

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: HQ 3rd BATT 13th INF
2. DATE (YYYYMMDD): 7/MAY/1994
3. TIME: 17:30
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS:
8. ORGANIZATION OR ADDRESS: [REDACTED]

EX 6 3.2.1.6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON NOV 29 93 A PRISONER WAS TAKEN UNDER CAPTURE CAUSE HE
HAD A CACHE OF MAGAZINES AND AN AK-47. HE WAS FLYING
[REDACTED] AT HOSEINA IRAK. I WAS LIKE DOING
RUNNING SO I COULDN'T SEE WHO IT WAS UNTIL AFTER
WE GOT DOWN AND [REDACTED] NEEDED ACADEMICIAN
SO I WENT OUT THERE AND FILM FOR A BIT. I COULDN'T
SEE THE DETAINEE BEING AROUND IN FULL FORM.
[REDACTED] REMEMBER WHEN THE VIDEO
WAS SHOWN I SAW A GROUP OF PEOPLE AROUND US CAN'T REMEMBER
WHO OF WHERE I THINK IT WAS AT THE BASE WHERE WE WERE
OR IT MIGHT HAVE BEEN TOLD FAR I'M PRETTY SURE NOT
COMPLETELY THAT [REDACTED] ALMOST THE AGE 3-4 YOU SAID BUT I CAN'T
ASSURE THAT.

EX 6 3.2.1.6

EX 6 3.2.1.6

THE DETAINEE WAS FROM THERE MOVE TO A BROTHER
THAT WAS THE LAST TIME I SAW IT, BUT BEFORE THAT

EX 6 3.2.1.6

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
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.

001381

b(6), b(3)

46
3.2.11

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

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 7 MAY 64

9. STATEMENT (Continued)

I DON'T THINK HE WAS ABUSE, BUT WHEN I WAS THERE HE DIDN'T GOT HIT OR ANYTHING I REMEMBER [REDACTED] TROWS ON SOMETHING AND FALLING ON THE PRISONER.

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

001382

STATEMENT OF

TAKEN AT

DATED 2.4.10.04

9. STATEMENT (Continued)

Ex 4
C3.2.1.6

b(6), b(3)

AFFIDAVIT

I, _____, 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.

Ex 6
C3.2.1.4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 04 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 3 OF 3 PAGES

M. MURPHY
AUG 21 FALL

[REDACTED]

B

[REDACTED]

(Sized)

EX4
C3.2.1.4

b(6), b(3)

Interview questions

Incident

What was your mission: OPERATION "STEP ON A LAND MINE"
LOOKING FOR WPN'S CACHES

EX4
C3.2.1.4

What was the mentality of the soldiers like: MOTIVATED Tired LOTS OF PATROLS
[REDACTED] WAS HIS TEAM LEADER ALSO
FOUND LANDMINES BECAME NERVOUS

How many other detainees had you dealt with that day:
NO OTHERS

What had been the previous detainee actions like:
DETAINED SEVERAL PEOPLE AT BEGINNING OF MISSION IN HIAB
MORE THAN HE COULD REMEMBER. ARREST SEARCH FLEX CUFF
SEPERTIZ & MOVE

When did you detain the individual in question:
DID ALOT OF PULLING OF SECURITY WITH HAZARDOUS TIME
AFTER AKE & AMMO FOUND
HE WAS IN GENERAL AREA

Why was he detained (circumstances):
Resisting? NO NUMBERING IN ARABIC (DID NOT UNDERSTAND)

EX4
C3.2.1.4
[Vertical text on left margin]

Who initially detained him:
[REDACTED] & [REDACTED]
HIS CONTROL OF HIM ENTIRE TIME

Was he interrogated at all prior to the film or after:
LATER AFTER DETAINED

Who interrogated him: NOT SURE

Was any paperwork filled out on him being detained:
NOT AWARE

Did he speak any English:
NO

How long before the video had he been detained:
ALMOST AT END OF VIDEO IS WHEN IT HAPPENED

DETAINED 2 2 1/2 HOURS BROUGHT TO BRIDLEY

THIS IS ITS FUNNY

b(6), b(3)

(MADE SLAPPING MOTION)

EX 6
C3.2.1.4

How was his treatment prior to and after the video:

PUSHED HIM WHEN HE KEPT TALKING
HOLDING HIM BY FLEXICUFFS
HAD IN TEND TELL HIM TO BE QUIET

PULL ALONG

When was he flexicuffed:

Who did it DOESN'T KNOW

What happened after the video:

AWAKE OF VIDEO WATCHED AS VIDEO TAKEN
TOOK CAMERA FROM [REDACTED] AND DID VIDEO
MOVED BACK TO HIS AREA

Who else was in the immediate area:

Was he stuck again:

NOT AWARE OF

Where was he taken:

TOOK TO BRIDGES AFTER CROSSING WIFE

Who took him there:

Was there any additional interrogation done:

NOT AWARE OF

Was the detainee humiliated in any other way:

NOT AWARE OF

Did anyone say anything to stop it:

NO

Why was he released and how:

To your knowledge has there been any other incidents of mistreatment of detainees:

CHAINS PEOPLE AROUND BUT CAN'T REMEMBER

DETAINEE ~~SE~~ [REDACTED] TRIPPED KNOCKED DOWN DOWN
EX 6
C3.2.1.4

001385

SHOWN ON LAPTOP (C) HUSABA TO PLT

b(6), b(3)

~~WITH PLT~~
MAJORITY OF PLT & EVERYONE IN SQUAD

Video

When and How many times was the video shown to the platoon:

EX4
C3.2.1.4

IN HUSABA ON CAMERA
ON LAPTOP [REDACTED] IN TALL AREA IN LIVING TENT

Who was there and who was not:

SHOWN TO PEOPLE ON LAPTOP

Was it shown repeatedly:

Who showed it:

Did anyone narrate the video:

What did they say:

LAUGHING

Was the showing of the video selective to certain individuals:

NO GENERAL VIEW

Was the video shown to anyone outside the platoon:

EX6
C3.2.1.4

WTSURE-
SURE

LT SAW IT? CAN'T REMEMBER

[REDACTED] SAW IT

What the demeanor or attitude when the video was being shown:

THOUGHT OF AS JOKE

What was the feelings of the group toward the video:

Were people laughing about it:

YES

Did they take it seriously or as a joke:

JOKE

To your knowledge who has copies of the video:

When did you report it to the chain of command:

DIDN'T

Why didn't you report it:

THOUGHT IT WAS A JOKE

Who in the chain of command had knowledge of this incident:

BELIEVES LT SAW IT

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

001387

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

b(6), b(3)

1. LOCATION HHC 3 rd BN 3-187 INF	2. DATE 7 MAY 04	3. TIME 1203	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

EX 6
C3.2.1.6

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 HHC 3rd BDE
101st ABN DIV and wanted to question me about the following offense(s) of which I am suspected/accused: INCIDENT INVOLVING POSSIBLE MISTREATMENT TO DETAINEE

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

5. COMMENTS (Continue on reverse side)

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]
1a. NAME (Type or Print) [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	5. NAME [REDACTED]
2a. NAME (Type or Print) [REDACTED]	6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 st ABN DIV
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	

EX 6
C3.2.1.6

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

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(3)

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: HHC 3.157-14
2. DATE (YYYYMMDD): 20040507
3. TIME: 1500
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

246
3.2.11

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 29 NOV 03 WE WERE ON A MISSION IN THE ARABY AREA. THE MISSION WAS TO SEARCH THE WOODS FOR EVIDENCE OF WEAPONS. AFTER FINDING THE MISSION I SEARCHED A PILE OF STONES AND FOUND 1000 AK47'S AND A COUPLE HUNDRED ROUNDS IN A TISSUE BAG. WE WALKED UNTIL WE SAW A MAN STANDING NEARBY. WE ASKED HIM WHAT HE WAS DOING THERE AND HE SAID THE STONES WERE HIS. HE WAS INTERROGATED ON ANY CONTACT AND ABOUT WEAPONS. THROUGH THE MISSION HE SAID HE WAS HIDING THEM IN THE WOODS. TELLS WOULD NOT CONFISCATE THEM. HE WALKED WITH THE GROUP THROUGH THE WOODS. I HEARD A SHOT THAT SOMEBODY SAID ABOUT BECAUSE I WAS WHISTLING IN FRONT OF ME SO I DIDN'T GET TAKEN OFF GUARD TO CASE SOME ENEMY CAME. WE WALKED UNTIL WE GOT TO A ROAD THEN STOPPED. THE [redacted] IRAQI WAS PLACED INSIDE OF A BRADLEY THAT WAS PARKED DOWN THE STREET BY [redacted] AND LEFT INSIDE WITH PFC. KOMNICKY. HE WAS IN THERE FOR ABOUT 15-30 MINUTES AND WAS RELEASED AS WE WERE WALKING TO AWAY. HE WALKED DOWN THE ROAD AWAY FROM US AND THATS THE LAST I SAW OF HIM. [redacted]

246
3.2.11

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF [redacted] 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.

EX 6 C3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATED 2007 05 07 AM

9. STATEMENT (Continued)

The video was shown about 1072 times from 2:00 PM - 1:00 PM shown in our tent on 4501 RAD. People think everyone in the tent (our squad and other squad members) had seen it and that of the rest of the platoon had seen it. It was shown on Sgt. Hall's [REDACTED] Pigeon [REDACTED] and Cpl. Quince's laptop. It was shown in a [REDACTED] laughing way. Everyone thought that it was funny. No one was really disgusted with it. I didn't really have that much thought about it. I thought it was sort of funny. I didn't think that the [REDACTED] was even that bad. We had had a lot of prisoners before, and I was never [REDACTED] abuse of [REDACTED] nothing [REDACTED]

EX 6 C3.2.1.6

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 7 day of MAY 07 at HQ 30-157 INF REG

[REDACTED] (Signature of Person Administering Oath)

EX 6 C3.2.1.6

[REDACTED] (Typed Name of Person Administering Oath)

INVESTIGATING OFFICER (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

Ex 4
C3.2.1.4

b(6), b(3)

PUSHED OUT TO PROVIDE SECURITY
AFTER DETAINMENT

Interview questions

Incident

What was your mission: LOOKING FOR CACHES, ON LINE MOVING THROUGH AREA. CLEAR TOWN OF WPA'S, HVTK RAIDS ON TOWN

What was the mentality of the soldiers like: NERVOUS ABOUT GOING DUE TO CURRENT SITUATION, NORMAL DAY OF OPERATIONS

How many other detainees had you dealt with that day:

DOES NOT RECALL 1 OR 2 MAYBE

What had been the previous detainee actions like:

SEARCH FIRST FLEX CUFF SEPARATE FROM OTHERS LOAD ON VEHICLE NOT AWARE OF PAPER WORK ON SITE

When did you detain the individual in question:

INTERP CALLED OVER INDIVIDUAL WHEN THE SQUAD (D) HAD IN VICINITY WITH SLEEP

Why was he detained (circumstances):

Resisting? [REDACTED] FOUND WPA'S FOR 2 AHS 10 BOXES OF AK & UNDER STACK OF WOOD IN BAG NOT RUSTY SAID WPA'S WERE HOT HIS & THEN CHANGED HIS MIND. NERVOUS & SEEMED SCARED DID NOT RESIST

Who initially detained him:

[REDACTED] CAME OVER, INTERP

Was he interrogated at all prior to the film or after:

2 HRS DETAINED, PLACED IN BRADLEY (3D HCR) WHICH WAS CORNER OF DIRT ROAD

[REDACTED] TOOK HIM TO BRADLEY WATCHED BY [REDACTED]

Who interrogated him: INTERP [REDACTED]

Was any paperwork filled out on him being detained:

NOT AWARE OF

Did he speak any English:

NOT AWARE OF

How long before the video had he been detained:

Ex 4
C3.2.1.4

Ex 6
C3.2.1.4

WALKED WITH SQD FOR MISSION DURATION -> PLACED IN BRADLEY.

AWARE OF FILM

DID NOT SEE - - -

001392

RAI APR 01

PICKED UP AT BEGINNING OF MISSION
RELEASED AFTER 2 HOURS

b(6), b(3)

How was his treatment prior to and after the video:

WALKED HIM W/ SGT INTER BY INTERP
NOT AWARE OF ANY BAD TREATMENT

When was he flexicuffed: AFTER ADMITTING WPNS WERE HIS
Who did it: [REDACTED]

What happened after the video:

Who else was in the immediate area:

PLT SPREAD OUT ZOOM SPREAD OUT ON LINE
COULDN'T SEE EVERYONE WHILE IN UZZED LINE

Was he stuck again:

DID NOT SEE HIM GET HIT WAS NOT PAYING
ATTENTION TO DETAINEE

Where was he taken:

TO BRADLEY ON DIRT ROAD

Who took him there:

[REDACTED]

Was there any additional interrogation done:

HIDING WPNS CAUSE HE DIDN'T WANT US TO FIND THEM
BELONGED TO HIM AND WANTED TO KEEP THEM
OVER HEARD INTERP TELLING [REDACTED] OR LT

Was the detainee humiliated in any other way:

DIDN'T SEE ADVISE SAID HE WAS FALLING DOWN
DUE TO MUD & TERRAIN BEING UNEVEN & HOLES

Did anyone say anything to stop it:

Why was he released and how:

WAS NOT LONG AFTER 15 TO 30 MINS OF BEING PLACED
IN BRADLEY HE WAS RELEASED

To your knowledge has there been any other incidents of mistreatment of detainees:

NOT AWARE OF ANY MISTREATMENT

TALKED WITH HIM INITIALLY BUT NOT MUCH

001393

PLT IN 2 TENTS
2 SQD PER TENT

WPNS SQD # 2ND
1 # 3RD

b(6), b(3)

Video

When and How many times was the video shown to the platoon:

SAW WHEN THE UNIT RETURNED TO TALL AFAR
SHOWN COUPLE OF TIMES IN TENT WHERE THEY SLEPT

EX 6
C3.2.1.4

Who was there and who was not:

MOST OF PEOPLE IN PLATOON HAD SEEN [REDACTED] NOT PRESENT
OTHER PLT. THINKS BUT NOT SURE OF PL OR PSG. (LIVED IN OTHER TENTS)

