of this form, see AR 600-8-2; the proponent agency is MILPERCEN.

SECTION I - ADMINISTRATIVE DATA

1. NAME (Last, First, MI)

2. SSN

3. RANK

4. On active duty Not on active duty On ADT

5. ETS/ESA/MRD

6. UNIT ASSIGNED AND ARMY MAJOR COMMAND

7. STATION (Geographical location)
Iraq

8. PSC CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER

9. THIS ACTION IS TO:

Initiate a flag
(Sections II and V only)

Transfer a flag
(Sections III and V only)

Remove flag
(Sections IV and V only)

SECTION II - INITIATE A FLAG

10. A FLAG IS INITIATED, EFFECTIVE 02 Oct 03 FOR THE FOLLOWING REASON:

NON-TRANSFERABLE

- Adverse action (A)
- Elimination - field initiated (B)
- Removal from selection list - field initiated (C)
- Referred OER (D)
- Security violation (E)
- HQDA use only - elimination or removal from selection list (F)

TRANSFERABLE

- APFT failure (J)
- Weight control program (K)

SECTION III - TRANSFER A FLAG

11. A FLAG IS TRANSFERRED FOR THE FOLLOWING REASON:

- Adverse action - HQDA directed reassignment (G)
- Adverse action - punishment phase (H)

- APFT failure (J)
- Weight control program (K)

Supporting documents attached? Yes No

SECTION IV - REMOVE A FLAG

12. A FLAG IS REMOVED, EFFECTIVE _____ FOR THE FOLLOWING REASON:

- Case closed favorably (C)
- Disciplinary action taken (D)
- Soldier transferred to a different Army component or discharged while case in process (destroy case file) (E)
- Other final action (E)

SECTION V - AUTHENTICATION

DISTRIBUTION

- 1 - Unit Commander
- 1 - F&AO
- 1 - PSC
- 1 - Commander, gaining unit (transfer flag only)

NAME, RANK, TITLE, AND ORGANIZATION

SIGNATURE

DATE

006965

2 Oct 03

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

Ex 6, 3

See Notes on Reverse Before Completing Form

| | | | | |
|--------------------|---------------------|-------------------|--------------------|---------------------------|
| NAME [REDACTED] | GRADE [REDACTED] | SSN [REDACTED] | UNIT [REDACTED] | PAY (Basic & Sea/Foreign) |
|--------------------|---------------------|-------------------|--------------------|---------------------------|

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: 1/
 In that you, did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and head with a closed fist. This is in violation of Article 128, UCMJ.

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

You now have 48 hours to decide what you want to do. 4/

| | | |
|--------------------------------|---|-------------------------|
| DATE TIME 19 OCT 03 1458 | NAME, GRADE, AND ORGANIZATION OF [REDACTED] | SIGNATURE [REDACTED] |
|--------------------------------|---|-------------------------|

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)

a. I demand trial by court-martial.

b. I do not demand trial by court-martial and in the Article 15 proceedings:

(1) I request the hearing be Open Closed. (2) A person to speak in my behalf Is Is not requested.

(3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | | |
|-------------------|--|-------------------------|
| DATE 20 OCT 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

4. In a(n) Open Closed hearing 5/ all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: 6/ 7/ Forfeiture of \$150 pay per month for two months; Forfeiture of \$350 pay per month for two months, suspended, to be automatically remitted if not vacated before 30 Apr 04; Extra Duty for 30 days, suspended, to be automatically remitted if not vacated before 30 Apr 04.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. 2/

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

| | | |
|-------------------|--|-------------------------|
| DATE 20 OCT 03 | NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

7. (Initial appropriate block, date, and sign)

a. I do not appeal b. I appeal and do not submit additional matters 8/ 9/ c. I appeal and submit additional matters 8/ 9/

| | | |
|-------------------|--|-------------------------|
| DATE 21 OCT 03 | NAME AND GRADE OF SERVICE MEMBER [REDACTED] | SIGNATURE [REDACTED] |
|-------------------|--|-------------------------|

8. I have considered the appeal and it is my opinion that:

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
|------|----------------------------------|-----------|

After consideration of all matters presented in appeal, the appeal is:

Denied Granted as follows: 10/

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
|------|--|-----------|

9. I have seen the action taken on my appeal.

| | |
|------|-----------------------------|
| DATE | SIGNATURE OF SERVICE MEMBER |
|------|-----------------------------|

ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/
 CID REPORT
 DA FORM 2823

006966

B6

16



See Notes on Reverse Before Completing Form

| | | | | |
|------------|------------|------------|------------|---------------------------|
| NAME | GRADE | SSN | UNIT | PAY (Basic & Sea/Foreign) |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

EX 36
7c

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/} In that you, did, at or near Samarra, Iraq, on or between 3 January 2004 and 16 January 2004, wrongfully endeavored to impede an investigation by influencing the sworn statements of [REDACTED]

SEE CONTINUATION SHEET

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

located at [REDACTED] You now have 48 hours to decide what you want to do. ^{4/}

| | |
|----------|--|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER |
| 8 Mar 04 | [REDACTED] |
| TIME | |
| 1400 | |

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)

- a. I demand trial by court-martial.
- b. I do not demand trial by court-martial and in the Article 15 proceedings:
 - (1) I request the hearing be Open Closed. (2) A person to speak in my behalf Is Is not requested.
 - (3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

| | |
|-----------|----------------------------------|
| DATE | NAME AND GRADE OF SERVICE MEMBER |
| 13 Mar 04 | [REDACTED] |

4. In a(n) Open Closed hearing ^{2/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{5/ 6/}

To be reprimanded.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{7/} NA

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

| | |
|-----------|--|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER |
| 13 Mar 04 | [REDACTED] |

7. (Initial appropriate block, date, and sign)
- a. I do not appeal
 - b. I appeal and do not submit additional matters ^{8/ 9/}
 - c. I appeal and submit additional matters ^{8/ 9/}

| | | |
|-----------|----------------------------------|------------|
| DATE | NAME AND GRADE OF SERVICE MEMBER | SIGNATURE |
| 13 Mar 04 | [REDACTED] | [REDACTED] |

8. I have considered the appeal and it is my opinion that:

| | | |
|------|----------------------------------|-----------|
| DATE | NAME AND GRADE OF JUDGE ADVOCATE | SIGNATURE |
| | | |

9. After consideration of all matters presented in appeal, the appeal is: Denied Granted as follows: ^{10/}

| | | |
|------|--|-----------|
| DATE | NAME, GRADE, AND ORGANIZATION OF COMMANDER | SIGNATURE |
| | | |

| | | |
|--|------|-----------------------------|
| 10. I have seen the action taken on my appeal. | DATE | SIGNATURE OF SERVICE MEMBER |
| | | |

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/} Blk/M
1- Informal Commander's Inquiry containing 78 pages
1- ORB

Bb

Ex 6
3

DA FORM 2627, PERTAINING TO [REDACTED]

7c

Item 1, Continued:

[REDACTED] and [REDACTED] to deny that [REDACTED] and [REDACTED] were pushed into the Tigris River, near Samarra Iraq, and that they instead were left at the side of the roadway. This is a violation of Article 134, UCMJ.

006968

NOTES

- 1/ Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (*Part IV, MCM*). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- 2/ Inform the member of the maximum punishment which may be imposed under Article 15.
- 3/ Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- 4/ Give the member copy 5 of this form.
- 5/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- 6/ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (*date*). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- 7/ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- 8/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 9/ Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (*See Article 15e(1) to (7), UCMJ.*)
- 10/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.
- 11/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of _____ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.
- 12/ Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (*para 3-38, AR 27-10*) will be recorded on DA Form 2627-2.

Suspension, Mitigation, Remission, or Setting Aside

(DATE)

On (*date*), the punishment(s) of _____
imposed on (*date of punishment*) (*was*) (*were*) (*suspended and will be automatically remitted if not vacated before (date)*) (*mitigated to*)
(*set aside, and all rights, privileges, and property affected restored*) (*by my order*) (*by order of*) (*the officer who imposed the punishment*)
(*the successor in command to the imposing commander*) (*as superior authority*).

(*Typed name, grade, and organization of commander*) /s/ _____
- 13/ Racial/ethnic identifiers will be placed in Item 11 (*Chapter 15, AR 27-10*).



INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ
APO AE 09323-2628

100

REPLY TO
ATTENTION OF:

AFYB-CG

MEMORANDUM FOR LTC [REDACTED], Commander, 1st Battalion, 8th
Infantry Regiment, 3rd Brigade Combat Team, 4th Infantry Division (Mechanized)

SUBJECT: Reprimand for Obstruction of Justice

1. You are hereby reprimanded for wrongfully endeavoring to impede an investigation into the drowning death of an Iraqi civilian by members of your command. On 7 January 2004, you were briefed by the A Company commander, CPT [REDACTED] that soldiers of [REDACTED] platoon pushed two Iraqi men into the Tigris River causing one of them to drown. You ordered them to deny that the men were pushed into the river and to say that they were dropped off at the side of the road. Your conduct was wrongful, criminal and will not be tolerated.

2. Good order and discipline requires leaders to live and enforce standards of conduct we expect from our subordinates. Your conduct is a poor example for other soldiers to follow. As a commissioned officer, I expect much more from you. Your actions have brought discredit upon you, [REDACTED] 8th Infantry, 4th Infantry Division and the United States Army. Your violation of the Uniform Code of Justice (UCMJ) casts severe doubt on your suitability for leadership in the U.S. Army.

3. This reprimand is imposed IAW Article 15, UCMJ and will be filed in conjunction with DA Form 2627.

RAYMOND T. ODIERNO
Major General, USA
Commanding

006970

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 22-100; the proponent agency is TRADOC

(b) (6)

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leader's in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

| | | | |
|--------------------------------------|---|---------------------|----------------------------------|
| Name (Last, First, MI) ██████████ | Rank/Grade PV2/E-2 | Social Security No. | Date of Counseling 21 APR. 04 |
| Organization ██████████ | Name and Title of Counselor ██████████ TEAM CHIEF. | | |

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

- PERFORMANCE
- LACK OF DISCIPLINE.

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion: ON OR ABOUT 19 APR 04 YOU PUT ██████████ WERE CONDUCTING (WC) CHECKS FROM CELL TO CELL WHEN YOU FOUND A URINE BOTTLE IN ONE OF THE CELLS, YOU QUESTIONED THE DETAINEES AND WHEN YOU FOUND OUT WHO'S IT WAS; YOU ACTED UNPROFESSIONALLY AND REMOVED THE LID FROM THE BOTTLE AND BROUGHT IT TOWARDS THE DETAINEE FACE WITH INTENT TO HAVE HIM DRINK IT; FORTUNATELY YOU CAME TO YOUR SENSES AND TOLD HIM NOT TO DO THIS ANY LONGER AND NO (WC) FOR HIM. PUT ██████████ YOUR ACTIONS HAVE BROUGHT A NEGATIVE IMPACT AND DISCREDIT UPON THE ENTIRE PLATOON. YOU HAVE CONDUCTED A CRIMINAL ACT AND IS PUNISHABLE UNDER UCMJ AND POSSIBLE COURT MARTIAL YOUR SWORN STATEMENT WILL BE SUBMITTED UP THE CHAIN-OF-COMMAND AND YOU ARE AT THEIR MERCY.

██████████

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AFM 22-100.

006971
000007

EXHIBIT

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

You will Relinquish all your Ammo To ME (Sgt [redacted])
You will be posted at the Front Desk All week
You will have an escort if you need to go to the Detainee facility at the Back.
You will go and see our psychiatrist ASAP.
(on Appt. date).

NOTE: Soldier was informed that Front Desk Duty could be longer than one week or until further notice

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: agree disagree with the information above.
Individual counseled remarks:

Signature of Individual Counseled:

[Redacted Signature]

Date: 21 Apr 04

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor

[Redacted Signature]

Date: 21 APR 04

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

GENERAL COUNSELING FORM

(b)(1)(c)

For use of this form, see AR 635-200; the proponent agency is MILPERCEN

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, 10 USC 3012(G). PRINCIPAL PURPOSE: To record counseling data pertaining to service members. ROUTINE USES: Prerequisite counseling under paragraphs 5-8, 5-13, chapters 11, 13 or section III, chapter 14, AR 635-200. May also be used to document failures of rehabilitation efforts in administrative discharge proceedings. DISCLOSURE: Disclosure is voluntary, but failure to provide the information may result in recording of a negative counseling session indicative of the subordinate's lack of a desire to solve his or her problems.

PART I - BASIC DATA

1. NAME (last, first, MI) [Redacted] 2. SOCIAL SECURITY NO. [Redacted] 3. GRADE E2 4. SEX Male 5. UNIT [Redacted] 6. WEEK OF TRAINING [Redacted] 7. TRAINING SCORES HIGH MED LOW

PART II - OBSERVATIONS

8. DATE AND CIRCUMSTANCES 23APR04, Serious incident o/a 19APR04.

9. DATE AND SUMMARY OF COUNSELING 23APR04, As the OIC of the TF, I am very concerned about the incident that occurred o/a 19APR04. You came dangerously close to violating the policies and orders of this command and the Geneva Convention. To your credit, you realized the dangerous position you were in and stepped back before a mistake was made.

I understand that you are a soldier who has come here to defeat the enemies of our nation, it may seem contrary to be placed in a role caring for the enemies of our nation. What needs to be clear to you is that the intelligence coming from the detainees in this facility is critical to defeating the leaders of the various groups that endanger Coalition Forces every day and to your role is to maintain the detainees in this facility between interrogation sessions in accordance with the policies of this facility and the Geneva Convention. Do not take it upon yourself to stray from these duties in any way. If you have any questions as to what your duties entail, you need to ask your chain of command.

Your platoon chain of command has briefed me on the measures they are taking to provide you additional training to enhance your duty performance. Pay close attention to this training as any future misconduct of the type displayed o/a 19APR04 or mistreatment of detainees will result in UCMJ action. Nothing further.

RECEIVED

000053

DISPOSITION INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement.

EXHIBIT

PART III - AUTHENTICATION

(b)(7)

10. NAME, GRADE, SIGNATURE OF COUNSELOR

DATE

MAJ, MI OIC

23 Apr 04

11. I acknowledge having been counseled by the above individual and understand the reason for this counseling session. I concur nonconcur that the information above accurately reflects this counseling session. I nonconcur for the following reasons:

12. NAME, GRADE, SIGNATURE OF INDIVIDUAL COUNSELED

DATE

23 Apr 04

13. IF COUNSELED INDIVIDUAL REFUSES TO SIGN COUNSELING NOTES, COUNSELOR WILL INITIAL THIS BLOCK.

PART IV - REHABILITATION

14. REHABILITATION RESULTS / COMMENTS

15. NAME, GRADE, SIGNATURE OF INDIVIDUAL COUNSELED

DATE

16. NAME, GRADE, SIGNATURE OF COUNSELOR

DATE

PART V - UNIT COMMANDER INTERVIEW

17. INTERVIEW RESULTS AND RECOMMENDATION

18. NAME, GRADE, SIGNATURE OF UNIT COMMANDER

DATE

UNIT COMMANDER

000000

EXHIBIT

15

006974

(b)(6)

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

PV2 [redacted] you will clean all the Detainee cells on each shift for 1 week. This action will being on the 23 April 04 - 29 April 04. Hours; 0900 hrs - 2000 hrs - 0300 hrs. You will be released by the each shift Team Chief.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: [redacted] agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: [redacted] Date: 23 Apr 04

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: [redacted] Date: 23 APR 04

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

RECEIVED

Counselor: _____ Individual Counseled: _____ Date of Assessment: 0000062

Note: Both the counselor and the individual counseled should retain a record of the counseling.

For this form, see FM 22-100; the proponent agency ADOC

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

(b)(6)

PART I - ADMINISTRATIVE DATA

| | | | |
|-----------------------|-----------------------------|---------------------|---------------------------------|
| Name (Last, First MI) | Rank/Grade SPC/E-4 | Social Security No. | Date of Counseling 12 Feb 04 |
| Organization | Name and Title of Counselor | | |

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

- Purpose of Counseling:**
- Discuss the soldier's non-compliance with the 310th MP BN (I/R) (SOP)
 - Discuss possible course of Actions and solutions
 - Discuss possible repercussions of repeated substandard performance

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:
 It has brought to my attention, that at approximately 1330 hrs, SGT [redacted] notified me in reference to an incident. Upon arrival, I made contact with SGT [redacted] and you. I notice that you were very upset over something that has happened. SGT [redacted] stated that. Approximately 1215 hrs. Tuesday, February 10, 2004, while you were on duty as a Compound Control Team (CCT) at Compound 11, (Internment Facility, Camp Bucca, Iraq). That you instructed detainee # [redacted] put on his jumpsuit (orange in color, uniform). Which detainee did not acknowledge you. You became upset with detainee # [redacted] and went into the compound with a translator (detainee) exchange some words with the detainee # [redacted]. SGT Sanchez related that you stated the remarks: "These guys do what they want; unless you are Jewish you cannot understand what it is like to deal with Arabic." SGT [redacted] also stated she has a meeting with the Mayor (detainee # [redacted] of the compound # 11 and Translator (detainee # [redacted]). SGT [redacted] stated, that the mayor said, that you pulled out a chain, from around your neck, and displayed symbolic of the "Star of David" and threaten the detainee. He also during this argument with detainee, you were very disrespectful gesture and insulted to Arabs. SGT [redacted] this situation likes to escalate to excite a riot because of your actions. You have shown discipline and exercised good judgment during these stressful times. If at any time you feel the need to talk or feel overwhelmed, do not hesitate to discuss the situation with me. After this time, we will review your current situation (Personal Issues/religious background) with the chain of command to determine what course of action should be taken. As I have explained earlier, you have been very good in holding your feeling back in this sensitive area and I am willing to work with you to obtain a solution. You are well aware of military obligations. Should a situation arise in which you feel uncomfortable or are confronted with a delicate situation immediately notify the NCOIC. Do not become disrespectful of unprofessional with the detainee. These we can avoid problems and situation that interfere with the mission. Again, be firm but fair, TREAT THE DETAINEE AS YOU WOULD WANT TO BE TREATED!

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

FOR OFFICIAL USE ONLY

006977

EXHIBIT

9

30

(b)(6)

0034-04-C10352-640

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

Soldier stated that he understood the counseling and was provided a copy of the counseling. Ensure that soldier understood that he must treat the detainee with firm and respect their language and religious customs in according with (IAW) the 310th MP BN (I/R) and Geneva Convention Relative to the Treatment of Prisoner of Wars (GEPW, Art. #36, and AR 190-8, Para. 2-25d)

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree disagree with the information above. *i did not make any discrepancy*

Individual counseled remarks: *disturbed, i am also unsure how i was disrespectful and insulting. The march along of company #11 seems to be that it possible a riot could happen, not that it would i never specifically pointed out that's towards prisoner #*

Signature of Individual Counseled: _____ Date: 12 Feb 04

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

- " Conduct follow up counseling
- " Continue to encourage soldier to achieve the standard
- " Monitor soldiers performance

Signature of Counselor: _____ Date: 12 Feb 04

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

006978

Note: Both the counselor and the individual counseled should retain a record of the counseling.

111203

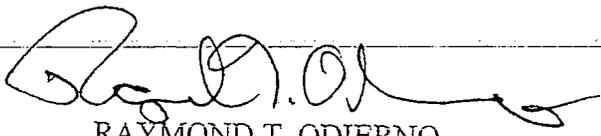
MEMORANDUM THRU

Commander, 1st Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq
 Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized),
 Tikrit, Iraq
 Commander, Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division
 (Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit
 Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SPC [redacted]
 [redacted] Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division
 (Mechanized), Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SPC [redacted]
 [redacted] Company D, 4th Forward Support Battalion, 1st Brigade, 4th
 Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby
 APPROVED.
2. I direct that SPC [redacted] be discharged from Military Service under the provisions of
 AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable
 Conditions.
3. The pending court-martial charges against SPC Martino-Poole will be dismissed after SPC
 [redacted] receives his DD Form 214.
4. I direct that SPC [redacted] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW
 635-200, paragraph 1-13.
5. SPC [redacted] will not be transferred into the Individual Ready Reserve (IRR) as he
 clearly has no potential for useful service under conditions of full mobilization. Transfer is not
 required IAW AR 635-200, paragraph 1-35.
6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned
 portions of any enlistment/reenlistment bonuses will be recouped.
7. I further direct that SPC [redacted] be separated from the Army within five working days
 upon return to CONUS.



RAYMOND T. ODIERNO
 Major General, USA
 Commanding

006979

36



DEPARTMENT OF THE ARMY
United States Army Trial Defense
Service
Fort Hood Field Office
Task Force Ironhorse
Forward Operating Base Speicher, Iraq

REPLY TO
ATTENTION OF

AFZF-JA-TDS

16 October 2003

MEMORANDUM THRU

Commander, D Company, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M),
FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-
2628

FOR Commander, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial - SPC [REDACTED]
[REDACTED] D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

1. I, SPC [REDACTED], hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 119-Manslaughter

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of (one or more of) the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding

006980

B6

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC
D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. I have been advised and understand the possible effects of an Under Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are not submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge.

SPC, U.S. Army
Accused

006981

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC

[REDACTED] D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Having been advised by me of:

- a. The basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice;
- b. The possible effects of an Under Other Than Honorable Discharge if this request is approved (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law and the loss of benefits administered by both the Army and other Federal agencies as indicated on a copy of DA Poster 635-1, which was provided to the soldier); and
- c. The procedures and rights available to him/her;

SPC [REDACTED] personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

[REDACTED]
[REDACTED]
[REDACTED]
1LT, JA
Defense Counsel

Data required by the Privacy Act of 1974 (5 USC 552a)

AUTHORITY: Section 301, title 5 USC and section 3013, title 10, USC.

PURPOSE: To be used by the commander-exercising general court-martial jurisdiction over you to determine approval or disapproval of your request for discharge in lieu of trial by court-martial.

ROUTINE USES: Request, with appropriate documentation, including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

B6

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC
D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

CHARGE SHEET

(b)(6)

I. PERSONAL DATA

| | | | | | |
|---|---------------------------------|------------------------|---|------------------------------|--------------------|
| 1. NAME OF ACCUSED (Last, First, Middle Initial) ██████████ | | 2. SSN ██████████ | | 3. GRADE OR RANK SPC | 4. PAY GRADE E4 |
| 5. UNIT OR ORGANIZATION D COMPANY, 4TH FORWARD SUPPORT BATTALION, 1ST BRIGADE, 4TH INFANTRY DIVISION (MECHANIZED) | | | | 6. CURRENT SERVICE | |
| | | | | a. INITIAL DATE 24 Aug 00 | b. TERM 4 yrs |
| 7. PAY PER MONTH | | | 8. NATURE OF RESTRAINT OF ACCUSED None | 9. DATE(S) IMPOSED N/A | |
| a. BASIC \$1,665.30 | b. SEA/FOREIGN DUTY \$100.00 | c. TOTAL \$1,765.30 | | | |

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 119

SPECIFICATION: In that SPC ██████████ US Army, did, at or near Tikrit, Iraq, on or about 11 September 2003, willfully and unlawfully kill ██████████ by shooting him in the abdomen with a rifle.

III. PREFERRAL

| | | |
|--|-----------------|---|
| 11a. NAME OF ACCUSER (Last, First, Middle Initial) ██████████ | b. GRADE CPT | c. ORGANIZATION OF ACCUSER D CO, 4TH FSB, 1ST BDE, 4ID (M) |
| d. SIGNATURE OF ACCUSER ██████████ | | e. DATE (YYYYMMDD) 20031007 |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7th day of October, 2003, 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.

Typed Name of Officer

HHC, 1BDE, 4ID (M)
Organization of Officer

██████████ CAPTAIN
██████████ Grade
██████████
██████████ Signature

ARTICLE 136, UCMJ.
Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

On 7 OCTOBER, 2003, 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.)

Typed Name of Immediate Commander

HQ, D CO, 4TH FSB, 1ST BDE, 4ID (M)
Organization of Immediate Commander

CPT
Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 2000 hours, 7 October, 2003 at HQs, 4th Forward Support Battalion
1st Brigade, 4th Infantry Division (Mechanized)
Designation of Command or
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ _____

Typed Name of Officer

Commanding
Official Capacity of Officer Signing

LTC
Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE (YYYYMMDD)

Referred for trial to the _____ court-martial convened by _____

_____, subject to the following instructions:²

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On _____, _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

CPT
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.

06984 A

4ID SJA TDS

From: 4ID SJA CHIEFMJ
Sent: Wednesday, November 12, 2003 11:46 AM
To: 4ID SJA TDS
Subject: martino poole

B6-2

 it's been approved.:)

006986

AFYB-CG

102309

B6

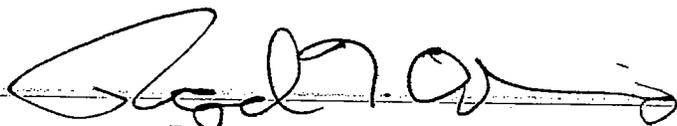
MEMORANDUM THRU

Commander, 173d Airborne Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq
Commander, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq
Commander, Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SSG [REDACTED]
[REDACTED] Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SSG [REDACTED], Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby APPROVED.
2. I direct that SSG [REDACTED] be discharged from Military Service under the provisions of AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable Conditions.
3. The pending court-martial charges against SSG [REDACTED], will be dismissed after SSG [REDACTED] receives his DD Form 214.
4. I direct that SSG [REDACTED] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW 635-200, paragraph 1-13.
5. SSG [REDACTED] will not be transferred into the Individual Ready Reserve (IRR) as he clearly has no potential for useful service under conditions of full mobilization. Transfer is not required IAW AR 635-200, paragraph 1-35.
6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned portions of any enlistment/reenlistment bonuses will be recouped.
7. I further direct that SSG [REDACTED] be separated from the Army within five working days upon return to CONUS.



RAYMOND T. ODIERNO
Major General, USA
Commanding

006987

B6



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
United States Army Trial Defense Service
Fort Hood Field Office
Task Force Ironhorse
Police station Speicher, Iraq

AFZF-JA-TDS

4 October 2003

MEMORANDUM FOR Commander, Taskforce Ironhorse, 4th Infantry Division
(Mechanized), Tikrit, Iraq.

SUBJECT: Letter in Support of Discharge in Lieu of Trial by Court-Martial -- SSG
██████████
D Battery, 319th AFAR, 173rd Airborne Brigade, Iraq

1. I am writing this letter to help explain the circumstances that led to this entire situation. I am not writing this to excuse my actions but to shed some light on the day that led up to the incident.

2. On 1 August 2003 a soldier in my unit, SPC ██████████ was killed by an RPG round. All of us were upset and nervous about the death. The following day was probably the worst day of my life. Early on 2 August 2003, some local Iraqi's brought a dead body to our police station. They told us that they had found the man in the river and that he had been strangled. Until this moment I had never seen a dead man before. The sight of this was very upsetting. This first event of the morning set the mood for the day.