Was it shown repeatedly:

MORE THAN ONCE
SHOWN ON CAMERA ON LAPTOP (CPL GAINES)

Who showed it: [REDACTED] ON HIS DIGITAL CAMERA W/ SOUND

Did anyone narrate the video: NOT AWARE

What did they say: ASKED PEOPLE IF THEY WANTED TO SEE
CLIP OF MISSION

Was the showing of the video selective to certain individuals
WHOEVER WAS AROUND OR INTERESTED

Was the video shown to anyone outside the platoon:
NOT TO HIS KNOWLEDGE

What the demeanor or attitude when the video was being shown:
NO BEASTING OR BRAVADO

What was the feelings of the group toward the video:
LAUGHED IT OFF, NO CONCERN

Were people laughing about it:
SOME THOUGHT IT WAS FUNNY

Did they take it seriously or as a joke:
TAKEN AS JOKE THOUGHT IT WAS FUNNY
NO ONE OBJECTED

To your knowledge who has copies of the video:
NO KNOWLEDGE

When did you report it to the chain of command:

b(6), b(3)

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

SOME PEOPLE THINK IT IS MESSED UP
BEING AN INVESTIGATION NOTHING REALLY HAPPENED

2255 HRS

ADMITS ~~THE~~ VIDEO WAS ON HIS COMPUTER

Ex 6

3.2.1.6 DOESN'T RECALL STANDING TO [REDACTED] COULD

HAVE BEEN DARK GOT IT FROM [REDACTED] or [REDACTED]

DOESN'T REMEMBER WHICH

001395

b(6), b(3)

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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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.

nlb
3.2.1.6

1. LOCATION DLDC Ft Rumphell Ky	2. DATE (YYYYMMDD) 08 May 04	3. TIME 12 29	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			

nlb
3.2.1.6
nlb
3.2.1.6
nlb
3.2.1.6

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

I am aware of the situation involving a video and [REDACTED].
 I have not seen the video but am aware that one exist
 Due to the information put out by [REDACTED] called
 my self [REDACTED] in to his office. At that time we were
 told that there was an issue involving Soldier & video said
 something that happened to a captive in USHBA. Since that
 time other issues have occurred with [REDACTED], He was
 taken in to mental health, had been place under
 suicide watch, and present in A.D.A.P. Other
 than the explanation given to me by [REDACTED] about
 the tape I have no knowledge and have not yet seen
 the video. [REDACTED] Nothing follows.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

ENC, C3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT PLDC DATED 08 MAY 04

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

[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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8 day of MAY, 04 at PLDC FT KY 42202

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

b(6), b(3)

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: 3rd Barrack class room
2. DATE (YYYYMM): 2004 05 07
3. TIME: 21:25
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9.

xl
3.2.1.6

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

Ex 6
C3.2.1.6

I saw the video in the month of March or April in the 3rd Barrack barracks. I was in [redacted] room. We were messing around with some instruments and he flipped through pictures on his computer. One of the pictures/videos was the one with the prisoners in Huseba. I didn't have any reaction to it. It was just another video to me. People in our platoon acting silly (ie. the glasses [redacted] were that stand out). [redacted] and myself were the only ones there in his room. To my knowledge [redacted] is the only one with the video. This was the first and only time I saw/heard about the video (= did hear about it today).

Nothing more follows

Ex 6
C3.2.1.6

EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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 BE INDICATED.

001398

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)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

STATEMENT OF

TAKEN AT

21:40

DATED

2004 05

9. STATEMENT (Continued)

Ex 6
C3.2.1.4

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.

Ex 6
C3.2.1.6

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY 04 at Hqs 3P BW 197th IN

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)
INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

[REDACTED]

Ex 6
C3.2.1.6

b(6), b(3)

EARLY APRIL

Video

When and How many times was the video shown to the platoon:

1ST TIME SAW VIDEO MONTH AGO IN BARRACKS
[REDACTED] DESKTOP IN HIS ROOM

ONLY
TIME

Who was there and who was not:

[REDACTED]

Was it shown repeatedly: NO

Ex 6
C3.2.1.6

Who showed it:

[REDACTED]

Did anyone narrate the video: NO, SHOWING VIDEOS FROM IRAQ

What did they say: NOTHING

Was the showing of the video selective to certain individuals:

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown: DIDN'T GIVE
IT ANY REAL CONSIDERATION

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

001402

b(6), b(3)

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 3rd BATTALION CLASSROOM	2. DATE (YYYYMMDD) TIME 2004/05/07 2125	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]

8. ORGANIZATION OR ADDRESS
[REDACTED] INF

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

I saw the video sometime in April in the B Co 3rd PII CP. There was a number of people in there. I recall myself [REDACTED] and possibly [REDACTED] but there might have been more people in there at the time. I don't recall who was showing the pictures but when the pictures were being showed and everybody started to scream and then when the video clip was shown most people just laughed. Most people didn't think much of it.

Nothing Follows

X4
3.2.16

246
3.2.16

246
3.2.16

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

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)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

1.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Battalion Classroom DATED 07 MAY 04

9. STATEMENT (Continued)

[REDACTED]

3.2.1.6

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 7 day of MAY, 04 at HQ 3rd BN 187 INF

ORGANIZATION OR ADDRESS

[REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

(Typed Name of Person Administering Oath)

INVESTIGATIVE OFFICE

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001405

b(6), b(3)

YES
N4
3.2.1.4



Video

When and How many times was the video shown to the platoon:
SAW IT BACK AT FT CAMPBELL IN CP (PLT) DOWNSTAIRS
AFTER BUCK LEAVE COMPUTER STAYS IN THERE ALL TI

EX4
3.2.1.4

Who was there and who was not:
[REDACTED], [REDACTED], & SEVERAL OTHER

Was it shown repeatedly: JUST ONE TIME

Who showed it: DON'T KNOW
REVIEWING ALL PICTURES FROM IRAC

Did anyone narrate the video: NO

What did they say: LAUGHED

Was the showing of the video selective to certain individuals NO

Was the video shown to anyone outside the platoon: NOT AWARE OF

What the demeanor or attitude when the video was being shown: LAUGHED IT OFF

What was the feelings of the group toward the video:

Were people laughing about it: YES

Did they take it seriously or as a joke: SOMETHING STUPID

To your knowledge who has copies of the video: POSSIBLE

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

POSSIBLY ON PIN DRIVE.

001407

SWORN STATEMENT

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

b(6), b(3)

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) 20040507	3. TIME 2245	4. FILE NUMBER
-------------	--------------------------------	-----------------	----------------

5. LAST NAME	6. SSN	7. GRADE/STATUS
--------------	--------	-----------------

8. ORGANIZATION OR ADDRESS
 IN BN, Ft. Campbell KY 42223

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Sometime after re-deploying to Tall Area Airfield, I did see parts of the video in question in our tent. It was on a laptop computer, I don't recall the dates or times, but I saw it several times in parts while walking around. I don't recall seeing it back in the USA, but I have seen so many pictures and such so many time & places, that I am not sure of exact dates & places.
 Nothing follows

N.6
3.2.1.6

46
3.2.1.6

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

26
3.2

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED May 07 2004

9. STATEMENT (Continued)

[REDACTED]

26
3.2.1.6

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1B 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 7 day of MAY, 04 at HQ 3rd USN 187th

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

b(6), b(3)

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.

x6
2.1.6

1. LOCATION *Bn HQ 3/197* 2. DATE (YYYYMMDD) *2004 05 07 PM* 3. TIME *2240 PM* 4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS [REDACTED]

8. ORGANIZATION OR ADDRESS [REDACTED]

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

*That on the date of 7 May 04 was the first time that I witness said victim from
operation Noble Eagle. At no other time had I seen this victim. PFE*

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 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.

Video

When and How many times was the video shown to the platoon:

DIDN'T SEE VIDEO UNTIL CHAIN OF COMMAND
SHOWED HIM

Who was there and who was not:

Was it shown repeatedly:

Who showed it: BY ISG

Did anyone narrate the video:

What did they say:

~~Was the showing of the video selective to certain individuals:~~

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

001411

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

COC WANTED TO DEAL W/ RIGHT AWAY

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

SEEN AS QUITE SERIOUS

POOR JUDGEMENT

(BELIEVES)
NO MALICIOUS INTENT BY SOLDIERS

001412

1366

AR 15-6 Investigation Report

Christopher Macavoy

001413

1367



REPLY TO
ATTENTION OF:

AETV-THZ

SS#s, Names, ranks, unit addresses, and

DEPARTMENT OF THE AR
1ST ARMORED DIVISION
APO AE 09324-3054

official titles

redacted IAW

b(6), b(3)

throughout investigation

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Relief for Cause,

The Regimental Commander's recommendation that
for cause is denied.

be relieved

Personal Info
Redacted IAW
Sec of def memo
01-CORR-101, 9 Nov

001414



DEPARTMENT OF THE ARM
Headquarters, 2d Armored Cavalry Regiment
APO-AE 09322



b(6), b(2)

23 August 2003

AFZX-C-CO

MEMORANDUM FOR :

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. While serving as the platoon sergeant, you mistreated Iraqi detainees who were under your control.
2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.
3. You are suspended from your platoon sergeant duties pending resolution of this matter.

[REDACTED]

Encl.

Of memo 01-2002-101, dtd 9 Mar 01

001415



DEPARTMENT OF THE ARMY
2D ARMORED CAVALRY REGIMENT
APO AE 09322



REPLY TO
ATTENTION OF:

28 AUG 2003

b(6), b(3)

AFZX-C-JA

MEMORANDUM FOR RECORD

SUBJECT: Chain of command recommendations of relief for cause of:

2

1. On 28 AUG 2003, the soldier's company commander, _____, recommended that _____ be relieved for cause.
2. On _____, the soldier's squadron commander, _____ recommended that _____ be relieved for cause.
3. On 28 AUG 2003, the soldier's regimental commander, _____, recommended that _____ be relieved for cause.
4. POC is the undersigned at _____



*Personal Info Redacted LTR
Doc of O&M
27 Jul 97 as 00
01-CORR-101*

DEPARTMENT OF THE ARMY
2d Armored Cavalry Regiment
APO AE 09322

b(6), b(13)

AFZX-CB-EN

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

I request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.



DATE: 25 Aug 2003
0900 hrs

1
Doc of Ad Mans 01-202R-101
Date: 9 March 01

001417



b(1), b(3)



DEPARTMENT OF THE ARMY
84th Combat Engineer Company, 2d Armored Cavalry Regiment
Camp Dragoon, Baghdad, Iraq APO AE 09322-2381

AFZX-CB-EN

27 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

During the first week of June 2003, we first detained looters from the back of Camp Marlboro. At the time we (EN 27, EN22) took the looters to the CMOC, they told us they could not take them at the time, and told us to take them out and scared them. I told my translator to tell the looters they are going to the jail. After we told them they are going to jail, we took them to their house next to Camp Marlboro, turned them over to their family, and witnessed the detainee's father beat them front of us. When I saw this, I told all my squad leaders when we detain any looters we will take them back to their family. The second time we detained looters, I took them back to their house located down an ally. I didn't feel comfortable going down the alleyway and I didn't want my platoon to get ambushed, so I decided that the next time we detained looters I wasn't going to take them back to their house.

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop off in the back of Camp Marlboro. We again detained looters from the back of Camp Marlboro. Instead of taking them to their house, I took them to the CMOC. At the time our ROE was not to shoot the looters. Only time we were authorized to shoot or kill anyone was when we felt our life or another soldiers' life was in danger, i.e.; someone is pointing weapon at you or get shoot at. That's what I understood about our ROE. It wasn't true because Bulldog element shot and killed one looter, and wounded at least two other people. When they shot and killed the looter, they put the dead body on the hood of a vehicle and took the body into Al-Thawra. When I took the looters from the back of Camp Marlboro I could have shot and killed them when they tried to run, but I didn't. I attempted to turn them over to Bulldog elements and let them take care of it. When I walked into the CMOC (same location as Bulldog TOC) I saw (), and told him I have detained the looters for them. At that time () told me, "just take them back and beat the fuck out of them". I was shocked at what he just told me to do. () was standing next to me and heard what was said. I walked out and told the squad leaders what () had just told me. I was going to just take them out of Camp Marlboro and release them. At that time () said, if you want to teach them a lesson, why don't you strip them and send them away. When () told me I really wasn't thinking about stripping the looters, but while I was taking the looters to the back of the camp, I realize these looters will return and possibly be killed by Bulldog elements. I didn't want that to happen to them, so when we stopped at the back of Camp Marlboro there was an empty building we went to. I wanted to just release them but I feared that they would return. I made a bad decision and told () to strip the detainee. I know that it was not the right thing to do, but at the same time I wanted for the detainee to never want to return to our camp to steal. I never saw the same looters again after that striping.

memo, 01-CORR-101, dtd 9 Nov 01

On 3 July 2003 we had a mission to pick up sodas for the squadron 4th July party. When we were coming back from picking up the sodas we saw looters at the back of Camp Marlboro. We tried to detain them, but they got away. EN22 had a flat tire, so I told EN22, EN23 to return back to camp. When EN23 came in to our AO, () told me he had detained a looter after all. I told him we would just take him back later since dinner chow was almost ending. I told them to go to the chow, then we will take the looter back to the CMOC. () didn't want to eat so he stayed back and watched the detainee. After I returned from chow, I was sitting on my cot, () told me () was bouncing a soccer ball on the detainees' head. I went to the back of the AO and asked () what the hell he was doing and told him not to dot that again. We took the detainee to the CMOC. When the entire platoon was back at our AO, I told them we would not abuse or miss treat detainees. When we do pick up any detainees in future we will just take them to the COMC.

001418

b(6), b(3)

Around mid July 2003, while we were returning from the RTOC, I saw a person on the top of the telephone pole cutting wire. We stopped and detained them. I was with EN26, SIGO, when I detained the individuals and took them to the CMOOC turning them over to Bulldog elements.