3. About an hour after the body was brought to the police station we had reports of some Iraqi's stealing pipes in town. We went to investigate the incident and actually found the men. We detained fourteen men and began to transport them to our police station. As we left we noticed that another car was following us. The two men in the car were with the pipe stealers earlier. We had a few local Iraqi police in the vehicle with us and they began shooting at the car. We looked back at the car to see why they were shooting. We saw that one of the men in the car was holding a grenade. He was holding the grenade as if he were about to throw it at us. The driver of our vehicle stomped on the brakes and this forced the car behind us to abruptly stop. We detained the two men and their grenade.

4. About thirty minutes after dropping these detainees at the police station we were made aware of shots being fired at the market. We immediately left for the market area. The two men that we found were local Kirkuk police and they were carrying AK-47's. They were not suppose to be carrying weapons outside of their city as that was the law. We searched the men and found fuses and full magazines for the AK-47's. We asked the artillery guys about the fuses and were told that they were either mortar or RPG fuses. We took them to the police station.

~~5. By the time we arrived to the police station all of our emotions were high and we were all on the edge. We called our commander and asked what to do with the two police that~~

006988

B6

AFZC-JA-TDS

SUBJECT: Letter in Support of Discharge in Lieu of Court-Martial, SSG i

had the AK's. We found out moments earlier that the local Iraqi judge had ordered that they be released. The commander told us to question them anyway.

6. After questioning the two for awhile the translator told me that one of the men had stated that he would kill me and the others that had questioned him. He also stated that he would blow up the police station with an RPG. We all took them seriously.

7. The day had started with me seeing a dead mans body and it ended with threats on mine. I am not making excuses for my actions but hope to put that day in perspective. I have been in the Army for twelve and a half years. My MOS is not in police work or law enforcement. I am a communications sergeant. I have never been trained in police work and have no training in handling prisoners or detainees. I say this not to make excuses but to try and make sense of the situation.

8. I regret many things in my life and I hope that I can come to terms with the actions I have taken. I realize that you have the power to discharge me from service. My only request is that you discharge me with a General discharge. Very respectfully.

[Redacted signature line]

[Redacted signature line]

SSG, U.S. Army
Accused

B6

DEPARTMENT OF THE ARMY
COMBAT SUPPORT COMPANY,
1ST BATTALION (AIRBORNE), 508TH INFANTRY
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323

AESE-B

13 October 2003

MEMORANDUM THRU

Commander, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Kirkuk, Iraq 09347
Commander, 1st Battalion (Airborne), 508th Infantry, 173d Airborne Brigade, 4th Infantry
Division (Mechanized), Tikrit, Iraq 09323

FOR Commander, 4th Infantry Division (Mechanized), Tikrit, Iraq

SUBJECT: Request for Discharge under Chapter 10, Discharge in Lieu of Trial by Court-
Martial, pertaining to SSG [REDACTED], 319th AFAR, 173d Airborne Brigade, 4th Infantry
Division (Mechanized), Tikrit, Iraq

1. The attached recommendation for elimination under provisions of AR 635-200, Chapter 10,
Discharge in Lieu of Trial by Court-Martial, pertaining to SSG [REDACTED], 319th AFAR, 173d
Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, is forwarded for your action. I
recommend:

(X) Approval. or () Disapproval

2. Furthermore, I recommend that his service be characterized as

() under other than honorable conditions

(X) General under honorable conditions

3. This isolated incident does not reflect SSG [REDACTED] otherwise clean record, and should not
negate his significant contributions to his unit, the brigade, and the United States Army over the
course of more than twelve years.

/Original Signed/

[REDACTED]

CPT, FA
Commanding

Encl
as

006990

B6

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION (AIRBORNE), 503RD INFANTRY
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323

AESE-B

13 October 2003

MEMORANDUM THRU Commander, 173d Airborne Brigade, 4th Infantry Division
(Mechanized), Kirkuk, Iraq 09347

FOR Commander, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323

SUBJECT: Request for Discharge under Chapter 10, Discharge in Lieu of Trial by Court-
Martial, pertaining to SSG [REDACTED] 319th AFAR, 173d Airborne Brigade, 4th Infantry
Division (Mechanized), Tikrit, Iraq

1. The attached recommendation for elimination under provisions of AR 635-200, Chapter 10,
Discharge in Lieu of Trial by Court-Martial, pertaining to SSG [REDACTED] 319th AFAR, 173d
Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, is forwarded for your action. I
recommend:

(X) Approval. or () Disapproval.

2. I recommend that his service be characterized as under other than honorable conditions.

() under other than honorable conditions

(X) General under honorable conditions

3. SSG [REDACTED] service to his country has consistently been above average, and should not be
permanently marred by this isolated incident.

/Original Signed/

[REDACTED]

Encl
as

LTC, IN
Commanding

006991



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
United States Army Trial Defense Service
Fort Hood Field Office
Task Force Ironhorse
Camp Speicher, Iraq

B6

AFZF-JA-TDS

4 October 2003

MEMORANDUM FOR Commander, Taskforce Ironhorse, 4th Infantry Division
(Mechanized), Tikrit, Iraq.

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SSG [REDACTED]
[REDACTED], D Battery, 319th AFAR, 173rd Airborne Brigade, Iraq

1. I, SSG [REDACTED], hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 128 x 4

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged and am guilty of one or more of the charges against me or of a lesser included offense therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. **Although I understand that I may receive an under other than honorable conditions discharge, I respectfully request that I receive a General Discharge.** ~~I have been advised and understand the possible effects of an Under~~ Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of

006992

such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge, with enclosures.

Enclosures

1. Letter from [REDACTED]

[REDACTED]
[REDACTED]
SSG, U.S. Army
Accused

CHARGE SHEET

| | | | | | | |
|--|---------------------|-----------|-----------------------------------|--------------------|---------------------------|--------------------|
| 1. NAME OF ACCUSED (Last, First, MI) [REDACTED] | | | I. PERSONAL DATA | | 3. GRADE OR RANK SSG | 4. PAY GRADE E6 |
| 5. UNIT OR ORGANIZATION D. Battery, 319 th AFAR, 173d Airborne Brigade, Unit 31401 APO AE 09347 | | | 2. SSN [REDACTED] | 6. CURRENT SERVICE | | |
| 7. PAY PER MONTH | | | 8. NATURE OF RESTRAINT OF ACCUSED | | a. INITIAL DATE | b. TERM |
| a. BASIC | b. SEA/FOREIGN DUTY | c. TOTAL | None | | 2001106 | 4 yrs |
| \$2562.30 | \$225.00 | \$2787.30 | | | 9. DATE(S) IMPOSED N/A | |

II. CHARGES AND SPECIFICATIONS

10. CHARGE THE: VIOLATION OF THE UCMJ, ARTICLE 126.

SPECIFICATION 1: In that Staff Sergeant [REDACTED] U.S. Army, did, at or near Taza, Iraq, on or about 2 August 2003, commit an assault upon [REDACTED] by pointing at his head with a dangerous weapon, to wit, a loaded firearm.

SPECIFICATION 2: In that Staff Sergeant [REDACTED] U.S. Army, did, at or near Taza, Iraq, on or about 2 Aug 2003, unlawfully strike [REDACTED] on the body with his hand.

SPECIFICATION 3: In that Staff Sergeant [REDACTED] U.S. Army, did, at or near Taza, Iraq, on or about 2 Aug 2003, unlawfully strike [REDACTED] by tripping him with his foot.

SPECIFICATION 4: In that Staff Sergeant [REDACTED] U.S. Army, did, at or near Taza, Iraq, on or about 2 Aug 2003, unlawfully strike [REDACTED] in the face and stomach with his hand.

III. PREFERRED

| | | |
|--|-----------------------|---|
| 11a. NAME OF ACCUSER (Last, First, MI) [REDACTED] | b. GRADE LTC | c. ORGANIZATION OF ACCUSER 2 nd Battalion (Airborne), 503d Infantry |
| d. SIGNATURE [REDACTED] | e. DATE 14 Sept 03 | |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 14 day of September, 2003, and signed the foregoing charge its 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] Major
 [REDACTED] Trial Counsel
 Official Capacity to Administer Oath
 (See R.C.M. 307(b) - must be a commissioned officer)

12. On 14 Sept, 2001 the accused was informed of the charge against him, 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.)

Typed Name of Immediate Commander

2nd Battalion (Airborne), 503d Infantry
Organization of Immediate Commander

Lieutenant Colonel

Signature

RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 2000 hours, 14 SEP 2001, at

2d Battalion 503d Infantry
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403).

FOR THE

Typed Name of Officer

Commanding

Official Capacity of Officer Signing

Signature

V. REFERRAL, SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY
HQ, 4th Infantry Division (Mechanized)
General

b. PLACE
Tikrit, Iraq
Court-Martial

c. DATE
08 OCT 2003

Referred for trial to the court-martial convened by
Convening Order Number 11,

dated 29 October 2002

subject to the following instructions:

By Command of MAJOR GENERAL ODIERNO
Command or Order

Legal Administrator

Typed Name of Officer

Official Capacity of Officer Signing

WO1
Grade

Signature

15. On 13 OCT, 2003, I (caused to be) served a copy hereof on (each of) the above named accused.

Signature of Trial Counsel

04

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 60f(e) concerning instructions. If none, so state.

B6

DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE IRONHORSE
TIKRIT, IRAQ

AFYB-JA

DATE: 24 August 2003

1. On 24 August 2003, I conducted a detention review for [REDACTED] at the Task Force Ironhorse Central Detainee Facility. I have determined that continued detention is warranted.

2. After reviewing the relevant facts and the circumstances concerning and the detention and the detainee, I make the following factual determinations:

A. Mr. [REDACTED] was in possession of an AK-47 and a mortar fuse.

B. There is probable cause to find that Mr. [REDACTED] has committed a serious crime or is a threat to himself or the community.

C. Mr. [REDACTED] is awaiting judicial proceedings for this serious crime.

D. Continued confinement is necessary because less severe forms of restraint are inadequate and it is foreseeable that Mr. [REDACTED] will not appear at trial, pretrial hearing or investigation or that he will commit a serious crime.

3. Based upon the relevant law and the above facts applied to that law, I find that continued detention is warranted in this case.

4. Determined this 24th day of August 2003.

[REDACTED]
CPT, JA
Detention Review Officer

006997

DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE IRONHORSE
TIKRIT, IRAQ

B6

AFYB-JA

DATE: 24 August 2003

1. On 24 August 2003, I conducted a detention review for [REDACTED] at the Task Force Ironhorse Central Detainee Facility. I have determined that continued detention is warranted.
2. After reviewing the relevant facts and the circumstances concerning and the detention and the detainee, I make the following factual determinations:
 - A. Mr. [REDACTED] was in possession of an AK-47 and a RPG.
 - B. There is probable cause to find that Mr. [REDACTED] has committed a serious crime or is a threat to himself or the community.
 - C. Mr. [REDACTED] is awaiting judicial proceedings for this serious crime.
 - D. Continued confinement is necessary because less severe forms of restraint are inadequate and it is foreseeable that Mr. [REDACTED] will not appear at trial, pretrial hearing or investigation or that he will commit a serious crime.
3. Based upon the relevant law and the above facts applied to that law, I find that continued detention is warranted in this case.
4. Determined this 24th day of August 2003.

[REDACTED]
[REDACTED]
CPT, JA
Detention Review Officer

06998

B6

SWORN STATEMENT

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

| | | | |
|---|------------------------|--------------|--------------------|
| STATION Taza Safehouse, D/319 AFAR, ME 393 072 | DATE 08 aug 03 | TIME 2200 | FILE NUMBER |
| ST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS E6 |
| ORGANIZATION OR ADDRESS /319 AFAR | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

CPT, Battery Commander,
SGT.