On 19 July 2003, we were going to the ASP. I saw a person pointing to a vehicle and copper wire on the sidewalk. It looked like someone stole the wire. I told EN21; EN22 to stop. When I walked up with my translator to try to find out where they got this copper wire, my translator told me it was stolen. I was trying to talk to the Iraqi citizen who owned the vehicle to find out where he got this wire from when he tried to push me or grab me. I felt like he was going for my weapon. I grabbed him and told my Driver to hand cuff him. While we were trying to put the handcuffs on, I heard gun shots coming from my left. I told stay and cuff the detainee. When I walked over to the vicinity the gunshot came from, I saw a person with an AK-47 ready to shoot again. The individual was aiming at EN21, I fired 3 shots and took him down. When I walked over to the body, I saw that it was a female, she was trying to get to the AK-47 she dropped. I took the AK-47 and took her to Camp Marlboro. a gave the shooter first AID, and she lived. Later we found out, from our translator who escorted the women through the medical channels, that the woman's brother was the shooter. After he ran she thought he was shot and brought out another AK-47. I feel that if I had not taken the actions I did, that she would have shot and possibly killed members of my platoon who could not see her. I know that what I did was wrong, I made a bad judgement call on stripping the looters. I am ready to take responsibility for my action.



Prisoner
...
01 - 2008 - 201, 2008 9 29 01

b(6), b(3)

VIOLATION OF THE UCMJ, ARTICLE 92:

SPECIFICATION 1: In that _____, U.S. Army, at or near Baghdad, Iraq, between 15 January 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully directed his soldiers to strip all clothing from a detainee, a person whose name is unknown, and release said detainee naked in public, when it was his duty not to do so.

SPECIFICATION 2: In that _____, U.S. Army, at or near Baghdad, Iraq, between 15 January 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to process through the Civilian Military Operations Center (CMOC), a detainee in his custody, a person whose name is unknown, when it was his duty to do so.

Prisoner - U.S. Army
01-202R-101, dtd 99Nov 01

b(6), b(3)

UNITED STATES

v.

PRETRIAL AGREEMENT
(OFFER TO PLEAD GUILTY)

8 January 2004

1. I, _____, the accused in a court-martial now pending, have examined the charges preferred against me, and all of the supporting evidence thus far provided by the government. After consulting with my defense counsel, _____, and being fully advised that I have a legal and moral right to plead not guilty and to place the burden of proving my guilt beyond a reasonable doubt upon the prosecution, I offer to plead guilty to the following offenses:

<u>CHARGE</u>	<u>ARTICLE</u>	<u>SPEC</u>	<u>PLEA</u>
I.	92	1	Guilty
		2	Guilty

2. I offer to plead guilty, provided that the convening authority will approve the terms attached hereto as Appendix I. I understand that the terms of the Appendix are binding upon the convening authority only if my plea is accepted and if findings and sentence are entered pursuant to that plea. In offering to plead guilty, I state the following:

a. I agree upon acceptance of this offer, to enter into a written stipulation of fact with the trial counsel as to the circumstances of the offenses. This stipulation may be used pursuant to this agreement to determine the providence of my plea and to inform the summary court martial officer of matters pertinent to an appropriate sentence. If my plea is not accepted, this offer to stipulate and the stipulation is null and void.

b. This offer to plead guilty originated with me, and no person or persons have made any attempt to force or coerce me into making this offer to plead guilty.

c. My defense counsel has advised me of the meaning and effect of my guilty plea, and I understand the meaning and effect thereof.

d. I understand that I may request to withdraw this plea at any time before sentence is announced, and the summary court martial officer determines whether the request should be granted.

e. I further understand that this agreement may become null and void upon the occurrence of any of the following events:

Personal info Redacted IAW "Secret Act" Memo 01-CORR-101, dtd 9 Nov 01

b(6), b(3)

UNITED STATES

v.

M
S

APPENDIX I TO
OFFER TO PLEAD GUILTY

8 January 2004

I, _____, offer to plead guilty as stated in the Offer to Plead, provided the convening authority agrees to refer my case to a summary court martial. As part this offer to plea any other lawful punishment adjudged at the summary court martial may also be approved.

[REDACTED]

1-11-04
971000 01-2004-101, dtd 9 0700 01

b(6), b(3)

i) failing to agree upon the contents of a stipulation of fact with the trial counsel;

ii) my withdrawal from the agreement prior to trial;

iii) the refusal of the summary court martial officer to accept my plea of guilty.

3. This agreement shall not be affected by dismissal of any specifications or charges by the summary court martial officer or upon motion by defense counsel.

4. I agree to be tried by a summary court martial officer. By doing so, I freely choose not to exercise my forum right to have a panel of officers, commissioned or warrant, or a panel consisting of at least one-third enlisted members, to decide my guilt or innocence and determine an appropriate sentence.

[REDACTED]

*Personnel who Redacted IAW Decy 04
Memo, 01-CORR-101, dtd 9 Mar 01*



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, FIRST ARMORED DIVISION
BAGHDAD INTERNATIONAL AIRPORT COMPLEX
UNIT 93054
APO AE 09324-3054

b(6), b(3)

8 JAN 2004

AETV-THZ

MEMORANDUM FOR Commander, 2^d Armored Cavalry Regiment, 1st Armored
Division

SUBJECT: United States v. [REDACTED]

1. I have reviewed the redacted charge. The accused now faces two specifications of willful dereliction under Article 92 of the Uniform Code of Military Justice.
2. I have also reviewed the offer communicated by defense counsel dated 8 January 2004. The accused has agreed to plead guilty as charged at a summary court-martial.
3. I accept do not accept the accused's offer to plead guilty.

[REDACTED]

Memorandum, 01-CORR-101, dtd 9 JAN 01

001425



15-6 Report
Maltreatment of Detainees
July - August 2003

001426

	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 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)?			
4 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)?			
5 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.

001428

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

b(6), b(3)

The (investigating officer) (board), having carefully considered the evidence, finds:
find that soldiers of 2nd Platoon, 84th Engineers Company have committed detainee abuse.

The first incident was on or about the middle of June 03. An Iraqi civilian was detained in the fields behind Camp Marlboro. The Iraqi was trying to steal copper wire. He was arrested by members of 2nd Platoon. The detainee was then brought to the Civilian Military Operations Center (CMOC) for processing into the detention center. Upon 2nd Platoon's arrival at the CMOC, Sergeant [redacted] told the Platoon that he did not want any detainees at the CMOC. It was better for him to take the detainee away and to release him. [redacted] recommended that the detainee be scared, beaten, or whatever the Platoon wanted to do to him. [redacted] then decided to take the detainee to an abandoned building behind Camp Marlboro. When they arrived [redacted] gave an order to [redacted] to remove all the clothing of the detainee. They yelled and screamed at him. [redacted] released the detainee after all of his clothing was removed. Exhibits M, T, & U support these facts.

The second incident occurred a few days to a week later. The Platoon had detained two looters trying to steal copper wire. They took the detainees to the same building behind Camp Marlboro. [redacted] took the two detainees into the building. [redacted] told [redacted] to remove all of the clothing of the detainees. The detainees were released once all of their clothing was removed. Exhibits A, D, E, M, O, Q, T, & U support these facts.

The third incident occurred on the 3rd of July. The Platoon was tasked to get sodas for the Squadron's fourth of July party. On their way back to Camp Marlboro with the sodas, they were tasked to chase looters away from the back fields. ENG23 captured a looter. ENG23 was then told to take the detainee back to the Engineers barracks on Camp Marlboro. ENG23 arrived at the barracks and the detainee was removed from the back of the truck and placed up against the wall. [redacted] bounced a soccer ball off the head of the detainee. He was reprimanded by both [redacted] and [redacted]. In addition, [redacted] admitted to hitting the detainee and stated in his sworn statement that others also hit the detainee. Exhibits B, D, E, G, H, J, K, L, M, O, Q, R, T, U, Z, & AA support these facts.

Three soldiers wrote sworn statements of the use of an M34 blasting device to shock Iraqi detainees. Exhibits B, D, I, W, & Y support these statements. However, during further investigation, the accused denied any use of the M34 blasting device to shock any Iraqi detainee. Exhibits M, U, V, X, & Z support these statements.

In addition, during the course of this investigation, [redacted] was implicated in numerous alleged questionable actions. These alleged actions are serious and are detrimental to the overall mission. Exhibit T supports this statement.

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

In view of the above findings, the (investigating officer) (board) recommends:
At a minimum the unit:

1. Enforce patrol and mission debriefs at the Troop level at a minimum. For more significant events a debrief should be conducted by the 3-2.
2. Reprimand [redacted] for his poor judgement, lack of battlefield composure, and loss of military discipline and professionalism as a senior noncommissioned officer. Continued performance like this could result in an uprising of the citizens of Iraq against US Forces
3. Refine and clarify the ROE and treatment of detainees. Conduct a stand down day to refocus the Troops and establish clear procedures for processing detainees.
4. Appoint an Investigating officer in commensurate grade or higher to conduct an inquiry of [redacted] alleged actions.

Platoon Sgt Memo - in Acc of 2nd Platoon, 01-CORR. 101, dated 7 Jul 03

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.)

b(6), b(3)
n

(Recorder)

(Member)

(Member)

(Investigating Officer) (President)

(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.)

Handwritten note on the right margin: "Handwritten note on the right margin, possibly indicating a review or signature area." (The text is partially obscured and difficult to read fully.)



b(6), b(3)

DEPARTMENT OF THE ARMY
Headquarters, 2d Armored Cavalry Regiment
Unit 92401
APO AE 09322-2401



AFZX-C-CO

28 July 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

1. _____, you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances involving alleged detainee abuse by soldiers assigned to the 84th Engineer Company.
2. In your investigation, all witness statements will be sworn. From the evidence, you make findings of fact.
3. Submit four copies of your findings on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

01-CORR-101, dtd 9 Mar 01

001431

TS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>Camp Harburo, Baghdad, Iraq</i>	2. DATE <i>31 July 03</i>	3. TIME <i>2040hrs</i>	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

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: *stripping Iraqi citizen and beating an Iraqi citizen*

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)		2. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>HHC, 1/2 Lt Col M. P. K. LAZARUS</i>

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

did 99mas 01

b(6), b(3)

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>Camp Mahaboo IRAQ</i>	2. DATE <i>1 AUG 03</i>	3. TIME <i>15:54</i>	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

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: *Stripping of Iraqi citizens and Beating Iraqi citizens*
 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
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <i>[Signature]</i>
b. 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 <i>SPI PL, HHT, 1/2 LCR</i>

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

01-008R-101, dtd 9 Mar 01

b(6), b(3)

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 AMP MARBLE BARRACKS INAC	2. DATE 1 AUG 03	3. TIME 17:00	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: Stepping Iraqi Citizens + Beating Iraqi Citizens

Before she asked me any questions about the offense(s), however, 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
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR SPT PLT. HHT, 1/2 ACIZ

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

01-CORR-101, dtd 9 Nov 01

b(6), b(3)

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 Camp Marlboro, Baghdad	2. DATE 8 Aug 03	3. TIME 1417	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below is a member of the United States Army and wanted to question me about the following offense(s) of which I am

suspected/accused: **Detainee Abuse**

Before she asked me any questions about the offense(s), however, 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
1a. NAME (Type or Print)		[Signature]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		5. [Signature]
		6. ORGANIZATION OF INVESTIGATOR DPICLI, HQ, 1/2 AC12

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

01-0000101, 0000940001

WTS WARNING PROCEDURE/WAIVER CERTIF.

use of this form, see AR 190-30; the proponent agency is ODCSOP's

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(3)

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>Camp Harburo, Baghdad Iraq</i>	2. DATE <i>8 Aug 03</i>	3. TIME <i>1050hrs</i>	4. FILE NO.
5.	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigation was conducted by *_____* near *Harburo* told me that *_____* is with the United States Army and wanted to question me about the following offense(s) of which I am

suspected/accused: *Detainee Abuse.*
 Before *_____* she asked me any questions about the offense(s), however *_____* 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.
- (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.

- or -

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
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVFS
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

SPI, PLI HHT 1/2 KED

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

Memo 01-CORR, 101 dtd 9 Mar 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(3)

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>Camp Marshall Baghdad Iraq</i>	2. DATE <i>8 Aug 03</i>	3. TIME <i>1000hrs</i>	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

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: *Detainee Abuse*

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.
- (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 <i>[Signature]</i>
1a. NAME (Type or Print)		4. SIGNATURE OF INTERVIEWER <i>[Signature]</i>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>AMPLI, H&ET 1/2 K&R</i>
b. ORGANIZATION OR ADDRESS AND PHONE		

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

Memo 01-2008-101, dtd 9 Nov 01

b(6), b(3)

9. STATEMENT (Continued)

[Large area crossed out with a large X, indicating redacted content]

Personal Info Redacted IAW Sec of Def Memo 01 - COOR-101, dtd 9 Nov 01

AFFIDAVIT

_____, 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 1st day of August 2003 at Camp Marlboro, Bagram AB, Afghanistan

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

001439

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION CAMP MARLBORO BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 01 AUG 2003	3. TIME 1222	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE THIRD OF JULY, THE SUPPOSIVE TIME A CERTAIN INSIDENT MAY HAVE HAPPENED, I WAS ON MY WAY TO THE BAY, TO CHECK A BUSTED HUB SEAL AND A CLASS TWO TRANSFER LEAK, AFTER WAITING AN HOUR - HOUR 3 1/2 I WAS BRAXHT INTO A SLOT IN THE BAY WHERE I WAS TURNED AWAY, AFTER RETURNING FROM THE BAY I AAVE AN OBSTACLE OF 100 CASES OF SPAS IN MY WAY SO THAT I CAN PARK MY VECTOR IN THE DESIGNATED SPOT. SOME TIME AFTER THE 4TH OF JULY, ACTUAL DATE, I DONT RECALL, MY PLATOON CAME IN CONTACT AND 27D CAME OVER COUGAR NET AND SAID THE WERE SHOT AT AND RETURNED FIRE. 22 CAME ON GAVE AN EXPLANIZON OF THE SHOOTING AND A GRID POINT, LATER THAT DAY SAPPER 6 TALKED TO THE MEN INVOLVED, ONE-ON-ONE, THEN THE WHOLE PLATOON ABOUT NOT BEATING IRAQI AND TO JUST TAKE THEM TO THE C-MOCK; BUT ABOUT THE SHOOTING, HE WAS PLEASED NOONE WAS HURT AND WE DETAINED THE SHOOTER.

COOR-101, did 9 Nov 01

10. EXHIBIT P	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001440

STATEMENT OF _____

TAKEN AT _____

DATED

b(6), b(3)

9. STATEMENT (Continued)

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Personal Info Redacted IAW Sec of Def Memo 01-
COOR-101, dtd 9 Nov 01

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of August 2003 at Camp Hardham Redwood Reg

(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

PAGE OF PAGES

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Marble, Baghdad, Iraq
2. DATE (YYYYMMDD): 20030801
3. TIME: 1346
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

1. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
As far as mistreatment of Iraqi civilians, all I've seen is discomfort and embarrassment. On two separate occasions an Iraqi had been stripped and then released for with no clothes as punishment for stealing from 2/2 ACR's scrap yard. Also an Iraqi detainee picked up for the same offense was brought to the sapper AO area by 23 and detained for 20 minutes, sat against a wall flexed cuffed with a sandbag over his head and then brought to the CDOC. I was not in sight of him for the whole time but I didn't see any mistreatment while I did see him. Regarding the shooting of an armed Iraqi civilian, we stopped because a large amount of wire stored in a truck. An Iraqi in the crowd pushed ... so he was detained. Another Iraqi armed with an AK-47 was shot multiple times. I did see if she fired or not. She was then taken to medics at camp Marble and treated. She survived.

10. EXHIBIT: (Q)
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 1 PAGES

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

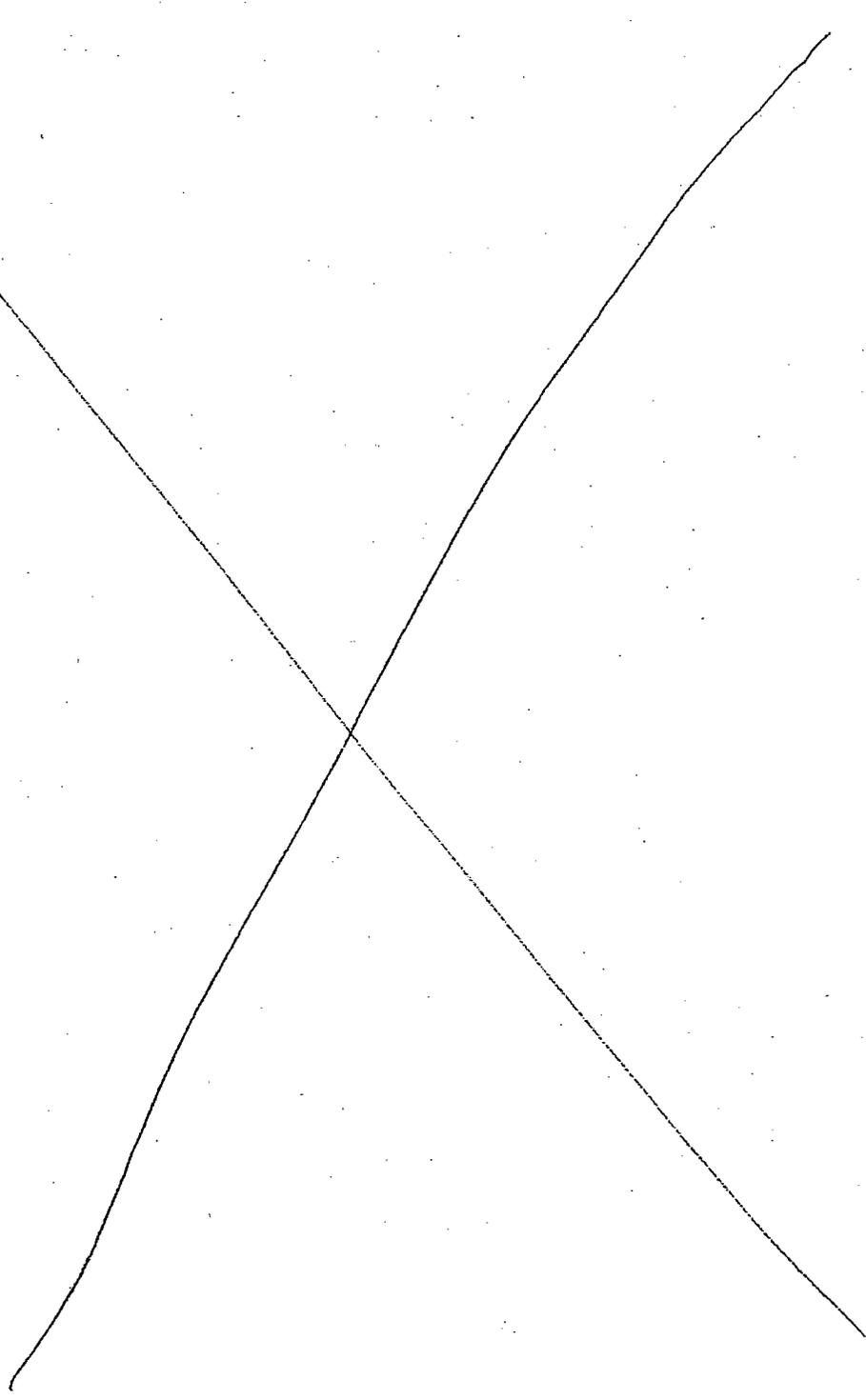
Personal info redacted IAW Sec of Def Memo 01- COOR-101, dtd 9 Nov 01

001442

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)



Personal Info Redacted IAW Sec of Def Memo 01.
COOR-101, dtd 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF _____

TAKEN AT _____

DATED

b(6), b(3)

9. STATEMENT (Continued)

[Large area crossed out with a large X]

Personal Info Redacted IAW Sec of Def Memo 01-
COOR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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.

CL

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of August, 2003 at Camp Marshall, Beaufort, NC

1

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

15-6
(Typed Name of Person Administering Oath)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

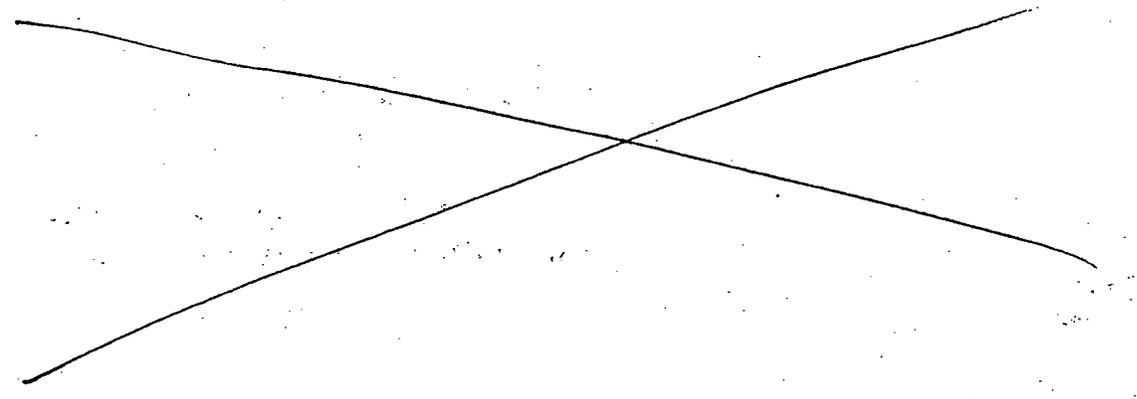
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSNJ).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION Camp Marlboro
2. DATE (YYYYMMDD) 2003 08 01
3. TIME 1530
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The day we arrived to our AO with an Iraqi, I was downloading the trailer of sodas. I saw people take an Iraqi out of 27 and sit him against a wall. I then went to go and eat in the chow hall, when I returned, they were putting the Iraqi back into 27 and the vehicle then left our AO.

One day I was gunning on the 50 cal of EN22. We arrived at a building behind our compound that I had never been do before. I stepped down into the back of 22 for a moment to drink some water and load my M-16. When I stepped back up to the 50 cal, I noticed a naked Iraqi run by the vehicle. I took a double take and then we left the area and returned to Camp Marlboro.



10. EXHIBIT R
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.

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001445

b(1), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[The main body of the page is crossed out with a large handwritten 'X'.]

Personal Info Redacted IAW Sec of Def Memo 01-
COOR-101, dtd 9 Nov 01

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 1st day of August, 2003 at Camp Marlboro, Bachelard, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3) 1514 hrs

SWORN STATEMENT

1 AUG 03

In the month of June 2003, 27, 22, and 23 went to a designated spot behind Camp Markono to drop off and download a trailer full of stolen wire that we picked up in a neighborhood. When we arrived at the site, there were about 10 looters that started running. I dismounted and chased the looters with the S.

..... and The looters were running away about 200 meters ahead of us. While chasing after them, raised his weapon toward the looters and fired a shot in their direction. claimed it was a "warning shot". - Nothing follows.

Personal Info Redacted IAW Sec of Def Memo 01-COOR-101, dtd 9 Nov 01

1 August 2003,

Investigator.

Exhibit "S"

SWORN STATEMENT

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

b(1), b(3)

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: CAMP MARLBORO, BAGHDAD, IRAQ
2. DATE (YYYYMMDD): 2003/08/01
3. TIME: 1554
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop it off in the rear fields of Camp Marlboro. The squads that were with me were ENG22, ENG23, & my truck of ENG27. We were heading back from picking up wire when we found some looters in the back field of Camp Marlboro. We ended detaining one looter. We took the looter to the ... said that we should take the looter and drive around a while, scare him, beat him up, or whatever that we wanted to do. So, we took the looter to a empty building in the rear field of Camp Marlboro. Myself, I took the detainee inside the building yelled and screamed at him then I had to make a decision of what I should do next. I heard that a looter was shot and killed earlier this month and the guys who shot him was not punished. I didn't want to kill him so I decided that I needed to teach him a lesson. So, I told ... to strip the man and make him run home and hopefully he would incur some embarassment but at least he would be alive. We had another incident to where we detained two looters in the rear field of Camp Marlboro and instead of taking to CMOC we took them to the same building and then Myself, ... had the two guys take their clothes off and run home.

On the 3rd of July my platoon was tasked to pick up sodas for the SQDN Fourth of July party. On our way back to Camp Marlboro we were told to help pick up looters in the rear field. We ended up catching one looter. ENG23 actually caught the looter. ENG23 ended up bringing the detainee back to our AO. I spoke with ... and told ... to watch the guy. ENG22 had a flat tire so they were fixing the tire during this time. I told the platoon to go to chow. ... had bounced a soccerball of the head of the detainee. ... chewed him out then told me and I again chewed him out. We took the detainee to the CMOC. I told the Squad Leaders that we are going to tone this stuff down. Two weeks later we had another incident that we shot an Iraqi woman because she had fired numerous rounds with an AK-47. We returned fire on the woman. She received four to five gunshot wounds to the chest. We applied first aid and took her to the Camps Aid Station. ... came and spoke to the Platoon that afternoon about how we had followed the ROE and did a good job.

reason I made looters strip is, I didn't want to shoot them and agreed with ... orders "take them back and beat the fuck out of them out ROE at the time we could shoot the looters, I didn't want to shoot or kill unarmed looters, or just let them go, and they can come back and get killed by Bulldog elements.

10. EXHIBIT: 1
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.

COOR-101, dtd 9 Nov 01

001448

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)

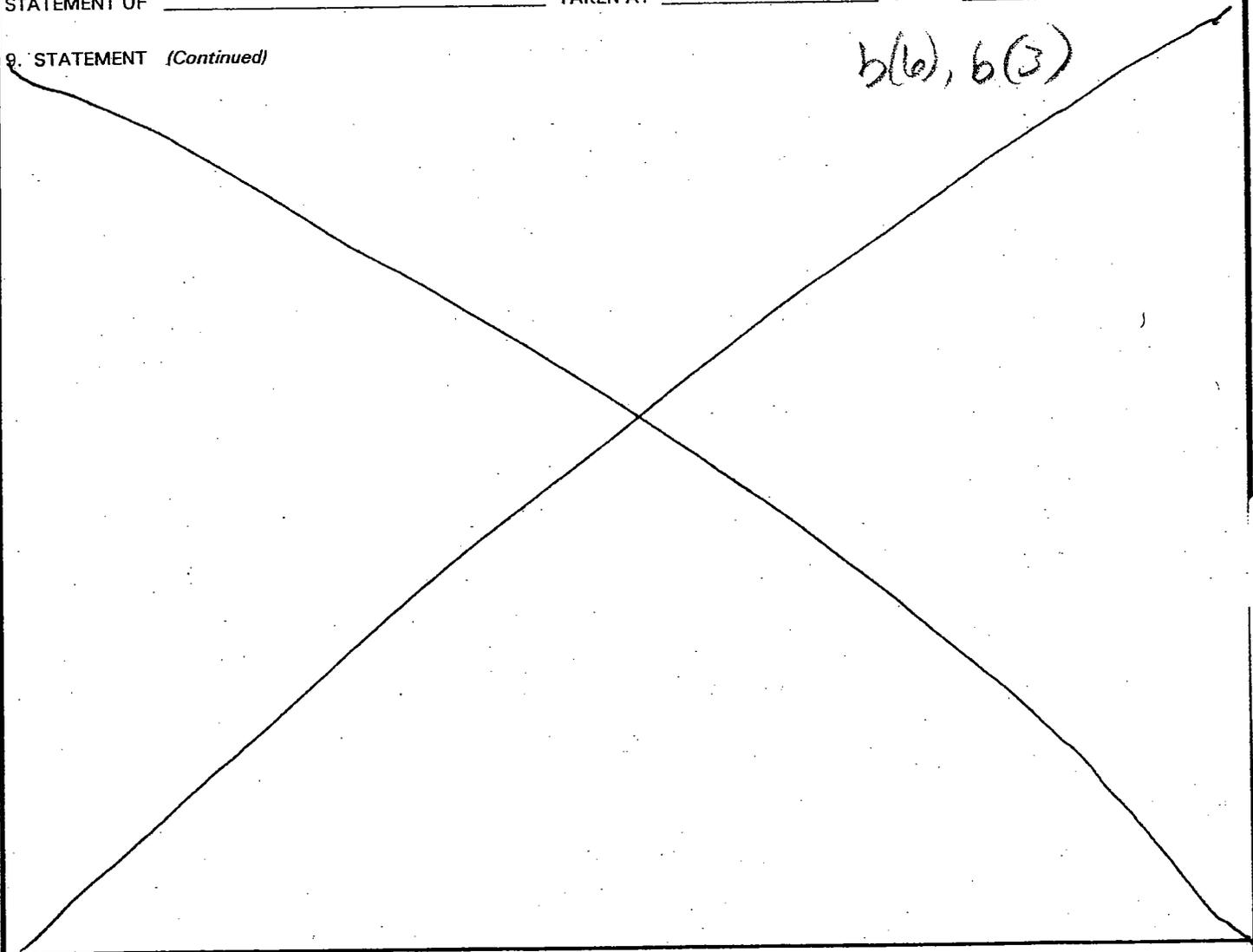
INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

b(6), b(3)