- Q: What do you know about the mistreatment of the Taza police prisoners?
- A: I hit one cop that said that he was going to shoot and kill American soldiers with RPGs.
- Q: What was the date?
- A: The day that SPC [redacted] got killed. I got rough with him and continued to interrogate him. I tripped him going into the interrogation room in order to get him on the floor. He hit his head on the floor and cut it left above right eye.
- Q: Why did you need the need to put him on the floor?
- A: I wasn't in the right frame of mind. I was very upset with this guy because of his statements. He had RPGs when we caught him and he knew where grenades were at to attack us. I was trying to get him to say where the grenades where at.
- Q: What methods did you use to get him to talk?
- A: Bent his arm and punched him in the stomach once.
- Q: Were there any other prisoners that were interrogated in this manner?
- A: the other cops.
- Q: What treatment did they get?
- A: Verbal questioning only.
- Q: Was this the only prisoner that received physical contact?
- A: Yes from me.
- Q: Was there anyone else that physically abused these prisoners?
- A: No.
- Q: Who else was in this room when you were questioning this individual?
- A: SGT [redacted], our interpreter, and one of the cops. SGT [redacted] was in and out. I don't know if he saw me trip him (the prisoner) or what.
- Q: Did SGT [redacted] participate in your methods of questioning?
- A: No.
- Q: Did SGT [redacted] participate in your methods of questioning?
- A: No.
- I was extremely rough with the prisoners when transporting them from cell to interrogating room. I didn't beat them. I was talking to the 1SG about getting moved from the police station because I feel that I am getting frustrated with the entire situation. I do not want to work there anymore. I didn't mean for him to fall and hit his head, I was trying to get him on the ground. We then took him to the hospital to get stitches.
- Q: How did the prisoner get a broken nose?
- A: I accidentally kicked him. But his nose isn't broken according to the doctor. It wasn't a kick, I was trying to step over him moving backwards, and I accidentally hit him in the face.
- Q: Are there any other incidents that you accidentally did that you are not telling me about?
- A: No.
- Q: Who came down there that day that you are talking about?
- A: SGT [redacted] SGT [redacted] SGT [redacted] SPC [redacted] They said that the commander was sent them down thereto get information out of the prisoners.
- Q: Did they say I authorized them to beat them?
- A: No. What I did was already done before they got here.
- Q: Is there anything else that you want to say?
- A: NO

NOT USED

| | | |
|---------|-------------------------------------|-----------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF _____ PAGES |
|---------|-------------------------------------|-----------------------|

TAKEN AT _____ DATED _____ CONTINUED: _____

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

000000

NOT USED

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of Aug, 2003, at TAZA Safehouse FRAS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

Commander
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

B6

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

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

| | | | |
|------------------------|--|-----------------|-------------|
| LOCATION | 2. DATE 8 AUG 03 | 3. TIME 2322 | 4. FILE NO. |
| NAME (Last, First, MI) | 8. ORGANIZATION OR ADDRESS D/319th AFAR | | |
| SSN | 7. GRADE/STATUS E6 | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

Investigator whose name appears below told me that he/she is with the United States Army CPT and wanted to question me about the following offense(s) of which I am accused/accused: Mistreatment of prisoners in TAZA Police Station

he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
 I do not have to answer any question or say anything.
 Anything I say or do can be used as evidence against me in a criminal trial.
 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | |
|--------------------------------------|---------------------------------|
| WITNESSES (If available) | 3. SIGNATURE OF INTERVIEWEE |
| a. NAME (Type or Print) | [Redacted] |
| b. ORGANIZATION OR ADDRESS AND PHONE | 4. SIGNATURE OF INVESTIGATOR |
| | [Redacted] |
| c. NAME (Type or Print) | 5. TYPED NAME OF INVESTIGATOR |
| | [Redacted] |
| d. ORGANIZATION OR ADDRESS AND PHONE | 6. ORGANIZATION OF INVESTIGATOR |
| | D/319 AFAR |

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

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

007001

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION <u>Bayonet Base</u> | DATE <u>Aug 03 2020</u> | TIME | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS <u>E-4</u> | |
| ORGANIZATION OR ADDRESS <u>D/319 AFAR</u> | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was in TAZA 6 days ago working with Charlie team which are SGT [REDACTED] (LDR) SGT [REDACTED], Sgt [REDACTED], SGT [REDACTED], SPC STDL [REDACTED] and my self SPC [REDACTED] when to the police station for an interrogation when we got there SSG [REDACTED] which is in charge of the police station, told us the situation about a shooting and that the guy had explosives so he takes his by way to much excessive force when we saw the guy he had a broken noise and by the time he got to [REDACTED] SSG [REDACTED] room you could not see his face it was full of blood because he slam his to every thing in his way. So there we are I did not even touch the guy because he had blood all over. Well the interpreter Turkish [REDACTED] translated question that he ask and SSG [REDACTED] will hit him every time that the guy said something that he did not like. He hit him like two times and then pull out a gun that was loaded and said ~~I~~ I am going to kill you mother fucker and put the gun to his face. And that was IT for that guy the brother came in next, we were asking him question about the shooting and SGT [REDACTED] told the police to get out

| | | |
|---------|---|--------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF <u>4</u> PAGES |
|---------|---|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

STATEMENT (Continued) as soon as the walk out He punch him in the stomach while I was holding him then I let him go and the ask more question and he punch him again and slap him like 3 times and like 3 punches and then SSG cause in with the same gun which IT was still loaded and said the same thing "I am going to kill you mother fucker - and then said one of my soldier died because of pieces of shit like you come on open your mouth". And he put the gun in his mouth. I stop him feel quick and told him "what the hell your doing", and he when and put IT in his mouth again and I stop him again, and I stood like in front of him I mean SSG trying to go around and felt him, I did not let him. As the me but I did not let him. As the other guy comes in IT IS a relative

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. 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

 (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

 (Signature of Person Administering Oath)

 (Typed Name of Person Administering Oath)

 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

| | | | |
|------------------------------------|-------------------------|---------------------|--------------|
| LOCATION <u>Bayonet Base</u> | DATE <u>2 Aug 73</u> | TIME <u>2020</u> | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS |
| ORGANIZATION OR ADDRESS | | | |

~~see~~ or something I dont even know but
the two brother pointed the finger at
him so they took him to the room
as ~~the~~ ~~same~~ guy was right in the
door way SSG ~~_____~~ punch him
in the face and SSG ~~_____~~ was like
telling me "come here ~~_____~~ dont
tell me you are scared" and I told
him that I was not scared but I was
not going in there and I did not
but I heard out side the yelling of
that guy if I was Arab I will
say he was begging for his life and
then you can ~~feel~~ feel him ~~_____~~
getting hit and ~~the~~ all Charlie team
heard IT the hole Police station
heard IT and all of Charlie team
saw something but not ~~_____~~
he only heard the noises and was
told the other day by SSG ~~_____~~
that IT was self defense or something
That same day another cases came ~~_____~~

| | | |
|---------|-------------------------------------|---------------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE <u>3</u> OF <u>4</u> 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 SIDE OF ANOTHER COPY OF THIS FORM.

007004

STATEMENT (Continued)

I mean the next day after the first ~~time~~ time. But I did not go SSG ~~_____~~ was there already and requested Charlie team on the phone with SGT ~~_____~~ and he invited me and I did not go. He did and when he came back they were both bragging about how they ~~fuck~~ the shit out of him and SGT ~~_____~~ was telling me "Look at my hand it is swollen this guy was bigger than the other but I still fuck him up" and they kept bragging to each other and I just walk away. My last day there which was 7 August 2003 I heard SSG talking to SGT ~~_____~~ about putting ~~_____~~ in his gun I saw prisoner face but I did not pay no mind I was leaving TAZA and I did ~~_____~~

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. 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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19 _____ at _____

ORGANIZATION OR ADDRESS _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|---------------------|
| LOCATION Doghouse CP | DATE 09 Aug 03 | TIME 1042 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS E-4 |
| ORGANIZATION OR ADDRESS | | | |

_____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of 03 Aug 03 my team was called to the police station. While every one went inside, I stayed out front manning the 240B. After about 15min SGT. [REDACTED] came out front and told me that a detainey had one of his eyes split open. I asked how bad? He said "some skin was hanging off his eye." He went back inside after that. About 10mins after that SSG. [REDACTED] came out he looked strest, he said to me that he broke the detainey's nose and split his eye open. He said that he had lost it. He stood there for a few more minets to clear his head and then went back inside. another 5 to 10 mins went by and SGT [REDACTED] came out and said I could take down the 240 and come inside. I did, when I got there they were taking a diferent detainey in for some Grand A. I wanted to wach so I went in the room with them. The lights were off they were using flash lights. The detainey was in the corner on his knees with his hands on his head. Four people were standing around him shinge lights down in his eyes. I could see that he was scared. They started to yell at him and had The Translator tell him

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 1 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 SIDE OF ANOTHER COPY OF THIS FORM.

07006

before I left the room. I did not agree with what they were doing. It wasn't till some time later that I got to see the first detainee. He was brought into the police chief's office to sign a statement. When he was brought in he was cuffed, he also had bandages over his eyes. We stayed for a few more statements and then left to go back to the safe house. The whole time we were there the police chief was not, one of his Lts was taking the statements. After we got back SSG, [redacted] came up to me and said he here that I had a [redacted] problem with what he did. I said "yes, I did." He then told me he did it because the detainee made an aggressive move towards him. I don't know if I believe him, but I do think that the tactics used were wrong.

~~nothing follows~~

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority-To-Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|---------------------------|
| LOCATION [REDACTED] | DATE 3 Aug 83 | TIME 2200 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS E-5 / SGT |
| ORGANIZATION OR ADDRESS D- BTRY 319 AFAB | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I SGT [REDACTED] saw SSG [REDACTED] and SGT [REDACTED] ^{FDS.} ~~physically~~ hitting punching Iraqi prisoner in the police station about six days ago ~~on us~~ and I know that the ^{FDS} ~~prisoner~~ prisoners did not present any type of threat against anyone at least at that moment. ^{FDS} ~~they~~ ^{FDS} ~~wasn't~~.

One thing that I would like to say is that these two individuals seem to be ^{FDS} ~~no~~ enjoying what they were doing. I also heard them talking about ^{FDS} ~~that~~ they doing it a couple more times while we weren't there. ^{FDS} this is the end of my statement.

Nothing
Follows

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

7008

B6

SWORN STATEMENT

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

| | | | |
|--|------------------------|--------------|---------------------|
| LOCATION loghouse CP, Kirkuk Airfield, Iraq | DATE 09 Aug 03 | TIME 1025 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS E-6 |
| ORGANIZATION OR ADDRESS 1/319 AFAR | | | |

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: _____ PT, Battery Commander, _____ SGT, _____

Q: What do you know about the mistreatment of the Taza police prisoners? *Do you understand your rights as I read them last night?* A: YES

Q: Do you wish to have an attorney present? A: Not at this time.

Q: Is there anything else that you want to tell me before I start asking questions? A: No.

Q: Do you have a pistol? A: No.

Q: Have you ever used a pistol at the police station? A: YES

Q: What did you use it for? A: I cleared the weapon and I wanted them to answer the questions.

Q: What did you do with weapon? A: I showed it to them like I was going to shoot them, but it was cleared when they didn't answer the questions.

Q: Where did you get the pistol? A: From the police station's arms room.

Q: In what manner did you use the weapon? A: I pointed it at their head from approximately 6 feet. I showed SGT _____ that the weapon was clear. I am not sure. I think that it was SGT _____ that the _____

Q: Does anyone else have a pistol such as the one you had? A: That pistol was SGT _____

Q: SSG _____ requested to stop answering questions and have a lawyer present.

| | | |
|---------|-------------------------------------|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

007009

NOT
USED

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of Aug, 19 2003 at Dughouse LP Barracks Base, IRAQ

ORGANIZATION OR ADDRESS

FL

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Commander
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

B6

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.
Primary 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.

Form with fields: LOCATION (TAA), NAME (Last, First, MI), SSN, DATE (02 AUG 03), TIME (0019), ORGANIZATION OR ADDRESS (8-BATT 319 AFAR, 173 ABW BGS), GRADE/STATUS (E-5/SGT)

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

An investigator whose name appears below told me that he/she is with the United States Army [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: Mistreatment of prisoners in the TAA Police Station

I do not have to answer any question or say anything.
Anything I say or do can be used as evidence against me in a criminal trial.
(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
(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.
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.

COMMENTS (Continue on reverse side)

Section B. Waiver

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

Form with fields: WITNESSES (Name, Organization), SIGNATURE OF INTERVIEWEE, SIGNATURE OF INVESTIGATOR, TYPE NAME OF INVESTIGATOR, ORGANIZATION OF INVESTIGATOR (D/319 AFAR)

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

007011

| | | | |
|--|--------------------------------------|---------------------|-------------|
| LOCATION Taza Safehouse, D/319 AFAR, ME 393 072 | DATE 08 aug 03 | TIME 2200 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS E-5 | |
| ORGANIZATION OR ADDRESS D/319 AFAR | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED] CPT, Battery Commander, [REDACTED]
A: [REDACTED] SGT, [REDACTED]
Q: What do you know about the mistreatment of the Taza police prisoners?
A: The day that you were talking to the head of the departments, we (QRF) were called to go to the police department. When we arrived, there was an individual that was bleeding. I asked him why he was bleeding. SSG [REDACTED] was interrogating him about the weapons that he had. We went to his cousin's house to look for more weapons. When we got back, SGT [REDACTED] SPC [REDACTED] SSG [REDACTED] the interpreter, and myself went into the SSG [REDACTED] room. We asked him why he was shooting. He told us that he was cleaning his weapon. Not believing him, we continued asking questions. I yelled at one of the prisoners, pushed them, and hit one because he was making a threatening move towards me. I only pushed others on the ground.
Q: How many prisoners did you question that night?
A: ~~Five~~ The one that shot in the market and his brother. Then his cousin arrived after the police called him. I hit the brother of the individual that was bleeding because he made a threatening move. I only pushed the cousin. SSG [REDACTED]
Q: Were all 5 of you present when you questioned all 3 suspects?
A: No, SGT [REDACTED] walked out after the questioning of the first suspect.
Q: Why did he walk out?
A: I don't know.
Q: Why were you pushing these guys around?
A: Because they were accusing each other of hiding the weapons. trying to find out where the grenades were [REDACTED]
Q: Do you feel that this was the right technique?
A: Yes. [REDACTED]
Q: Did you see anyone else see anyone hit or push the prisoners?
A: SPC [REDACTED] helped push one to the ground, but it wasn't excessive. [REDACTED]
Q: Is this the only instance of physical methods?
A: There was a time when the guys were arrested for throwing the grenades. SSG [REDACTED] and I were pushing around the guys to get them from one cell to the interrogation room. [REDACTED]
Q: You work at the police station with SSG [REDACTED], what is your function?
A: Train my platoon of new recruits. [REDACTED]
Q: Did SSG [REDACTED] ever brag about his methods of questioning prisoners?
A: Not really bragging, he was upset that he had to continually deal with the prisoners. [REDACTED]
Q: Did you ever brag about beating up the prisoners?
A: I talked about what we did to get information from them, but I didn't brag about it. [REDACTED]
Q: To whom did you tell this to?
A: SGT [REDACTED] SGT [REDACTED] and SPC [REDACTED], whoever was working at the police station. [REDACTED]
Q: Did you ever feel that SSG [REDACTED] was getting worn down from the job at the police station?
A: Just a few days ago when he looked tired. He said that he was working too hard and needed help. [REDACTED]
Q: Was that before you started helping or after?
A: Before. [REDACTED]
Q: Is there anything else that you want to tell me about these incidents?
A: No. [REDACTED]

NO COMMENTS

| | | |
|---------|-------------------------------------|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF 2 PAGES |
|---------|-------------------------------------|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

STATEMENT (Continued)

NOT
USED

AFFIDAVIT

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

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of Aug, 1983 at Tomb Sabhouse, TRAD

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

FL

Commander

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

| | | | |
|--|------------------------|--------------|---------------------|
| LOCATION Doghouse CP, Kirkuk Airfield, Iraq | DATE 09 Aug 03 | TIME 1853 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS E-5 |
| ORGANIZATION OR ADDRESS D/319 AFAR | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I, [redacted], CPT, Battery Commander, [redacted]
[redacted], SGT, [redacted]

Q: Do you understand that your rights are still in effect as I read them to you last nights?