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 3rd day of August, 2003 at Camp Marlboro, Baghdad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

156
(Authority To Administer Oaths)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

TO AONT 6 DND '101-1000

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

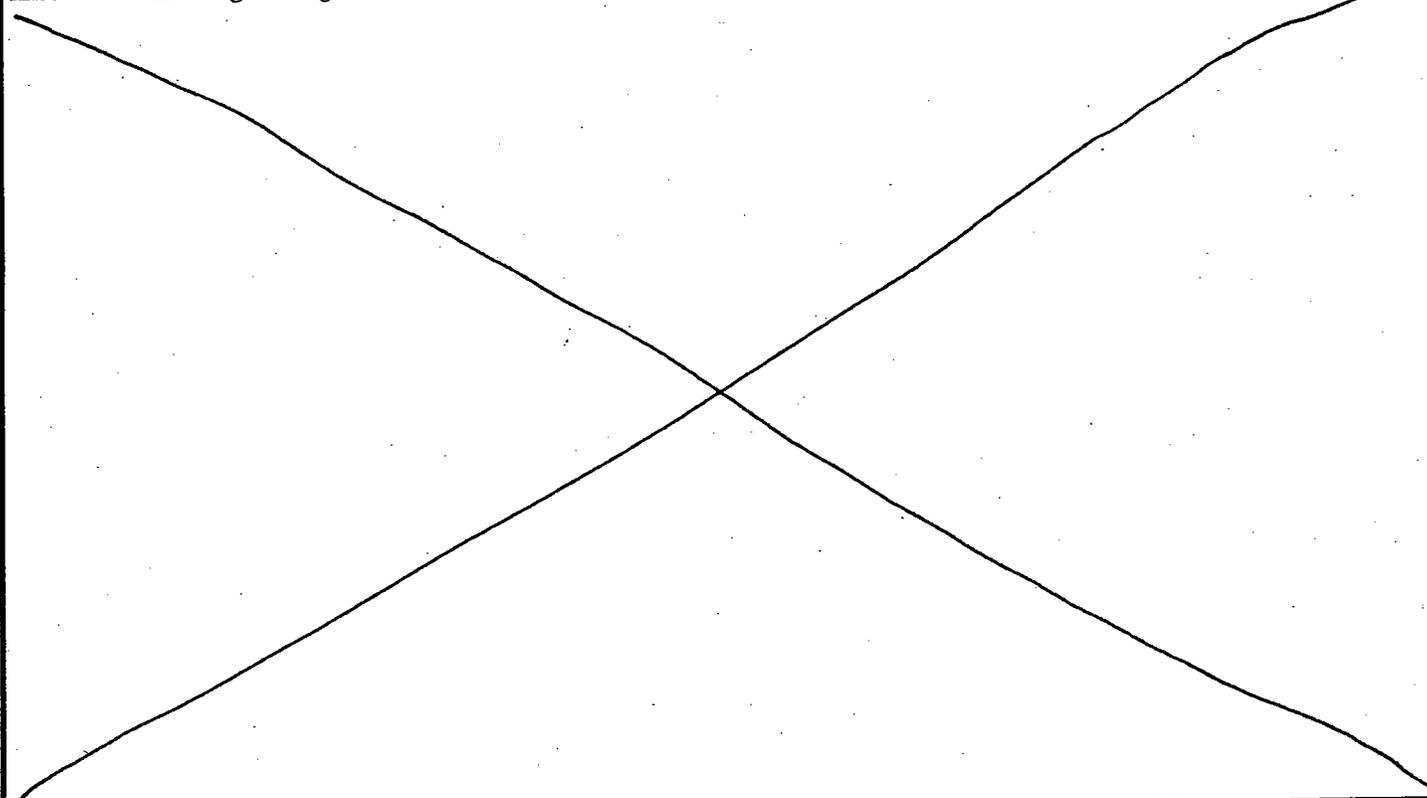
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION CAMP MARLBORO, BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 2003/08/01	3. TIME 1700	4. FILE NUMBER
5. LAST NAME FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During Operation Scorpion we had finished picking up wire in Eagle's sector. We were headed back to Cmp to drop off the wire when we saw looters in the rear field behind Camp Marlboro. We chased them down and picked up a total of 7 detainees. We had them download the wire from the back of the trailers and then took them to the CMOC. We were out on mission again and caught one looter stealing the copper wire. We took him to the CMOC to turn him in when _____ was told by _____, totake him out and beat him or do whatever you want to with him. So, we took this guy to a building in field behind the camp. _____ old _____ to strip the detainee of his clothes. _____ followed his orders. Then we released the detainee to go home. So he ran outside and went home. We had another incident a few days later to where we detained two looters. We took them to the building again and stripped them of their clothes and made them run home. In both incidents _____, and myself were in the building. On the 3rd of July we had to go get sodas for the 4th of July party for SQDN. On our way back we checked the field for looters. There were looters in the back field so we tried to catch them. While trying to catch these looters my truck got a flat tire. So we went back to Camp Marlboro and I told my guys to get the tire fixed. When we got back ENG23 came into our AO with a detainee in the back of the truck. I wasn't around much after that because I wanted to get the tire on my truck fixed. After the tire got changed ENG27 took the detainee up to CMOC.

COOR-101, dtd 9 Nov 01



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

001451

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)

~~_____~~

COOR-101, dtd 9 Nov 01

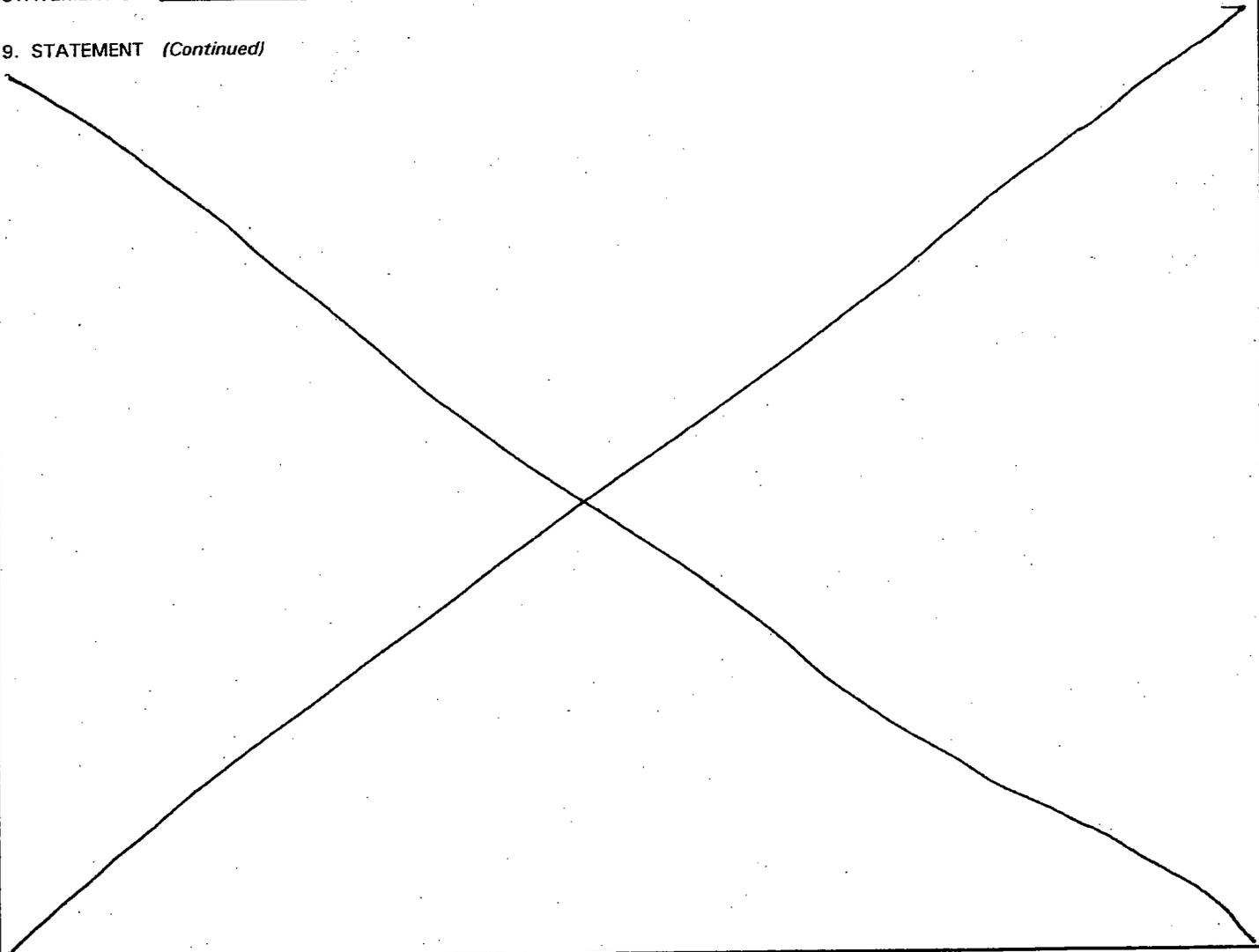
INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001452

STATEMENT OF _____ TAKEN AT _____ **b(6), b(3)**

9. STATEMENT (Continued)



AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 3rd day of August, 2003 at Camp Harbors, Berkeley, Calif.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

IS-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

COOR-101, did 9 Nov 01

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

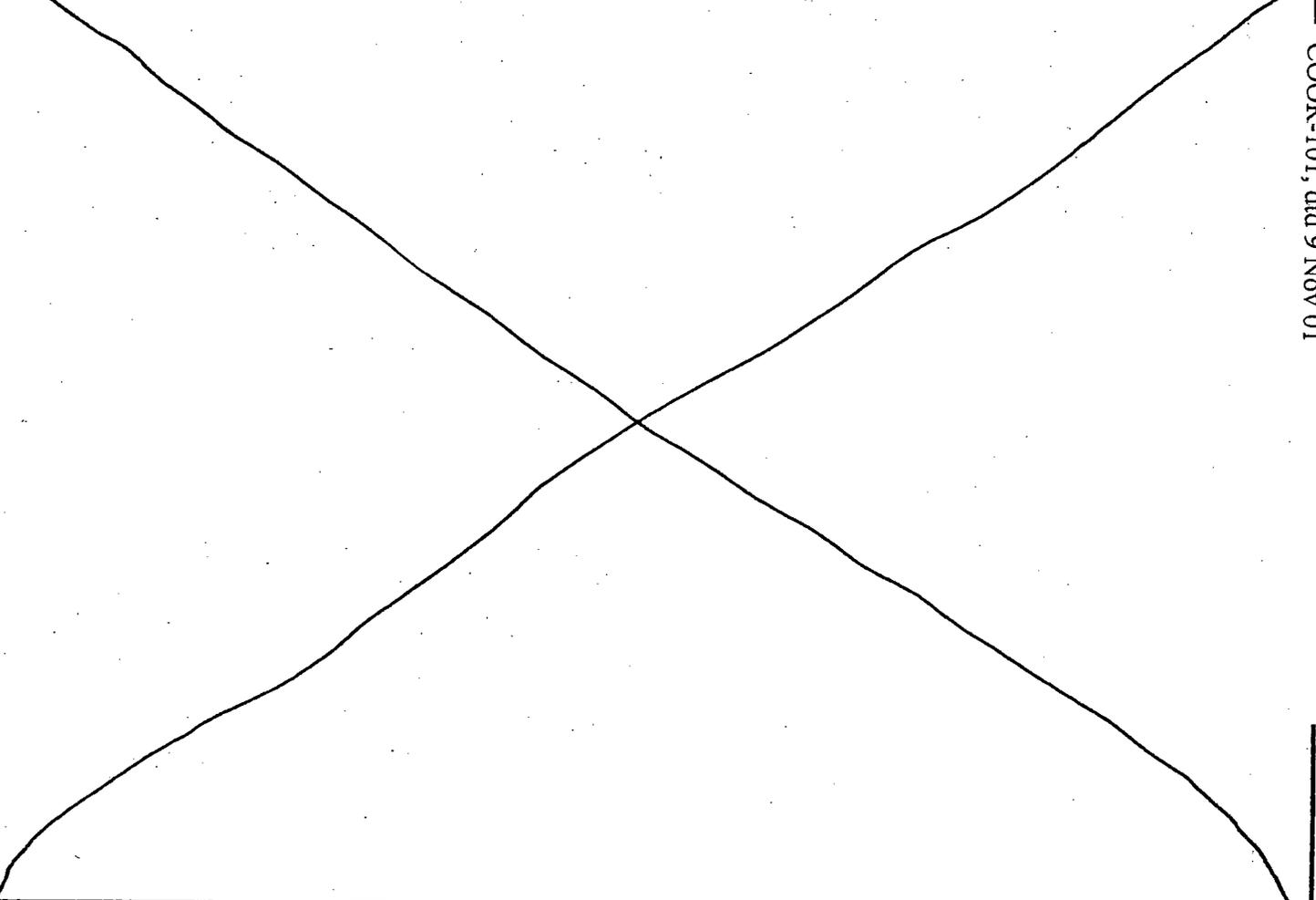
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION: Camp Marlboro, Baghdad
2. DATE (YYYYMMDD): 20030808
3. TIME: 1942
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: E-4

8. ORGANIZATION OR ADDRESS

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have not, or have not witness any Iraqi detainees get shocked, slapped, punched, kicked or beaten. - NOTHING FOLLOWS



10. EXHIBIT: V
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 1 PAGES

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 PAGE NUMBER MUST BE BE INDICATED.