A: YES.

Q: I have more information from the witnesses and questioning SSG [redacted] again. Do you have anything else to add?

A: SGT [redacted] reiterated the story he told from last nights questioning.

Q: Do you have a pistol?

A: Roger, at the police station.

Q: Where did that pistol come from?

A: Confiscated.

Q: Do you carry that pistol with you?

A: Negative, it stays @ the police station.

Q: Do you have the pistol now?

A: No, it is at the police station.

Q: Does SSG [redacted] have a weapon?

A: Not sure if he does, if it is, it is at the police station.

Q: Have you ever used a pistol in a threatening manner to get questions answered?

A: Negative.

Q: Has SSG [redacted] done that?

A: Roger.

Q: What did he do with it?

A: He pointed at the prisoners. SAC [redacted] and I prevented him from pointing.

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [redacted] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] 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.

STATEMENT (Continued)

At the prisoners.

Q: Did I authorize you to carry that weapon?

A: Negative.

Q: Did you witness SSG [redacted] put a weapon in a prisoners mouth?

A: No, just point it at a prisoner.

Q: These are statements that say that you hit a prisoner multiple times.

A: ~~That~~ That is not true.

Q: ~~It~~ Was the 9mm loaded?

A: ~~Sgt~~ Sgt [redacted], he didnt show me it was loaded or clear.

Q: Do you have anything else to add?

A: No.

Nothing Follows

AFFIDAVIT

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

[redacted] (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of Aug, 19 2003 at Dugway S.P. Raymond Base, IRRP

WITNESSES:

[redacted] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (Typed Name of Person Administering Oath)

Commander (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

007015

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|---------------------|
| LOCATION TAZA | DATE 8 Aug 03 | TIME 2200 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS E-5 |
| ORGANIZATION OR ADDRESS D-Raft 319th AFAR | | | |

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

I WAS QUESTIONED ON THE MATTER OF PRISONERS OF THE TAZA POLICE DEPT. IF THEY WERE BEING MISTREATED IN ANY KIND OF WAY. I WAS AT THE POLICE STATION ON THE 4 AUG 03, I NOTICED ONE PRISONER BLEEDING FROM THE EYE UPON MY ARRIVAL. I NEVER SEEN NOR HEARD OF ANY ONE HITTING THIS PERSON. SINCE THEN I HAVE NOT RETURNED TO THE POLICE STATION. SINCE WE RETURNED TO THE SAFE HOUSE I SM. TOLD ME HE WANTED NO PART IN WHAT HE THOUGHT WAS TAKING PLACE. I TOLD THE SM THAT HE MAYBE JUMPING TO CONCLUSIONS IF HE THINKS ONE OF OUR TROOPS HAD ANYTHING TO DO WITH THE PRISONER BLEEDING. MYSELF OR THE SM SAY ANYTHING TAKE PLACE, THE SM FELT IF THERE IS WRONG DOING GOING ON HE WANTED TO BE OUT OF THE GROUP. I TOLD HIM WHAT HE WAS FEELING, WOULD BE THE RIGHT THING TO DO, BUT BEFORE HE WOULD START TO ASK TO GO TO ANOTHER GROUP, HE NEEDS TO FIND OUT THE TRUTH OF WHAT HAPPENED TO THE PRISONER, BEFORE HE WOULD START TO HAVE OTHER PEOPLE THINKING THAT WE WERE RESPONSIBLE FOR HIS INJURY.

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 3 PAGES |
|---------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

C07016

NOT USED

AFFIDAVIT

I, SGT _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of Aug, 192003 at Taza Sabhouse, IRAQ

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Commander
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

| | | | |
|--|------------------------|--------------|---------------------|
| LOCATION TAZA | DATE 8 AUG 03 | TIME 2200 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | | GRADE/STATUS E-5 |
| ORGANIZATION OR ADDRESS D-BTRY 319TH AFAR | | | |

SGT _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I _____ did NOT witness ANY violent acts TOWARD ANY OF the prisoners BUT ONE. The ONE prisoner I did witness was pushed + slammed up AGAINST the wall. HE WAS getting yelled AT + pushed by SGT _____ + SSG _____. The reason why he was getting pushed + slammed around was because the police said that the prisoner threatened SSG _____ life + the lives of the police officers in TAZA. They were trying to get information to clarify the story + also information on the whereabouts of other weapons he claimed to know about. I did not stay in the room long, approx. 2 to 3 minutes. AT which time the police were asked to leave the room, I also left. when SGT _____ + SSG _____ came out of the room with the prisoner at no time _____ did the prisoner appear to have been physically assaulted.

I also heard about ONE prisoner getting punched in the stomach, but I WAS TOLD he got hit because he made a lunging movement TOWARDS one of them _____

NOTHING Follows

| | | |
|---------|--|-----------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT _____ | PAGE 1 OF _____ 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 SIDE OF ANOTHER COPY OF THIS FORM.

B6

STATEMENT (Continued)

NOT used

AFFIDAVIT

I, SGT [redacted]

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE TO 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 PUNISHMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of Aug, 19 2003 at TARA Safehouse TRAP [redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Commander (Authority To Administer Oaths)

NAME(S) OF PERSON MAKING STATEMENT

07019

STATEMENT (Continued)

~~NOT~~ DID NOT USE

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. 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 THE BENEFIT OF COUNSEL, WITHOUT THE THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of Aug, 192003 at Daghouse CP Bayonet Base

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES 07020

B6-4

I, the undersigned, [redacted] detainee No. [redacted] detained in the EPW of Tikrit; do hereby state the following, in accordance to my perception and good faith and with full confidence. On the 2nd. Of August, 2003 around approx. 7:30 p.m., we were in the market area of Taza, my brother and I were drinking Pepsi cola, my brother made a mistake by firing the gun unintentionally, while he was wiping off the weapon from the drink that dropped on him, afterwards, we were detained from my aunt's house and transferred to the prison by the Iraqi police. There, the soldier [redacted] began questioning me and then hitting me on the head, stomach, face and nose, and causing cuts over my upper eye, causing me to have approx. three stitches. And there was a medical report from the doctor [redacted] (not legible) at the Hatha clinic, and he has knowledge of the type of pain I was inflicted with. I was frightened by this treatment which is not suitable to me. I am a police officer and my duty is to service people. So, therefore, we must be treated in a better way so that we can treat others by this example.

Signed: [redacted] (signed)
 8/24/2003

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
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) 8/24/08 | 3. TIME 16:30 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN | | 7. GRADE/STATUS |
| 8. ORGANIZATION OR ADDRESS Salah Al-DINE Mahlachay TEI; | | | CITY: KARKO |

9. I, _____, AM TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

انا الموقع أدناه حكمت بهجت هدهن هاهب
 اخرج بالمعلومات التالية على
 حسب اعتقادي ومن النية وثقتي الساعة
 في تاريخ ٢٠٠٨ اب ٢٤ وهو في الساعة ٢، ٧ ظهر
 كنت في سوق مدينة طابا بيضا كنت اتررب
 شروب العيس كولا وقع بيتيا من المشروب
 على سارهي الكلا سنيكون، فبيضا كنت اجاول
 اذ اذلف وانتف سارهي با فظها دوست
 على زناد السلاح وانطلق لطق ناري واحد، ثم
 بعدها ذهبت الى البيت عميتي واسمها مكة
 بعد حوالي ١٠ دقائق جاشت الشرطة العراقية واقوى
 ثم بالموتى الى الشرطة العسكرية الايركية
 هبارك واهوى في السجن وبداء العسكري ماننوس
 باستجوابي ثم احب علي المددسي ووقع على

B6-4

| | | |
|-------------|---|-----------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF _____ PAGES |
|-------------|---|-----------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

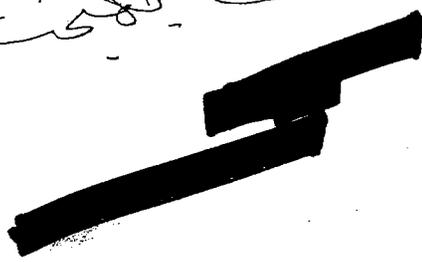
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

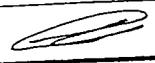
وطني ، وكنت عندي هورا على ابياري بقول
 اكفيلة ثم لربني على يهني وطهري .
 كانا هناك من الرفقة في اي ه عكرين
 ابريين وعترهم تركاي واهجه تركاين
 لم اقم باي حمل صدي او لهود
 اي العكري او اي هو هذه
 هي استجادي الكاملة واد اهلون
 على لربي بجميع الاموال والشكر .

كلمت يهنت واهني



1/1/2003

INITIALS OF PERSON MAKING STATEMENT



PAGE OF PAGES

USAPA V

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Handwritten initials]

PAGE OF PAGES

B6-4

I am [redacted] and this is my signature. My Number is [redacted] I declare the following information about my detaining. According to good will and my complete confidence.

On the 2nd August 2003 and at 7:30pm while I was drinking Pepsi Cola in the Market of Taza. Some of the soda fell on my gun (AK-47). I tried to clean my gun and then on no purpose I pressed the cock of my gun. The shot for one time. Then I decided to go to my aunt's home her name is [redacted]. After about ten minutes the police came to my aunt's home and they detained me. They gave me to the American MP. The American MP put me in prison. The officer who began to investigate with me his name is [redacted]. He put his gun on my head then he put it on my mouth and on my neck to force me to say the truth then he knocked me down and hit me. There were in the room four or five American MP and Turkmani translator, his name is [redacted]. I didn't do anything wrong and I didn't hurt the officer. This is my witness and as God is my witness.

24 August 2003

Signed [redacted]

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
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) 8/24/03 | 3. TIME 18:00 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN | 7. GRADE/STATUS | |
| 8. ORGANIZATION OR ADDRESS Salah Al-Dine Mahla chay tel: [redacted] city: Kirkouk | | | |
| 9. [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: | | | |

انا الموقع ادناه موثق لبعثت ورفعت كاديب
 [redacted] ايجيني في حبس تكريت، اخرج
 بالمعلومات التالية على حسب اعتقادي من
 النية وبقية الساعة. في تاريخ 2 اب 2003
 حوالي الساعة 12:00 ظهر كذا في سوق مدينة
 طابا انا واهل تريب البيبي كولا
 اهلها اهل واهل عيار ناري عن دور اراوتة
 بينما كانا ننتفح السلاح عن المشروب الذي وقع عليه
 بعدها قتلنا في بيت حمي وحقلنا اى
 اكين مع السيرة العراقية. كمناد يداد العكري
 كاندوس يا سيدي ابي كم يواد بهزي على راسي
 ويهني ووهي عن الفى وميب في شروع لوقت
 عيني كواي لا قلب و كان هناك كحادثة

B6-4

| | | |
|-------------|---|-----------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [redacted] | PAGE 1 OF _____ PAGES |
|-------------|---|-----------------------|

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

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

طبيعة عن الطبيب استيراد في عيادة
هذا الطاء وهو يدري ما حدث لي عن ألم
لقد فرحت عن هذه المعاملة التي هي
خدمانية كي اقا. اقا منها ووالهي
لخدمة الناس. فيجب ان تعامل بطريقة
سنة لكي تعامل الاخرين بالمثل.

الأعقاد

—
—

1/1/2005

INITIALS OF PERSON MAKING STATEMENT

[Handwritten initials]

PAGE OF PAGES

USAPA VI.

B6

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

WITNESSES:

✓
U.S. DOD Linguist.
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V

007023

B6-4
[redacted]

I, the undersigned, [redacted], detainee No. [redacted], detained in the EPW of Tikrit; do hereby state the following, in accordance to my perception and good faith and with full confidence. On the 2nd. Of August, 2003 around approx. 7:30 p.m., we were in the market area of Taza, my brother and I were drinking Pepsi cola, my brother made a mistake by firing the gun unintentionally, while he was wiping off the weapon from the drink that dropped on him, afterwards, we were detained from my aunt's house and transferred to the prison by the Iraqi police. There, the soldier [redacted] began questioning me and then hitting me on the head, stomach, face and nose, and causing cuts over my upper eye, causing me to have approx. three stitches. And there was a medical report from the doctor [redacted] (not legible) at the Hatha clinic, and he has knowledge of the type of pain I was inflicted with. I was frightened by this treatment which is not suitable to me. I am a police officer and my duty is to service people. So, therefore, we must be treated in a better way so that we can treat others by this example.