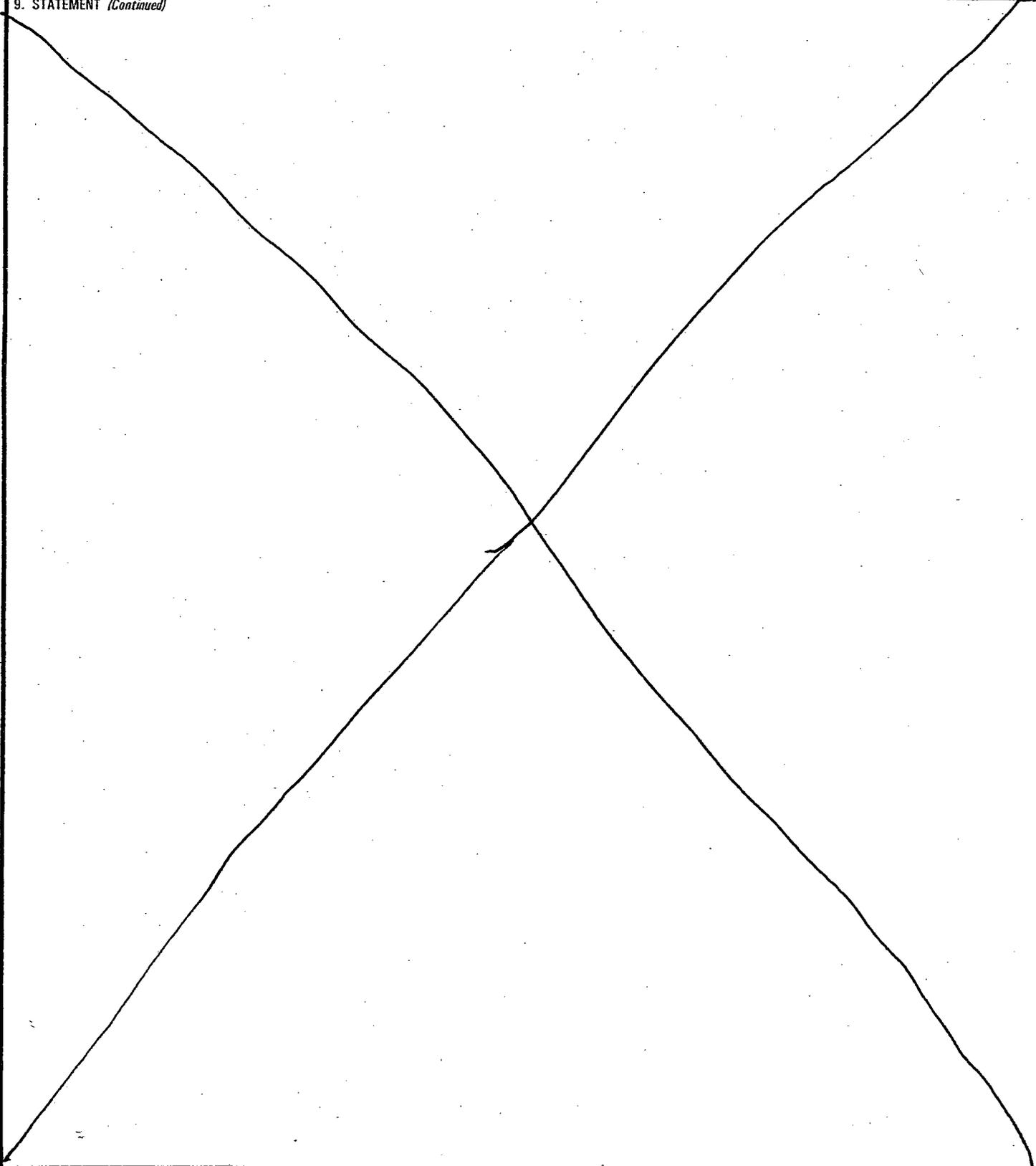
Personal Info Redacted IAW Sec of Def Memo 01- COOR-101, dtd 9 Nov 01

001454

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)



INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

b(1), b(3)

Personal Info Redacted IAW Sec of Def Memo 01-
COOR-101, dtd 9 Nov 01

AFFIDAVIT

1, 2 _____, 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.

Joseph G.
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of August, 2003 at Camel Marlboro, Bethesda, Md.

[Signature]
(Signature of Person Administering Oath)

IS-C
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

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>Camp Marlboro Baghdad Iraq</i>	2. DATE (YYYYMMDD) <i>20030809</i>	3. TIME <i>1105</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

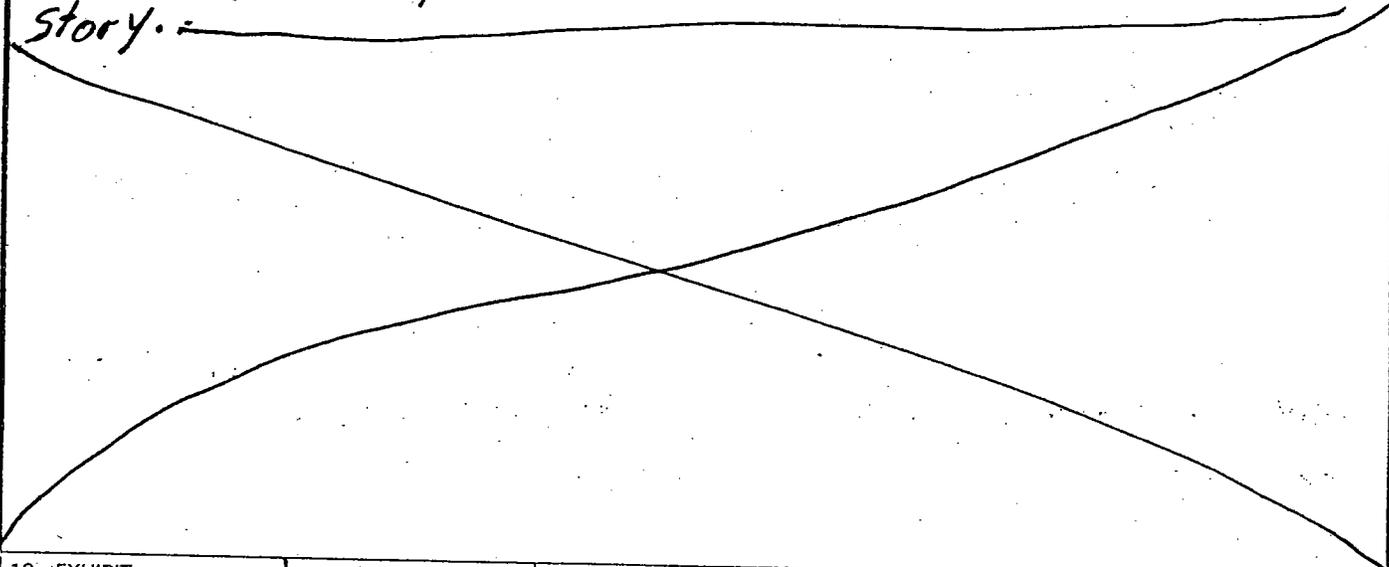
9. *2159*

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

*In my last statement I wrote that I saw *and Shochka* Iraqi. I am reconfirming this in this statement.*

I did not see any person or persons walk to the back of the Warehouse. I heard rumors that the Iraqi was being abused.

*This morning around 0930 *came to me and asked me what I was going to say and said we all need to have the same story.**



10. EXHIBIT <i>W</i>	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <i>1</i> PAGES
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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.

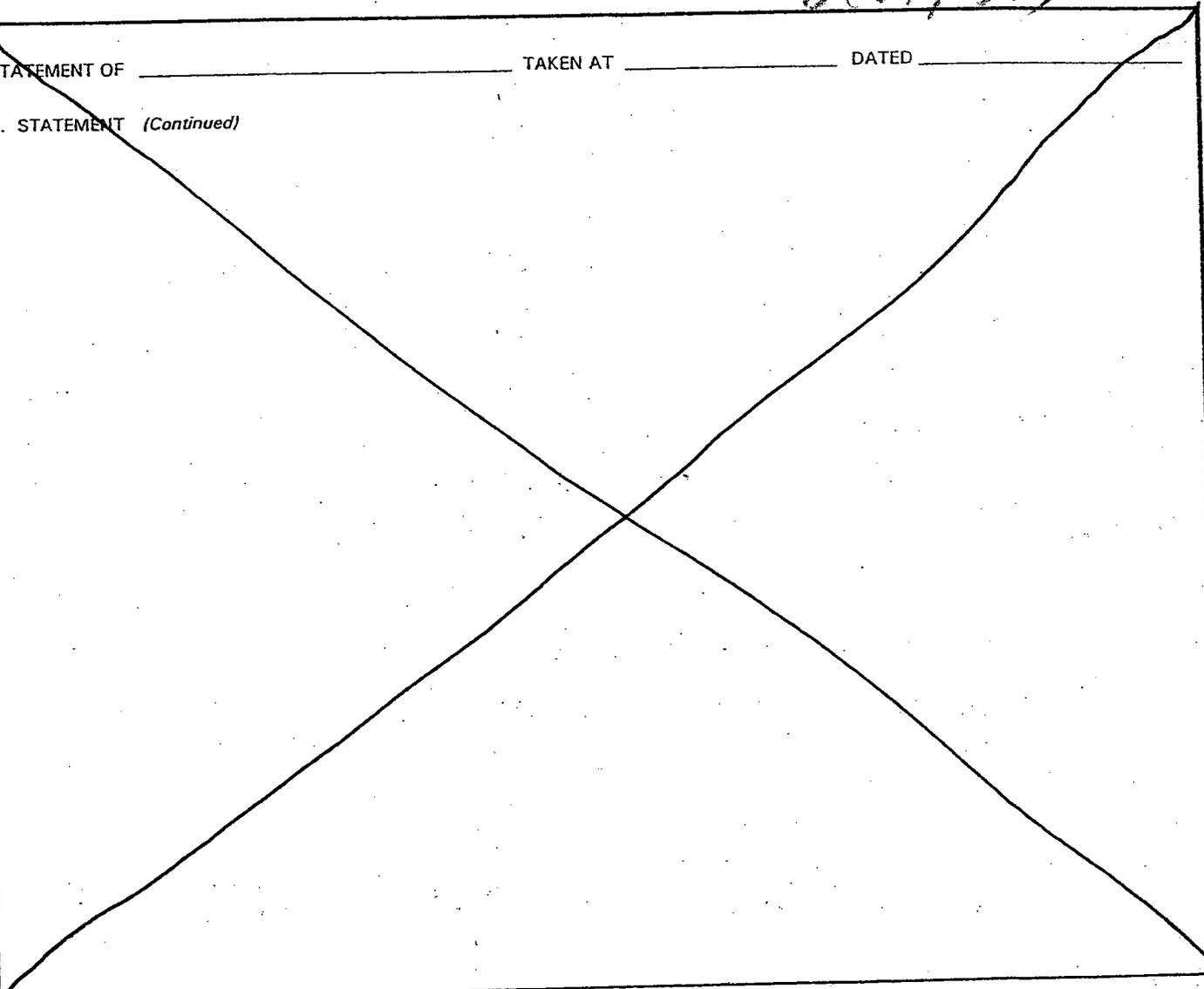
Personal Info Redacted IAW Sec of Def Memo 01- COOR-101, did 9 Nov 01

001457

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



COOR-101, did 9 Nov 01

AFFIDAVIT

_____, 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 8th day of August, 2003 at Camp Marlboro, Baghdad, Iraq

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

D
HH

1526
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001458

b(6), b(3)

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>Camp Marlboro</i>		2. DATE (YYYYMMDD) <i>20030808</i>	3. TIME <i>1700</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME		6. SSN		7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS				

9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

*NO I DID NOT USE m34 TO Shock a IRAQI person.
 NO I DID NOT HIT, KICK, or punch a IRAQI person.
 NO ONE CAME TO ME TO MAKE THE STORIES THE
 SAME.
 NO I am NOT Aware of anyone Trying to make
 THESE stories the SAME.*

COOR-101, dtd 9 Nov 01

10. EXHIBIT <i>X</i>	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>1</u> PAGES
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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.

001459

b(1), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X, indicating redacted content]

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of August, 2003 at Camp Maribon, Ramhad Iraq

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

15-10
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

PAGE _____ OF _____ PAGES

USAPA V1.0

b(6), b(3)

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 Camp Marlboro	2. DATE (YYYYMMDD) 20030808	3. TIME 1135	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I saw I shock an Iraqi with a blasting machine. I saw I put their foot in the chest of an Iraqi. I know that the PS6 and I go off to the PS6s bunk and talk amongst themselves. The PS6 has taken the Emis off to the side and talked to them about what's going on now. One of my soldiers brought to my attention that the PS6 and I were trying to find out if I had done anything. One the first incident I discussed before in my first sworn statement I fired a warning shot at the ground off to the side and get the Iraqis to stop.

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

001461

b(6) b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area containing a large handwritten 'X' over the statement content.]

1. USDAO IIRG Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

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 8th day of August, 2003 at Point Harbor, Bristol, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

IS-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001462

b(6), b(3)

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.

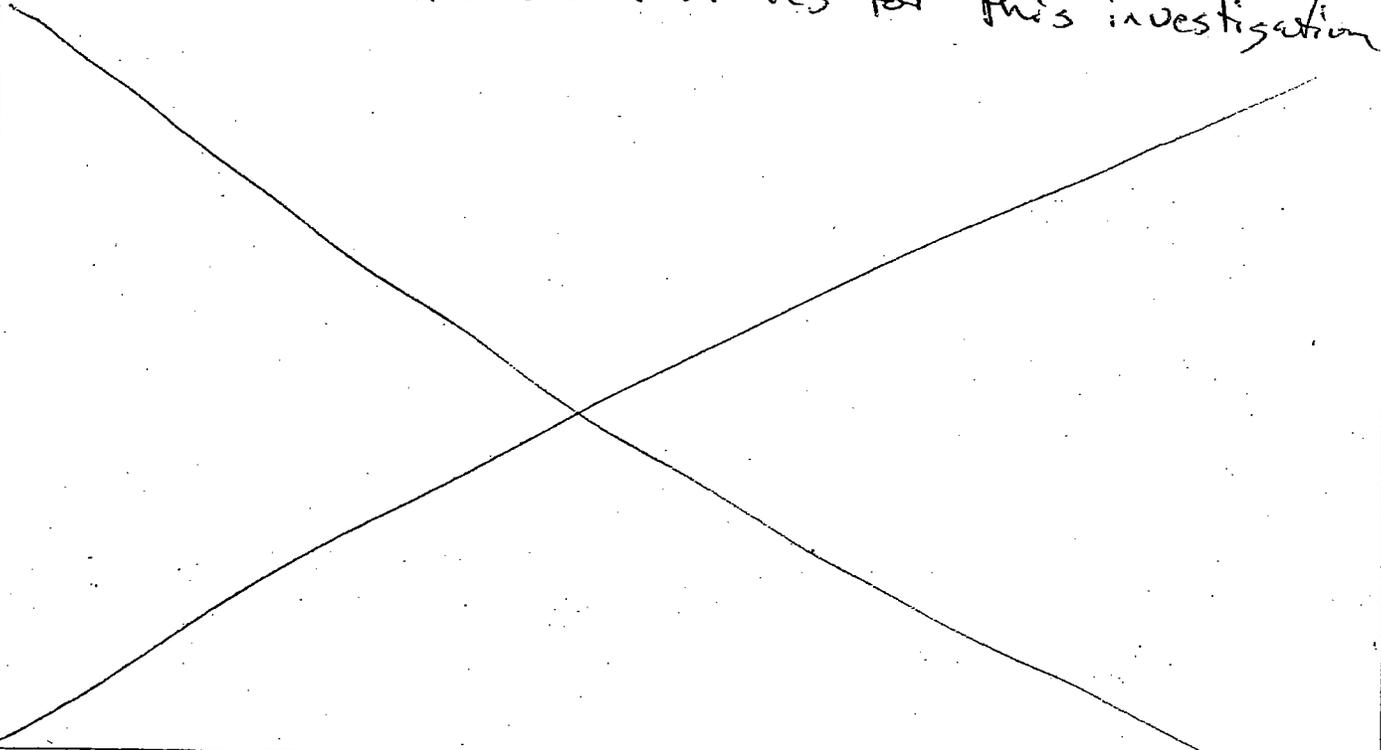
1. LOCATION <i>Camp Medora Baghdad Iraq</i>	2. DATE (YYYYMMDD) <i>2007 08 09</i>	3. TIME <i>1240</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The platoon picked up a few detainees. We then went to the back of the camp where we scared them and then told ~~them~~ to strip them.

Another incident was at the AO where a detainee was brought. I didn't see anyone beat him, but scared him.

There was no corroboration of stories for this investigation.



10. EXHIBIT <i>Z</i>	11. SIGNATURE OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF 1 PAGES
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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.

CORR-101, dtd 9 Nov 01

001463

b(6) b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

8 STATEMENT (Continued)

[Large area with a large handwritten 'X' across it, indicating redacted content.]

Personal Info Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, [Signature], 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.

(Signature of person making statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of August, 2003 at Camp Marlboro, Berkeley, CA

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001464

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION <i>Camp Marlboro, Baghdad, Iraq</i>	2. DATE (YYYYMMDD) <i>20030808</i>	3. TIME <i>13:10</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	R SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In the morning of a day which I can not recollect, but do know that it was prior to the Fourth of July, three trucks (22, 23, 27) from the 2nd Platoon 84th ENG CO went on a mission to pick up sodas for the Squadron Fourth of July festivities. I myself was riding on the back of 27 as rear security. When returning from the mission, one of our trucks spotted looters on the eastern side of RTE AEROS. We then began to chase the looters out into open fields, but after fifteen minutes of chasing, decided to head back to Camp Marlboro. Upon returning to the camp, 23 called 27 on the net and asked him, what he should do with his detainee. Until we were inside the gates, 27 had negative knowledge of any detainees. What orders to 23 were are unclear. Once we returned to the warehouse, I dismounted from the back of 27 and went to my cot to lay down. A few minutes later, I got up and went back to where the trucks were parked so that I could get some water out of 21. When I got to the back of the warehouse, I heard a commotion. _____ and several other members of my platoon which I can not remember were hitting, kicking, and tearing at the clothes of the Iraqi detainee. My feelings at the time were excitement. I went to my bunk to get a camera, but when I returned, I took the camera. I turned and went to my truck, 21, to get the water which I had initially gone to the back for.

CONT-101, DID 9 NOV 01

10. EXHIBIT <i>AA</i>	11 INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

b(6), b(3)

STATEMENT OF

TAKEN AT Camp Marlboro DATED 8-8-03

9. STATEMENT (Continued)

I then decided to go back to where the detainee was. ~~was~~ was alone with the detainee. ~~He~~ He coaxed me into coming over and hitting the detainee. I went over and thumped the detainee on the head very lightly, which made ~~me~~ laugh and call me a pussy. I can't begin to express how bad I felt for only that. That is when I went back to my cot for good. Roughly fifteen minutes later, 27 called for 21 and 23 to come and escort him to the open area behind Camp Marlboro. We escorted 27 and the detainee out to an abandoned building where the detainee would be stripped and later released. I myself was driving 21 at the time, and when we arrived at the building, I exited the truck and pulled security. I do not know who made the call to strip the detainee, but I do know that ~~and~~ and were in the building with the detainee. If there was someone else in the building, it is not to my knowledge. Once the detainee was released, we all went back to the warehouse.

On another occasion, which occurred several weeks after the first incident, three trucks (21, 22, 27) left camp Marlboro to explode several UXOs at the Dragon ASP. When returning from the ASP, one of our trucks again sighted a couple of looters. We then began to chase them. The looters managed to escape safely, but ~~and~~ decided to stop and investigate further. At the time, I was driving 21, and upon stopping I got out and pulled security. Several minutes later, I walked to the back of my truck and witnessed, ~~and~~ and destroying a truck. They were breaking the windshield and mirrors, slashing the tires, and ripping wires out from under the hood. At the time, I had no idea why

CORR-101, did 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

001466

b(6), b(3)

STATEMENT OF _____ TAKEN AT Camp Marlboro DATED 8-8-03

9. STATEMENT (Continued)

they were doing this. My thoughts were that they had lost their minds. Several minutes later, we mounted back on to our trucks and drove across the street. Again _____ and _____ s dismantled to further investigate the stolen wire. I again pulled security for 21. _____ y and _____ I went to a nearby home and took from the owner a cooler and a burlap tarp of some sort. They then came to my truck and took my 5 gal. can of fuel, which they used to burn the cooler and the bag. It wasn't until we had returned to the warehouse at Camp Marlboro that I ~~was~~ was informed as to why they had done these seemingly uncivil acts. Apparently, the truck which they had destroyed was carrying wire in the back, The cooler contained fuel which the thieves used to burn the wire, and the tarp is what the thieves used to hide the wire. After this incident, no other incidents took place to my knowledge.

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, did 9 Nov 01

AFFIDAVIT

_____, 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.

WITNESSES:

 ORGANIZATION OR ADDRESS _____

 ORGANIZATION OR ADDRESS _____

 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of August, 2003 at Camp Marlboro, Eschscholtz Army

 (Signature of Person Administering Oath)

 (Typed Name of Person Administering Oath)

156
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b(6), b(3)

AFZX-CB

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Transmittal of Court-Martial Charges in the case of [REDACTED]

1. The attached court-martial charges against [REDACTED] have been reviewed. The specifications allege offenses under the Uniform Code of Military Justice and are supported by the evidence attached. The charges are forwarded in accordance with R.C.M. 403, MCM (2002), for appropriate disposition.

2. I recommend:

a. Trial by Summary Court-Martial, Special Court-Martial, Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or General Court-Martial.

b. Nonjudicial punishment under Art. 15.

c. Nonpunitive administrative action. Relief of duties for cause, Letter of concern/nonpunitive reprimand, or Administrative discharge proceedings.

d. That no action be taken at this time.

[REDACTED]

3 Encls

- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

A consult into Redacted IAW Sec of Def Memo 01-
CORR-101, did 9 Nov 01

001468

b(3) b(6)

AFZX-C-CO

10 DEC 2003

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE 09324

SUBJECT: Transmittal of Court-Martial Charges in the case of [REDACTED]

1. The attached court-martial charges against [REDACTED] have been reviewed. The specifications allege offenses under the Uniform Code of Military Justice and are supported by the evidence attached. The charges are forwarded in accordance with R.C.M. 404, MCM (2002), for appropriate disposition.

2. I recommend:

a. _____ Trial by Summary Court-Martial, Special Court-Martial, Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or General Court-Martial.

b. _____ Nonjudicial punishment under Art. 15.

c. _____ Nonpunitive administrative action. Relief of duties for cause, Letter of concern/nonpunitive reprimand, or Administrative discharge proceedings.

d. _____ That no action be taken at this time [REDACTED]

3 Encls

- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001469

AFZX-CB-EN

b(6), b(3)

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Transmittal of Court-Martial Charges in the case of Sergeant First Class [Name Redacted] for [Charge Redacted]

1. The attached court-martial charges against [Name Redacted] have been reviewed and are forwarded in accordance with R.C.M. 401, MCM (2002), for appropriate disposition.
2. Summaries of expected testimony and documentary evidence upon which the charges are based are attached.
3. All material witnesses are expected to be available at the time of trial.
4. Personal data of the accused is attached as a copy of the accused's Enlisted Record Brief.
5. The following additional personal data of the accused is provided:
 - a. Number of dependents in command: Two.
 - b. Previous disciplinary actions: None.
6. There is no record of prior court-martial convictions.
7. The soldier is not currently pending separation action under the provisions of AR 635-200.
8. I recommend:
 - a. Trial by Summary Court-Martial, Special Court-Martial, Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or General Court-Martial.
 - b. Nonjudicial punishment under Art. 15.
 - c. Nonpunitive administrative action. Relief of duties for cause, Letter of concern/nonpunitive reprimand, or Administrative discharge proceedings.
 - d. That no action be taken at this time.

3 Encls

1. Charge Sheet
2. Allied Papers
3. Enlisted Record Brief

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

001470

b(6), b(3)

From: [Redacted]
Sent: Monday, January 05, 2004 5:26 PM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

ATTORNEY WORK PRODUCT

here's my charging suggestion based on my review of the 15-6 investigation:

VIOLATION OF THE UCMJ, ARTICLE 92:

SPECIFICATION 1: In that [Redacted], U.S. Army, at or near Baghdad, Iraq, between 15 January 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully directed his soldiers to strip all clothing from a detainee, a person whose name is unknown, and release said detainee naked in public, when it was his duty not to do so.

SPECIFICATION 2: In that [Redacted], U.S. Army, at or near Baghdad, Iraq, between 15 January 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to process through the Civilian Military Operations Center (CMOC), a detainee in his custody, a person whose name is unknown, when it was his duty to do so.

Have you dismissed / withdrawn the 6 DEC 03 charges without prejudice? I'll need a copy of that for the file, please.

Please let me know when [Redacted] is done with [Redacted] CH 10. Got a cohiba with your name on it up here when you come up.

Thx.
v/r,

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

b(6), b(3)

CHARGE SHEET

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	
			a. INITIAL DATE	b. TERM
			1 Jan 00	10 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$		\$		None.
				N/A

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 134.

SPECIFICATION 1: In that _____, U.S. Army, did, at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, wrongfully solicit _____ to commit an assault consummated by battery against a detainee by unlawfully shocking the detainee with a blasting device.

(26 DEC 03) SPECIFICATION 2: In that _____, U.S. Army, did, at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, wrongfully solicit _____ to maltreat an Iraqi detainee by ordering _____ to strip the detainee of his clothing.

(26 DEC 03) SPECIFICATION 3: In that _____, U.S. Army, did, at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, wrongfully maltreat two Iraqi detainees by stripping them of their clothing.

(26 DEC 03) CHARGE II: VIOLATION OF (See continuation sheet) THE UCMJ, Article 93.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
d. SIGNATURE OF ACCUSER	e. DATE	
	06 DEC 2003	

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 _____, _____, 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

Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer)

Signature

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

b(6), b(3)

12.

On 07 DEC, 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

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1335 hours, 7 Dec, 2003 at _____
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ _____

Typed Name of Officer

Official Capacity or Officer Signing

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: _____

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

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.

ORIGINAL INTO RECALLED LAW Sec 01 Det Memo 01 -
CORR-101, dtd 9 Nov 01

b(6), b(3)

Item 10, continued:

CHARGE III VIOLATION OF THE UCMJ, ARTICLE, 92. (

26 DEC 03)

SPECIFICATION 1: In that _____, U.S. Army, who knew or should have known of his duties at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to prevent _____ from committing assault consummated by battery, as it was his duty to do. *Assaulting a detainee in custody, a person whose name is unknown.*

SPECIFICATION 2: In that _____, U.S. Army, who knew or should have known of his duties at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to prevent _____ from committing assault consummated by battery, as it was his duty to do. *Assaulting a detainee in custody, a person whose name is unknown.*

CHARGE IV VIOLATION OF THE UCMJ, ARTICLE, 128. (

26 DEC 03)

THE SPECIFICATION: In that _____, U.S. Army, did, at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, unlawfully strike a detainee, *A person whose name is unknown.*

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
2.



b(6)
b(3)

AFZX-C-CO

4 September 2003

MEMORANDUM FOR
09322

APO AE

SUBJECT: Recommendations for Action Regarding AR 15-6 Investigation

1. I have reviewed the AR 15-6 investigation into detainee abuse by soldiers in the
I concur with the investigating officer's findings.
2. Based upon this investigation, I have recommended that the
use for maltreating detainees.
3. In accordance with your recommendations, I am returning full authority to you to discipline
I in a manner that you believe is appropriate.
4. Finally, I am concerned that soldiers from the
did not understand the Rules of Engagement for handling detainees and for using deadly force against intruders within your base camp. I direct you to evaluate your subordinates' understanding of the Rules of Engagement. Based upon your review, you may want to consider additional training on the Rules of Engagement and the law of war.