Signed: [redacted] (signed)
8/24/2003



DEPARTMENT OF THE ARMY
 Delta Battery, 319th Airborne Field Artillery Regiment
 173rd Airborne Brigade
 APO AE 09630



REPLY TO
 ATTENTION OF:

8 August 2003

AESE-PCC-D.

MEMORANDUM FOR BAYONET DETENTION FACILITY

SUBJECT: Case in Reference to [REDACTED] Brothers

B6

1. The individuals mentioned in this report are part of a shooting that happened on the 4th of Aug 2003. The Taza PD reacted to the call and found 2 AK 47 and 2 RPG fuzes that were owned by the [REDACTED] in this case. These brothers where brought to the Police station and charged with Illegal weapons possession and discharging a firearm in the city of Taza. These individuals claim to know the location of some grenades but we have been unsuccessful in trying to gather any more information from these individuals. They also threatened to kill US Forces and kill some police department members with an RPG.

2. POC for this matter is the undersigned.

[REDACTED]
 SSG, USA
 Coalition Forces Taza P.D. Liaison

007030

RPG FUZE POSSESSION
\$ SHOOTING \$@ MARKET
POSS. KNOWN GRENADE
LOCATIONS.

007031

B6-4

DETAINEE TRACKING SHEET

DETAINEE # [REDACTED]

CI SCREENING RESULTS: SEE ATTACHED

ANY OTHER CI REMARKS:

B6-4

HEARING SUMMARY: [REDACTED] IS A POLICE MAN WITH HIS BROTHER [REDACTED] ALSO THREATENED TO BLOW UP POLICE STATION WITH AN RFG. THREATENED TO KILL A MEMBER. WAS IN POSSESSION OF TWO RFG CORDONED FUSES.

B6-4

THREATENED AMERICAN

HEARING RECOMMENDATION: SEND TO TERRY

B6-2

RANK, NAME, AND SIGNATURE OF HEARING OFFICER: [REDACTED]

DATE: 1/17/03

BRIGADE S-2 RECOMMENDATION:

No intel value; ~~do not~~ recommend support hearing officer recommendation

B6-2

RANK, NAME, AND SIGNATURE OF S-2 REPRESENTATIVE

DATE: 8/17/03

MAGISTRATE RECOMMENDATION:

Send to TERRY

B6-2

MAJ, S2
Magistrate 20 AUG 2003

RANK, NAME, AND SIGNATURE OF MAGISTRATE

DATE:

07032

B6-4

Name:

B6-4

B6-4



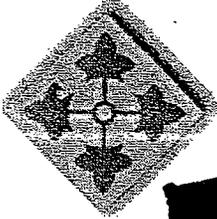
| | | | | |
|----------|---------|-----------|----------|----------|
| L. PINKY | L. RING | L. MIDDLE | L. INDEX | L. THUMB |
| | | | | |
| L. PINKY | L. RING | L. MIDDLE | L. INDEX | L. THUMB |
| | | | | |

B6-4

007033

Finger Print Official: Staff

TAMARA PI LAMSON



4TH INFANTRY DIVISION (M) DETAINEE DISPOSITION WORKSHEET



4ID MP#: [REDACTED] *B6-4*

Capturing unit #:

DETAINEE NAME: [REDACTED] *B6-4*

DATE OF CAPTURE: 03 AUGUST, 2003

CRIMINAL DETAINEE SECURITY DETAINEE MEDICAL ISSUE

Capturing Unit: 1 BCT 2 BCT 3 BCT 173 BCT DIVARTY 1-10 CAV

STAFF RECOMMENDATION:

G2: RELEASE CHA IRAQI POLICE

Comment: _____

G3: RELEASE CHA IRAQI POLICE

Comment: _____

PM: RELEASE CHA IRAQI POLICE

Comment: _____

SJA: RELEASE CHA IRAQI POLICE

Comment: *A police officer who accidentally discharged one round from an AK47*

CoS DECISION: RELEASE CHA IRAQI POLICE

in public. He was beaten by 2 173d ABN NCOs at the police station and I believe the statements attributed to the detainees about threatening to kill U.S. forces and P.D. members are totally fabricated by the NCOs.

B6-2

COL, GS
Chief of Staff

CAPTURING UNIT NOTIFICATION: CONCUR NON-CONCUR
(Required for release only)

(NAME)

(RANK)

(DATE)

4ID RECOMMENDATION TO CJTF-7 REVIEW BOARD:

- Do not release this individual without notifying the 4ID Provost Marshal
- Retain for the duration of the conflict. This individual is a threat to US forces.
- Retain for 3 months and review with 4ID for concurrence for release.
- Retain for 6 months and review with 4ID for concurrence for release.

B6-4

007034

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION

Offense against Civilian(s) [check one] If "Other" then describe: _____

| | |
|--|--|
| <input type="checkbox"/> Arson (I.P.C. 342) | <input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428) |
| <input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399) | <input checked="" type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430) |
| <input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402) | <input type="checkbox"/> Theft (I.P.C. 439) |
| <input type="checkbox"/> Murder (I.P.C. 405) | <input type="checkbox"/> Destruction of Property (I.P.C. 477) |
| <input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410) | <input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487) |
| <input type="checkbox"/> Maiming (I.P.C. 412) | <input checked="" type="checkbox"/> Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495) |
| <input type="checkbox"/> Simple Assault (I.P.C. 415) | <input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3)) |
| <input type="checkbox"/> Kidnapping (I.P.C. 421) | <input checked="" type="checkbox"/> Other KNOWLEDGE OF GRENADE LOCATION |

Offense against Coalition Forces [check one] If "Other" then describe: _____

| | |
|--|--|
| <input type="checkbox"/> Violation of Curfew | <input type="checkbox"/> Trespass on Military Installation or Facility |
| <input checked="" type="checkbox"/> Illegal Possession of Weapon | <input type="checkbox"/> Photographing/Surveilling Military Installation or Facility |
| <input type="checkbox"/> Assault/Attack on Coalition Forces | <input type="checkbox"/> Obstructing Performance of Military Mission |
| <input type="checkbox"/> Theft of Coalition Force Property | <input checked="" type="checkbox"/> Other POSSESSION OF RPG FUZZES (2EA) |

Apprehending Unit: D/319TH AFAP Location Grid: ME 387060

Date of Incident: (D/M/Y) 31 AUG 03 to 1 1 hrs to 1 1 hrs Date of Report: (D/M/Y) 1 1 Time of Report: 1 1 hrs

B6-4

Detainee # 2789 Key Connected Person: Victim Witness

Last Name: _____ Last Name: _____ Given Name: _____

First Name: _____ Given Name: _____

Hair Color: BLK Scars/Tattoos/Deformities: _____ Hair Color: _____ Scars/Tattoos/Deformities: _____

Eye-Color: BRN Weight: 125 lb Height: 69 in Eye-Color: _____ Weight: _____ lb Height: _____ in

Address: KIRKUK Address: _____

Place of Birth: KIRKUK Place of Birth: _____

Ethn/Tribe/ Sect: TURKMAN Sex: M F Phone#: _____ Ethn/Tribe/ Sect: _____ Sex: M F Phone#: _____

DOB D/M/Y: _____ Mobile Regular Mobile Regular

Passport Dr. license Other (specify) _____ Document #: _____

B6-4

Total Number of Persons Involved 2 (list names/identifying info on reverse under "Additional Helpful Information")

Vehicle Information Vehicle Number _____ of _____ Vehicle(s) Owner: _____

Make: _____ Color: _____ VIN: _____ Number of People in Vehicle: _____

Model: _____ Type: _____ Plate No.: _____

Year: _____ Names of People in Vehicle: _____

Contraband/Weapons in Vehicle: _____

Property/Contraband Weapon Photo Taken of Suspect with Weapon/Contraband: Yes/ No

Type: _____ Model: _____ Color/Caliber: _____

Serial No.: _____ Quantity: _____ Make: _____ Receipt Provided to Owner: Yes/ No

Other Details: _____ Where Found: _____ Owner: _____

Name of Assisting Interpreter: _____ :mail, Phone, or Contact Info: _____

B6-1

B6-2

Detaining Soldier's Name (Print): SGT Supervising Officer's Name (Print): Yash Chakraborty

Signature: _____ Signature: _____

Email: _____ Email: _____

Unit Phone: _____ Unit Phone: _____

Date: 31 AUG 03 Date: 5 1 AUG 03

B6-2

B6-4 007035

B6-4

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

Why was this person detained? SHOOTING AT TAZA MARKET AK-47

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

B6-4

SGT

How was this person traveling (car, bus, on foot)? FOOT

B6-3

Who was with this person?

What weapons was this person carrying? AK-47 + 2 RPG FUZES

What contraband was this person carrying?

What other weapons were seized? SAME AS ABOVE

What other information did you get from this person? SUSPECT CONFESSED TO KNOWING LOCATION OF GRENADES IN THE AREA AT SOME BURNED HOUSE, NO LOCATION GIVEN. THEN HE STATED THAT HIS BROTHER IS THE ONE WHO KNOW. THEN HE CHANGED HIS MIND AND SAID THAT HE DID NOT KNOW.

Additional Helpful Information:

-B6-4

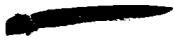


CI/HUMINT RECOMMENDATION:

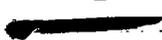
HE IS OF NO INTELLIGENCE VALUE. HE READILY ADMITTED TO THE OFFENSES UPON QUESTIONING. PENDING MAGISTRATE REVIEW AND/OR COMPLETION OF SENTENCING, CLEARED FOR RELEASE.

B6-2





13 AUGUST 2003

, SSG, CI/HUMINT NCOIC

007037

B6

DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE IRONHORSE
TIKRIT, IRAQ

AFYB-JA

DATE: 24 August 2003

1. On 24 August 2003, I conducted a detention review for [REDACTED] at the Task Force Ironhorse Central Detainee Facility. I have determined that continued detention is warranted.

2. After reviewing the relevant facts and the circumstances concerning and the detention and the detainee, I make the following factual determinations:

A. Mr. [REDACTED] was in possession of an AK-47 and a RPG.

B. There is probable cause to find that Mr. [REDACTED] has committed a serious crime or is a threat to himself or the community.

C. Mr. [REDACTED] is awaiting judicial proceedings for this serious crime.

D. Continued confinement is necessary because less severe forms of restraint are inadequate and it is foreseeable that Mr. [REDACTED] will not appear at trial, pretrial hearing or investigation or that he will commit a serious crime.

B6-4

3. Based upon the relevant law and the above facts applied to that law, I find that continued detention is warranted in this case.

4. Determined this 24th day of August 2003.

[REDACTED]
[REDACTED]

B6-2

CPT, JA
Detention Review Officer

C07038

b6

DETAINEE TRACKING SHEET

DETAINEE #

CI SCREENING RESULTS: SEE ATTACHED

ANY OTHER CI REMARKS:

HEARING SUMMARY: Police officer - This threatened to blow up Police station, Kill ~~examiner~~ officer, Ward 2
RPA fees on them. and deny everything.

B6-2

HEARING RECOMMENDATION: Send to T. Kit for further Questions

RANK, NAME, AND SIGNATURE OF HEARING OFFICER: ~~_____~~

DATE: 8-17-0

BRIGADE S-2 RECOMMENDATION:

~~Detention~~ NO intelligence value - Detention should be based on operational findings -
(Shooting in open market)

B6-2

RANK, NAME, AND SIGNATURE OF S-2 REPRESENTATIVE

DATE: 8/18/0

MAGISTRATE RECOMMENDATION:

B6-2

Send to T. Kit

~~_____~~
MAD, SC
Magistrate 20mm 2003

RANK, NAME, AND SIGNATURE OF MAGISTRATE

DATE:

B6-4

—

—

B6-4

■

||

—

B6-4



| L PINKY | L RING | L MIDDLE | L INDEX | L THUMB |
|---------|--------|----------|---------|---------|
| | | | | |
| | | | | |
| | | | | |

B6-2

SGT
TAMARA PS LIAISON

B6-4

Taza Police Station

B6-4

The suspect named ([redacted]) aged (22) years
Job / Multiple jobs - living in Taza - Khonkar district stated
the following:-

At the date of the accident I came to Taza Police Station
to ask about the two suspects ([redacted] ^{B6-4} and [redacted])
for they are my relatives then I had arrested for
the charge of having a grenade but when my house
was checked by police and Coalition forces they didn't
find any thing.

1st Lt [redacted] B6-2

[redacted]
[redacted]
[redacted]
B6-7
Translator

[redacted] B6-2
SSG, USA
TAZA P.D. LIAISON

B6-4

Taza Police Station: 2003/813

~~At the date of these events I came to Taza with my~~

B6-4 The suspect ([redacted]) aged 19 years works as a cup in (Arafa) Police Station, living in Kirkat

B6-4 Salahdin Street - house No. [redacted] stated the following

- At the date of these events I came to Taza with my

B6-4 Brother [redacted] to visit our relatives and when we

B6-4 were walking in Taza market my brother [redacted] shot me
one bullet and he was carrying 2 fuzes, and then when
~~were arrested by the cups and coalition forces~~

~~EPK~~ I came to visit my brother in Jail the cups arrested me and I wasn't carrying any weapons.

CPT. [redacted] B6-2

B6-7 [redacted]

B6-2 [redacted]

Translator

USG USA
TAZA P.D. LIAISON

2003/818

1st Lt

B6-2

Taiza Police Station, 2003/8/13

The Suspect named ([redacted]) Age [redacted]
(18 years) works as a cup. living in Kirkuk - Salah Al
Road - phone no. [redacted] B6-4

Q \ why you were shooting from your weapon and to
whom it belongs and ² ~~bullet~~ ^{Fuzes} of RBG-7 were
caught by you.

Answer \ Yes I shootted once from my weapon while I was
walking in Taiza market with my brother ([redacted]) and
I had have two Fuze of RBG-7 and I was intended
to give it to Police but the cups and Coalition forces
arrested me.

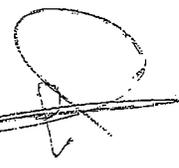
B6-7 [redacted]

CPT [redacted] B6-2

Translator
2003/8/18

B6-2 [redacted]

SSG, USA
TAZA PD. LIAISON



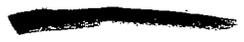
1st Lt [redacted] B6-2

 B6-4

CI/HUMINT RECOMMENDATION:

HE IS OF NO INTELLIGENCE VALUE. HE READILY ADMITTED TO THE OFFENSES UPON QUESTIONING. PENDING MAGISTRATE REVIEW AND/OR COMPLETION OF SENTENCING, CLEARED FOR RELEASE.

B6-2



13 AUGUST 2003

, SSG, CI/HUMINT NCOIC

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM
 YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION

B6-4

Offense against Civilian(s) [check one] If "Other" then describe: _____

| | |
|--|--|
| <input type="checkbox"/> Arson (I.P.C. 342) | <input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428) |
| <input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399) | <input checked="" type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430) |
| <input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402) | <input type="checkbox"/> Theft (I.P.C. 439) |
| <input type="checkbox"/> Murder (I.P.C. 405) | <input type="checkbox"/> Destruction of Property (I.P.C. 477) |
| <input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410) | <input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487) |
| <input type="checkbox"/> Maiming (I.P.C. 412) | <input checked="" type="checkbox"/> Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495) |
| <input type="checkbox"/> Simple Assault (I.P.C. 415) | <input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3)) |
| <input type="checkbox"/> Kidnapping (I.P.C. 421) | <input type="checkbox"/> Other POSSESSION RPG FUZE |

Offense against Coalition Forces [check one] If "Other" then describe: _____

| | |
|--|---|
| <input type="checkbox"/> Violation of Curfew | <input type="checkbox"/> Trespass on Military Installation or Facility |
| <input checked="" type="checkbox"/> Illegal Possession of Weapon | <input type="checkbox"/> Photographing/Surveillance Military Installation or Facility |
| <input type="checkbox"/> Assault/Attack on Coalition Forces | <input type="checkbox"/> Obstructing Performance of Military Mission |
| <input type="checkbox"/> Theft of Coalition Force Property | <input checked="" type="checkbox"/> Other THREATEN TO KILL C.F. BTAZA PD |

Apprehending Unit: **D/39TH AFAR** Location Grid: **ME 387066**

Date of Incident: (D/M/Y) **3 AUG 03** to **1 1** hrs to **1** hrs Date of Report: (D/M/Y) **1 1** hrs

B6-4

| | | | |
|---|---|---|---|
| Detainee # [REDACTED] B6-4 | | Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness | |
| Last Name: [REDACTED] | | Last Name: | |
| First Name: [REDACTED] Given Name: | | First Name: Given Name: | |
| Hair Color: BLK | Scars/Tattoos/Deformities: | Hair Color: | Scars/Tattoos/Deformities: |
| Eye-Color: BRN Weight: 160 lb Height: 69 in | Eye-Color: | Weight: lb | Height: in |
| Address: KIRKUK | | Address: | |
| Place of Birth: TAZA, KIRKUK | | Place of Birth: | |
| Ethn/Tribe/ Sect: TURKMAN | Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Phone#: | DOB D/M/Y: <input type="checkbox"/> Mobile <input type="checkbox"/> Regular |
| <input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify) | Document #: | <input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify) | Document #: |

B6-4

Total Number of Persons Involved **2** (list names/identifying info on reverse under "Additional Helpful Information")

B6-2

Vehicle Information Vehicle Number _____ of _____ Vehicle(s) Owner: _____

Make: _____ Color: _____ VIN: _____

Model: _____ Type: _____ Plate No.: _____ Number of People in Vehicle: _____

Year: _____ Names of People in Vehicle: _____

Contraband/Weapons in Vehicle: _____

B6-2

Property/Contraband Weapon Photo Taken of Suspect with Weapon/Contraband: Yes/ No

Type: _____ Model: _____ Color/Caliber: _____

Serial No.: _____ Quantity: _____ Make: _____ Receipt Provided to Owner: Yes/ No

Other Details: _____ Where Found: _____ Owner: _____

B6-7

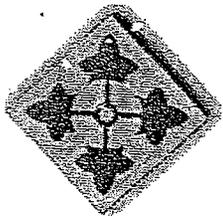
Name of Assisting Interpreter: _____ Email, Phone, or Contact Info: _____

B6-2

| | |
|---|--|
| Detaining Soldier's Name (Print): [REDACTED] | Supervising Officer's Name (Print): [REDACTED] B6-2 |
| Signature: [REDACTED] | Signature: [REDACTED] |
| Email: _____ | Email: _____ |
| Unit Phone: _____ | Unit Phone: _____ |
| Date: 21 AUG 03 | Date: 21 AUG 03 |

B6-2

007044



4TH INFANTRY DIVISION (M) DETAINEE DISPOSITION WORKSHEET



4ID MP#: [REDACTED] B6-4

Capturing unit #:

DETAINEE NAME: [REDACTED]

B6-4 DATE OF CAPTURE: 03 AUGUST, 2003

CRIMINAL DETAINEE SECURITY DETAINEE MEDICAL ISSUE

Capturing Unit: 1 BCT 2 BCT 3 BCT 173 BCT DIVARTY 1-10 CAV

STAFF RECOMMENDATION:

G2: RELEASE CHA IRAQI POLICE

Comment: _____

G3: RELEASE CHA IRAQI POLICE

Comment: _____

PM: RELEASE CHA IRAQI POLICE

Comment: _____

SJA: RELEASE CHA IRAQI POLICE

36 Comment: *14 yrs. old brother of [REDACTED] Detaining unit attributes*

36 CoS DECISION: RELEASE CHA IRAQI POLICE

everything [REDACTED] did (discharge weapon and possession of fuses) to this kid. Brothers were assaulted by 2 NCOs, 173d ABN and should be released ASAP. TB

COL, GS
Chief of Staff

B6-2

CAPTURING UNIT NOTIFICATION: CONCUR NON-CONCUR
(Required for release only)

(NAME)

(RANK)

(DATE)

4ID RECOMMENDATION TO CJTF-7 REVIEW BOARD:

- Do not release this individual without notifying the 4ID Provost Marshal (534-8003).
- Retain for the duration of the conflict. This individual is a threat to US forces.
- Retain for 3 months and review with 4ID for concurrence for release.
- Retain for 6 months and review with 4ID for concurrence for release.
- Conduct further Intelligence screening and recommendation to 4ID G2

007045

[REDACTED] B6-4



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
BAGHDAD BRANCH OFFICE

(b)(3)
(b)(5)
(b)(6)
7(c)

AETX-XXX-TDS

4 September 2003

MEMORANDUM FOR [REDACTED], APO AE 09324
SUBJECT: Request for delay - Article 32 Investigation, [REDACTED]

1. The defense requests a delay in the Article 32(b) investigation from 6 September to 27 September..
2. I represent [REDACTED] regarding this request for a delay. I have not been assigned to represent [REDACTED] in any further capacity. I request this delay because [REDACTED] will be detailed another Trial Defense Attorney, who will need time to prepare for the investigation. I anticipate that 27 September 2003 will be the earliest that [REDACTED] new attorney will be prepared for the pretrial investigation.
3. Defense assumes full responsibility for this delay. I am the point of contact for this memorandum at [REDACTED]

[REDACTED]

CPT, JA
Trial Defense Counsel

007046

CHARGE SHEET

I. PERSONAL DATA

| | | | | |
|--|-----------------------------|------------------------|--|----------------------------|
| 1. NAME OF ACCUSED (Last, First, MI) [REDACTED] | | 2. SSN [REDACTED] | 3. GRADE OR RANK [REDACTED] | 4. PAY GRADE [REDACTED] |
| 5. UNIT OR ORGANIZATION [REDACTED] 1 st Armored Division | | | 6. CURRENT SERVICE | |
| 7. PAY PER MONTH | | | 9. DATE(S) IMPOSED | |
| a. BASIC [REDACTED] | b. SEA/FOREIGN DUTY NONE | c. TOTAL [REDACTED] | 8. NATURE OF RESTRAINT OF ACCUSED None. | |
| | | | a. INITIAL DATE [REDACTED] | |
| | | | b. TERM 48 months | |

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92

SPECIFICATION 1: In that [REDACTED] U.S. Army, who knew of his duties at or near [REDACTED] Iraq, on or about 20 June 2003, was derelict in the performance of those duties in that he willfully detoured his security patrol to an unsecured site and dismounted, when it was his duty not to do so.

SPECIFICATION 2: In that [REDACTED] U.S. Army, who knew of his duties at or near [REDACTED] Iraq, on or about 20 June 2003, was derelict in the performance of those duties in that he willfully failed to deliver a captured looter to the 1-13 AR Battalion holding area, as it was his duty to do.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 93

THE SPECIFICATION: In that [REDACTED] U.S. Army, at or near [REDACTED] Iraq, on or about 20 June 2003, was cruel toward a young male civilian detained for looting materials from a factory site, a person subject to his orders, by staging his mock execution.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 133

THE SPECIFICATION: In that [REDACTED] U.S. Army, did, at or near, [REDACTED] Iraq, on or about 20 June 2003, while the officer in charge of a security patrol, wrongfully and dishonorably abandon a detainee in his custody.

III. PREFERRAL

| | | |
|--|------------------------|---|
| 11a. NAME OF ACCUSER (Last, First, MI) [REDACTED] | b. GRADE [REDACTED] | c. ORGANIZATION OF ACCUSER [REDACTED] ARMORED DIVISION |
| d. SIGNATURE OF ACCUSER [REDACTED] | | e. DATE 28 August 2003 |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 28th day of August, 2003, 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]
Typed Name of Officer

[REDACTED]
Organization of Officer

[REDACTED]
Grade

[REDACTED]
Signature

Trial Counsel

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

12. On _____, 20____, 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.)

Typed Name of Immediate Commander

Grade

Signature

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, _____ 20____ at _____
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

Typed Name of Officer

Grade

Signature

FOR THE ¹ _____
Commander
Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

| | | |
|--|----------|---------|
| 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY | b. PLACE | c. DATE |
|--|----------|---------|

Referred for trial to the _____ court-martial convened by _____
_____ 20 03 _____, subject to the following instructions:²

By _____ Of _____
Command or Order

Typed Name of Officer

Grade

Signature

Official Capacity of Officer Signing

15. On _____, 20____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Signature

Grade or Rank of Trial Counsel

FOOTNOTES: S



1AD ATTORNEY WORK PRODUCT

TC: [REDACTED]

DC: [REDACTED] / CIVILIAN

U.S. v. [REDACTED]

UNIT: [REDACTED] MOS / POSITION: [REDACTED]

AGE: [REDACTED] BASD: [REDACTED] ETS: [REDACTED] PCS: [REDACTED]

MARITAL STATUS: M / S / D CHILDREN: Y / N

NEXT OF KIN'S HOME OF RECORD / PHONE: [REDACTED]

SPEEDY TRIAL DATE:

PRETRIAL CONFINEMENT: Y / N PTC DATE:

CERTIFIED OMPF ON HAND: Y / N CERTIFIED ORB / ERB ON HAND: Y / N

CERTIFIED SMIF FILE ON HAND: Y / N CERTIFIED LES ON HAND: Y / N

R.C.M. 306(b) ANALYSIS:

1. ACCUSED'S CHARACTER AND MILITARY SERVICE:

DECORATIONS: [REDACTED]
[REDACTED]

PRIOR UCMJ: Y / N PRIOR ADVERSE ADMIN: Y / N

FLAGGED: Y / N LEADERSHIP POSITION: Y / N

2. EFFECT ON MORALE, HEALTH, WELFARE, AND DISCIPLINE:

MORALE: [REDACTED]

HEALTH: [REDACTED]

WELFARE: [REDACTED]

DISCIPLINE: [REDACTED]

3. APPROPRIATENESS OF AUTHORIZED PUNISHMENT:

CHARGE: Dereliction (92)

MAX: DD / 2 yrs. / Total \$

CHARGE: Assault (128)

MAX: DD / 8 yrs. / Total \$

CHARGE: Conduct Unbecoming (133)

MAX: Dismissal / 1 yr. / Total \$

CHARGE: Solicitation (134)

MAX: DD / 5 yrs. / Total \$

FACTS / MERITS:

DATE: 20 JUNE 03

LOCATION: [REDACTED]

ACT / OMISSION: 1AD forces detained (trespassing) Iraqi boy (13 to 16 years old) for approximately 90 minutes. Drove him to a deserted field at the end of the patrol. Boy was placed into truck headlights and [REDACTED] fired a 9mm shot to the side of the boy's head. The boy was not bound by flexi-cuffs or blinded by a sandbag. [REDACTED] took a picture of the boy (covering his head / face) and the patrol left. [REDACTED] said he was going to let the boy walk back (approximately 1.5 click from sector per [REDACTED])

PERPETRATOR: [REDACTED]

WITNESS: [REDACTED]

WITNESS: [REDACTED]

Took the detainee to [REDACTED]

WITNESS: [REDACTED]

[REDACTED] Heard a "pop" like a shot, saw thru NVGs [REDACTED] holster his weapon, and saw detainee face down on the ground, hands over his head, sounded like he was crying, at a distance of about 10 feet. Did not hear or see anything like a dog.

WITNESS: [REDACTED]

[REDACTED] Boy was flexi-cuffed and sandbagged into the truck. Patrol went into an unfamiliar back road. Boy was taken out of truck. SM pulled security and ducked when he heard a shot. Saw muzzle flash, boy crying and saw flexi-cuffs cut. [REDACTED] took picture. Saw and heard no dogs. Patrol mounted and left.

WITNESS: [REDACTED]

[REDACTED] unloaded the detainee boy. Saw them in front of the truck and [REDACTED] said something inaudible to detainee, then shot weapon close to detainee's person. [REDACTED] released the prisoner.

DATE: 22 JUNE 03

LOCATION: [REDACTED]

ACT / OMISSION: [REDACTED]

[REDACTED] asked [REDACTED] if old man and two kids were crying and told him to detain them. Old man asked that [REDACTED] not shoot his son. [REDACTED] told

007050

old man no one would be shot. [REDACTED] heard a shot and [REDACTED] said the kid tried to run, so he fired a warning shot. [REDACTED] said to let them go.

PERPETRATOR: [REDACTED] Says [REDACTED] told him to scare the detainees, and let all three go after they cried. Admits discharging the round to scare the detainee. Says he reported completion and smiled. Says [REDACTED] condoned the use of scare tactics to deter looters.

WITNESS: [REDACTED]

WITNESS: [REDACTED] metallic trigger click, then saw SM charge M-16 handle and fire a single shot while pointing the weapon away from a boy's (13 to 17 years old) head. He then released the boy to his father and brother.

WITNESS: [REDACTED] aid to make detainees cry. Saw [REDACTED] take one of the (13 years old) boys behind the building.

WITNESS: [REDACTED] told him he pointed his weapon at the family.

FACTS / MERITS - REBUTTAL:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]

FACTS / SENTENCING:

AGGRAVATION:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]

MITIGATION:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]

4. ACCUSER'S POSSIBLE IMPROPER MOTIVES:

RATER: Y/N

NEGATIVE COUNSELINGS: Y/N

EO COMPLAINT: Y/N

IG COMPLAINT: Y/N

CONGRESSIONAL: Y/N

138 COMPLAINT: Y/N

5. WITNESS RELUCTANCE TO TESTIFY:

007051

CO-ACCUSED: Y/N

RATING CHAIN ISSUE: Y/N

CONFINED: Y/N

CID SOURCE: Y/N

6. ACCUSED COOPERATES TO APPREHEND / CONVICT OTHERS:

CID SOURCE AGREEMENT: Y/N

NUMBER OF ARRESTS: 0

IMMUNITY AGREEMENT: Y/N

NUMBER OF CONVICTIONS: 0

7. OTHER JURISDICTION(S) WILLING TO PROSECUTE OFFENSE(S):

STATE: Y/N

FEDERAL: Y/N:

MILITARY: Y/N

HOST NATION: Y/N

8. AVAILABLE AND ADMISSIBLE EVIDENCE:

STATEMENTS: Y/N (2) RIGHTS ADVISEMENT & WAIVER: Y/N

MENTAL HEALTH HISTORY: Y/N SANITY BOARD: Y/N

CORROBORATING PHYSICAL EVIDENCE: Y/N

PHYSICAL EVIDENCE FOUND DURING INSPECTION: Y/N

PHYSICAL EVIDENCE FOUND DURING SEARCH: Y/N

CORROBORATING DOCUMENTARY EVIDENCE: Y/N

CORROBORATING WITNESS STATEMENTS: Y/N

EYEWITNESSES: Y/N TOTAL: 10

9. TC'S EVALUATION / RECOMMENDATION:

LEVEL: [REDACTED]

GP / JA - [REDACTED]

DISCHARGE: [REDACTED]

DOCKET TRACKER

PREFERRAL DATE:

CONFIRMED DETAIL DC WITH SDC ON:

007052

SERVED DETAILED DC WITH PREFERRAL PACKET ON:

ARTICLE 32 DATE:

DETAILED PARALEGAL:

IO NAME / PHONE / EMAIL:

DETAILED LEGAL ADVISOR:

PACKET SERVED TO IO AND LEGAL ADVISOR ON:

HEARING SCHEDULED FOR:

DELAYS: Y / N

DELAY APPROVED ON:

SANITY BOARD: Y / N

SANITY BOARD APPROVED ON:

DEFENSE DELAY DAYS:

GOVERNMENT DELAY DAYS:

R.C.M. 405(G) REQUEST RECEIVED ON:

WITNESS UNAVAILABLE: Y / N

DEPOSITION REQUESTED: Y / N

TRANSLATOR REQUESTED: Y / N

TRANSLATOR NAME / PHONE:

GOVERNMENT'S R.C.M. 405(G) RESPONSE SERVED ON:

TRANSCRIBER:

DOES TC NEED VERBATIM PORTION FOR A WITNESS: Y / N

TRANSCRIPT SERVED TO IO ON:

IO REPORT SERVED TO BDE CDR ON:

IO REPORT SERVED W/IN 5 DAYS TO DC: Y / N

CHARGES ADDED OR DELETED: Y / N

REFERRAL DATE:

CONVENING ORDER IN THE PACKET: Y / N

SUMMARY / BCD / GCM

007053

DATE CHARGE SHEET AND ALLIED PAPERS SERVED ON ACCUSED:
MJ DOCKET EMAIL (CERTIFIED ERB / ORB / SERVED CHARGES) DATE:
ARRAIGNMENT DATE:

GOVERNMENT SECTION III DISCLOSURES SERVED ON:

GOVERNMENT'S DISCOVERY REQUEST SERVED ON:

DEFENSE'S RESPONSE SERVED ON:

DEFENSE DISCOVERY REQUEST SERVED ON:

GOVERNMENT'S RESPONSE SERVED ON:

DEFENSE FORUM SELECTION DUE ON:

DEFENSE PLEA DUE ON:

DEFENSE WITNESS LIST DUE ON:

DEFENSE MOTIONS DUE ON:

GOVERNMENT'S RESPONSE DUE ON:

DEFENSE NOTICE OF SPECIAL DEFENSE RECEIVED ON:

ALIBI: Y / N

INNOCENT INGESTION: Y / N

LACK OF MENTAL RESPONSIBILITY: Y / N

EXPERT ON ACCUSED'S MENTAL CONDITION: Y / N

GOVERNMENT WITNESS LIST DUE ON:

GOVERNMENT MOTIONS DUE ON:

DEFENSE RESPONSE DUE ON:

GOVERNMENT'S M.R.E. 404(B) NOTICE SERVED ON:

TRIAL DATE:

PANEL: Y / N

OFFICER: Y / N

007054

1/3 ENLISTED: Y / N

PANEL NOTIFICATIONS SERVED ON:

EXCUSAL REQUESTS: Y / N

EXCUSAL REQUESTS RECEIVED ON:

EXCUSAL GRANTED / DENIED ON:

MEMBER FROM ACCUSED'S UNIT: Y / N

MEMBER ON WITNESS LIST: Y / N

MEMBER IN TC JURISDICTION: Y / N

CONVENING ORDER CHANGES OK BY C/MJ: Y / N

FINDINGS WORK SHEET / FLYER OK BY C/MJ: Y / N

MEMBER QUESTION FORMS OK BY C/MJ: Y / N

TAILORED INSTRUCTIONS OK BY C/MJ: Y / N

MILITARY JUDGE:

MJ PRESIDE OVER COMPANION CASE: Y / N

TRIAL JUDGE SAME AS ARRAIGNMENT JUDGE: Y / N

TRIAL JUDGE'S PHONE / EMAIL:

EXHIBITS:

GOVERNMENT'S IDENTIFIED: Y / N

DEFENSE'S IDENTIFIED: Y / N

PHOTO SUBSTITUTIONS FOR THE RECORD: Y / N

TECHNICAL ASSISTANCE REQUIRED: Y / N

RECEIVED FROM CUSTODIAN: Y / N

CUSTODIAN NAME / PHONE / EMAIL:

PREMARKED WITH COURT REPORTER: Y / N

007055

DETAILED COURT REPORTER:

NAME / PHONE / EMAIL:

COPY OF WITNESS LIST SERVED ON:

COPY OF EXHIBIT LIST SERVED ON:

GOVERNMENT'S EXHIBIT LIST ON:

DEFENSE'S EXHIBIT LIST ON:

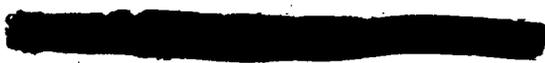
ORIGINAL CASE FILE SERVED ON:

PANEL SEATING CHART COORDINATED ON:

DETAILED TRANSLATOR:

NAME / PHONE / EMAIL:

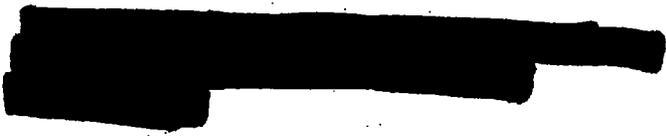
WRITTEN COPY OF QUESTIONS SERVED ON:

WITNESS: 

CIVILIAN / MILITARY / RESERVIST

ETS / PCS / DEROS TDY:

NAME / DOB / SSN / UNIT / LOCATION:



DOB:

SSN:

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND.CITE APPROVED ON:

007056

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

ETS / PCS / DEROS TDY:

NAME / DOB / SSN / UNIT / LOCATION:

[REDACTED]

SSN:

DOB:

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

007057

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

[REDACTED]
DOB: [REDACTED]
[REDACTED]
[REDACTED]

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

007058

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

[REDACTED]
DOB:

SSN:
[REDACTED]

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

CIVILIAN / MILITARY

007059

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

DOB:

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

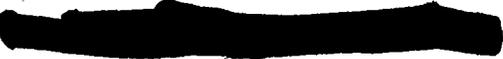
PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: 

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

007060

[REDACTED]
DOB:
[REDACTED]
[REDACTED]

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

CIVILIAN / MILITARY

NAME / DOB / SSN / UNIT / LOCATION:

[REDACTED]
DOB:
[REDACTED]
[REDACTED]

007061

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

MOTIONS: (CHANGE OF VENUE AND SUPPRESSION OF STATEMENTS)

TYPE OF MOTION CITED: Y / N

MOTION IS DISPOSITIVE TO GOVERNMENT'S CASE: Y / N

RELIEF REQUESTED CITED: Y / N

BURDEN OF PROOF AND STANDARD OF REVIEW CITED: Y / N

OFFER OF PROOF WITH MOTION: Y / N

COPIES OF CASES CITED PROVIDED TO MJ / TC / DC: Y / N

WITNESS TESTIMONY COORDINATED: Y / N

PHYSICAL EVIDENCE COORDINATED: Y / N

MOTION GRANTED / DENIED ON:

MJ MOTION FINDINGS ON THE RECORD: Y / N

007062

VOIR DIRE:

PANEL QUESTIONNAIRES FOR MJ / TC / DC: Y / N

VOIR DIRE QUESTIONS FOR MJ / TC / DC: Y / N

TC HAS BATSON CASE LAW AND PROFFER: Y / N

SEATING CHART TO MJ / REPORTER / TC / DC: Y / N

TRIAL MATERIALS:

MANUAL FOR COURTS-MARTIAL: Y / N

JUDGE'S BENCHBOOK: Y / N

CIRCUIT RULES OF COURT: Y / N

TRIAL NOTEBOOK: Y / N

ELEMENTS FOR EACH CHARGE / SPECIFICATION: Y / N

FOUNDATION LIST FOR EVIDENCE: Y / N

WITNESS LIST: Y / N

WITNESS QUESTIONS: Y / N

EXHIBIT LIST: Y / N

PANEL SEATING CHART: Y / N

FINDINGS WORKSHEET / FLYER: Y / N

OPENING STATEMENT OUTLINE: Y / N

CLOSING ARGUMENT OUTLINE: Y / N

C-M PACKET

Last Name: [REDACTED]

First Name:

Rank: [REDACTED]

Unit: [REDACTED]

TC: [REDACTED]
DC: [REDACTED]

Summary:

[REDACTED] *work execution*
directed [REDACTED] to slash fires
condoned the use of same tactics

RECOMMENDATION:

[REDACTED]

[REDACTED]

**WORK ORDER REQUEST
1AD EN BDE**

| | | | | | |
|--|----------------|--|--------------------------|-------------------|---------------------|
| POC: CPT STEIGERWALD DNVT: 551-0581 | 1AD EN BDE | | | | |
| LOCATION: BIAP | | | | | |
| CATEGORY | A EMERGENCY | B MISSION SUPPORT SAFETY HEALTH | C FORCE PROTECTION | D QUALITY LIFE | E OTHER UNITS |
| REQUESTING UNIT | | | | | |
| LOCATION (COM) (GRID) | | | | | |
| DESCRIPTION OF WORK REMARKS | | | | | |
| DATE WORK REQUESTED | | | | | |
| EST INITIATED DTG | | | | | |
| EST COMPLETION DTG | | | | | |
| POC AND CONTACT # | | | | | |