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

001475



DEPARTMENT OF THE ARMY

AFU AE 07322

b(6), b(3)

REPLY TO
ATTENTION OF:

AFZX-C-JA

28 AUG 2003

MEMORANDUM FOR RECORD

SUBJECT: Chain of command recommendation of relief for cause of

1. On 28 AUG 2003, the soldier's recommended that _____ be relieved for cause.
2. On 28 AUG 2003, the soldier's recommended that _____ be relieved for cause.
3. On 28 AUG 2003, the soldier's that _____ be relieved for cause. _____, recommended
4. POC is the undersigned at _____

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001476

b(6), b(3)



DEPARTMENT OF THE ARMY



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR

T

SUBJECT: Response to 15-6 Investigation

During Operation Scorpion Sting our whole platoon was attached to Eagle Troop. We assisted them in cleaning up the streets from copper wire in their sector. We spent two days doing that, and we would take at least 15 truck loads of copper wire to the back of the camp each day. About one week later, we got a call from Cougar x-ray to go link up with Eagle Troop to go pick up some copper wire. When we got there we loaded up the copper wire into our trailers, and headed back to the camp where we had put the copper wire from the week before. As we arrived at the camp we found that the copper wire we had put the copper wire the week prior.

We didn't catch them, so we headed back where everyone else was at. About 20 minutes later the platoon sergeant told the platoon sergeant that he wanted to go after them again. He said ok. When he got back from going after the looters, he came back with five detainees. We down loaded them and had them help the other two unload the trailers. I stayed at my truck because I was hurting from the heat. I also explained to my soldiers why we need to give the detainees water. Then, after we had them finish down loading the trailers, we took them to the CMOC.

That day I said they saw me shock a detainee. The statements were false, I did not shock a detainee. After I brought back the five detainees, I was on the 27 truck as a M249 gunner, I stayed at my truck like I did because he also was hurting from the heat. All of our trucks were about fifty feet apart at the site facing the opposite way from each other pulling security. I never once, that I saw, got off of the truck he was on to do anything. I never saw come around my truck after arriving back at Camp Marlboro. He was a prior heat injury so he really did not move out of his truck unless it benefited him. I feel that both have had it out for me sense they both got moved from my squad.

Periodically we would go in the back entrance of the camp to see if we could catch looters in the back of the camp. On two occasions we detained looters. The first time, we took them to the CMOC where we attempted to hand them over to Bulldog elements. Bulldog 6 told my platoon sergeant that he didn't want them here. Then he told my platoon sergeant to "take them out back and beat the fuck out of them." I thought he was serious because every sense we had crossed the berm, it appeared that he had it out for the Iraqi people. We took the detainees to a building in back of the camp, and a team leader in the platoon told the platoon sergeant if he wanted to teach them we should strip them and send them on their way. We could have shot them because they said that they were breaching the outer perimeter. At the time we were way beyond the outer perimeter. We didn't make the outer perimeter until the first week in August. The ROE was to only shoot when you felt your life or another soldier's life was threatened or when fired upon. The Bulldog element was shooting the looters I thought that was to extreme at the time. Therefore, the platoon sergeant didn't want to shoot them and that is why they got stripped.

July 3, 2003 was the day that I brought back a detainee to the warehouse where we lived. I don't now why he did that, or what he was thinking when he brought him back. That day we went to go get cokes for the 4th of July party at the camp. When we headed back to the camp we entered into the back gate because I believe the front gate was closed due to the threat con. As we entered the back gate, there were Iraqi people running from where the copper wire was at. As we started to chase them I got a flat tire, so my truck stopped and we waited for the other trucks. We headed back to the camp and I went to get the spare tire so my squad could fix the flat tire. When I came back I had pulled in with a detainee in the back of his truck. We unloaded him and put him next to the wall. The platoon sergeant sent everyone to chow sense it was about to be over. I said that he would watch him while we go to chow. The

Personal Info Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

001477

b(6), b(3)

two soldiers of mine also stayed back that day so they change the tire. When soldiers in the platoon found out that brought back the detainee they were going back there to take pictures. I told them to stop. I don't know what happen while I was at chow, but when we got done with chow we took the detainee to the CMOC. When you come in the way we enter into the building, you can not see to the other half of the warehouse due to a camo net up between were we parked our trucks and were we live. So when I came back I couldn't see if anything was happening around the trucks.

I don't understand why only two people in the platoon said they saw me do something I didn't do. Everyone else in the platoon said they didn't see me do any of those things.

I admit to participating in the stripping of an Iraqi national. I know this was wrong. I am sorry for this and am fully prepared to take responsibility for my actions and the consequences. I have not beat, kicked, or otherwise physically abused Iraqi nationals at any point in time during my time in theatre.

I have been in the Regiment for six of the seven years I have been in the Army. I deployed ahead of the Regiment with . Due in large part to my expertise in engineer operations and ability to make quick and sound judgments, I was selected as one of 10 engineers to accompany the squadron. My service to the country and Regiment is a source of great pride for me. I look forward to continuing to serve both as soon as possible.



Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

b(6), b(3)



DEPARTMENT OF THE ARMY
84th Combat Engineer Company, 2d Armored Cavalry Regiment
Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR

SUBJECT: Response to 15-6 Investigation

I have worked with [redacted] or approximately one year. During that year he served as the [redacted], performing well above the standards. When [redacted] received deployment orders, [redacted] I was chosen to deploy ahead of the rest of the [redacted] y. He was selected based on his knowledge on engineer task and his ability to make quick, sound decisions. These were characteristics needed to provide initial advice to the Squadron Commander and the TAC. [redacted] saved numerous lives of Iraqi citizens by destroying DPICM submunitions and other UXO's from neighborhoods in Iraq. He had always had the best interest of the locals in mind. The platoon started assisting Bulldog Company with looters on Camp Marlboro's "back 40" around mid June 2003. During this time [redacted] was involved with detaining several looters from the back 40. On one occasion, that I was present for, 3-4 looters were detained. We attempted to hand them off to Bulldog personnel and were told to take the looters out scare them, rough them up and release them. I return to our platoon AO and sent the others trucks out to release the looters. Just a day or two earlier a looter had been shot and killed on the back 40, therefor the [redacted] I made a decision to make the detainee strip. This was done to embarrass the looter so he would not return to be shot and possibly killed. The decision may not have been the right one politically, but was effective on saving the lives of those looters. [redacted] realizes that the wrong decision was made and is prepared to accept the consequences of his actions.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001479



DEPARTMENT OF THE ARMY



b(6) b(3)

AFZX-CB-EN

27 August 2003

MEMORANDUM FOR

SUBJECT: Response to 15-6 Investigation

During the first week of June 2003, we first detained looters from the back of Camp Marlboro. At the time we (EN 27, EN22) took the looters to the CMOC, they told us they could not take them at the time, and told us to take them out and scared them. I told my translator to tell the looters they are going to the jail. After we told them they are going to jail, we took them to their house next to Camp Marlboro, turned them over to their family, and witnessed the detainee's father beat them front of us. When I saw this, I told all my squad leaders when we detain any looters we will take them back to their family. The second time we detained looters, I took them back to their house located down an ally. I didn't feel comfortable going down the alleyway and I didn't want my platoon to get ambushed, so I decided that the next time we detained looters I wasn't going to take them back to their house.

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop off in the back of Camp Marlboro. We again detained looters from the back of Camp Marlboro. Instead of taking them to their house, I took them to the CMOC. At the time our ROE was not to shoot the looters. Only time we were authorized to shoot or kill anyone was when we felt our life or another soldiers' life was in danger, i.e.; someone is pointing weapon at you or get shoot at. That's what I understood about our ROE. It wasn't true because Bulldog element shot and killed one looter, and wounded at least two other people. When they shot and killed the looter, they put the dead body on the hood of a vehicle and took the body into Al-Thawra. When I took the looters from the back of Camp Marlboro I could have shot and killed them when they tried to run, but I didn't. I attempted to turn them over to Bulldog elements and let them take care of it. When I walked into the CMOC (same location as Bulldog TOC) I saw [redacted] and told him I have detained the looters for them. At that time [redacted] told me "just take them back and beat the fuck out of them". I was shocked at what he just told me to do. [redacted] as standing next to me and heard what was said. I walked out and told the squad leaders what [redacted] had just told me. I was going to just take them out of Camp Marlboro and release them. At that time [redacted] said, if you want to teach them a lesson, why don't you strip them and send them away. When [redacted] told me I really wasn't thinking about striping the looters, but while I was taking the looters to the back of the camp, I realize these looters will return and possibly be killed by Bulldog elements. I didn't want that to happen to them, so when we stopped at the back of Camp Marlboro there was an empty building we went to. I wanted to just release them but I feared that they would return. I made a bad decision and told [redacted] to strip the detainee. I know that it was not the right thing to do, but at the same time I wanted for the detainee to never want to return to our camp to steal. I never saw the same looters again after that striping.

On 3 July 2003 we had a mission to pick up sodas for the squadron 4th July party. When we were coming back from picking up the sodas we saw looters at the back of Camp Marlboro. We tried to detain them, but they got away. EN22 had a flat tire, so I told EN22, EN23 to return back to camp. When EN23 came in to our AO, [redacted] told me he had detained a looter after all. I told him we would just take him back later since dinner snow was almost ending. I told them to go to the chow, then we will take the looter back to the CMOC. [redacted] didn't want to eat so he stayed back and watched the detainee. After I returned from chow, I was sitting on my cot, [redacted] told me [redacted] was bouncing a soccer ball on the detainees' head. I went to the back of the AO and asked [redacted] what the hell he was doing and told him not to do that again. We took the detainee to the CMOC. When the entire platoon was back at our AO, I told them we would not abuse or miss treat detainees. When we do pick up any detainees in future we will just take them to the COMC.

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

b(6), b(3)

Around mid July 2003, while we were returning from the RTOC, I saw a person on the top of the telephone pole cutting wire. We stopped and detained them. I was with EN26, SIGO, when I detained the individuals and took them to the CMOC turning them over to Bulldog elements.

On 19 July 2003, we were going to the ASP. I saw a person pointing to a vehicle and copper wire on the sidewalk. It looked like someone stole the wire. I told EN21, EN22 to stop. When I walked up with my translator to try to find out where they got this copper wire, my translator told me it was stolen. I was trying to talk to the Iraqi citizen who owned the vehicle to find out where he got this wire from when he tried to push me or grab me. I felt like he was going for my weapon. I grabbed him and told my Driver to hand cuff him. While we were trying to put the handcuffs on, I heard gun shots coming from my left. I told [redacted] stay and cuff the detainee. When I walked over to the vicinity the gunshot came from, I saw a person with an AK-47 ready to shoot again. The individual was aiming at EN21, I fired 3 shots and took him down. When I walked over to the body, I saw that it was a female, she was trying to get to the AK-47 she dropped. [redacted] took the AK-47 and took her to Camp Marlboro. [redacted] gave the shooter first AID, and she lived. Later we found out, from our translator who escorted the women through the medical channels, that the woman's brother was the shooter. After he ran she thought he was shot and brought out another AK-47. I feel that if I had not taken the actions I did, that she would have shot and possibly killed members of my platoon who could not see her. I know that what I did was wrong, I made a bad judgement call on stripping the looters. I am ready to take responsibility for my action.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01



DEPARTMENT OF THE ARMY

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b(4), b(3)

AFZX-CB-EN

28 August 2003

MEMORANDUM FOR

SUBJECT: Response to 15-6 Investigation

was assigned to it about two weeks after I
 took over as the Platoon Leader. Since his first day, he has mentored and coached me to be a leader. His
 emphasis on taking care of the soldier and living the Army values has set a base for my development as an
 officer. During Operation Iraqi Freedom, has demonstrated his ability to react to any
 situation, ranging from helping a depressed soldier to calming upset citizens of Iraq. When the platoon
 started detaining looters, was the first to make sure they were treated right. He would give
 water to the thirsty and when informed of possible mistreatments, he talked to the platoon to make sure it
 would not happen. For a brief period looters were being shot when looter on the back of Camp Marlboro.
 When told to rough up, scare, and release detainees, felt it necessary to embarrass them to the
 point they would not return to loot and possibly get shot. His decision was to make he detainee strip and
 walk home nude. The decision may not have been the best, but it worked. is aware that he
 made a bad choice, but in that choice had saving the lives of the looters in his mind. He is a great asset to
 the platoon and should not be punished to the point of losing his position as

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Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001482

ITS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>Camp Mainhoro Bahigdad Iraq</i>	2. DATE <i>8 Aug 2003</i>	3. TIME <i>1130 hrs</i>	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

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: *Debauchery Abuse*

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)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

5. TYPED NAME OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

SPI LLC, AUSA 1/2 FCIR

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

01-CORR. 101, 11/11/03, 9/11/03, 01
 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.

001483

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>Camp Marlboro Baghdad Iraq</i>	2. DATE <i>8 Aug 03</i>	3. TIME <i>1225</i>	4. FILE NO.
5.	8. ORGANIZATION OR ADDRESS <i>...</i>		
6. SSN	7. GRADE/STATUS		

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

accused: *Detainee Abuse*

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

SPI PCI, HHI, 1/2 ACC

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

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

001484

RIGHTS WARNING PROCEDURE/WAIVER CERTIF.

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

b(6), b(3)

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 Camp Marlboro, Baghdad, Iraq	2. DATE 8-8-03	3. TIME 12:56	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: **Detainee Abuse**

Before she asked me any questions about the offense(s), however, 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
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

SPI PLI, HHT 1/2 AC17

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

Personal Info Redacted IAW Sec of Dec Memo 01-CORR-101, dtd 9 Nov 01

Index of all Exhibits

b(6), b(3)

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E
- Exhibit F
- Exhibit G
- Exhibit H
- Exhibit I
- Exhibit J
- Exhibit K
- Exhibit L
- Exhibit M
- Exhibit N
- Exhibit O
- Exhibit P
- Exhibit Q
- Exhibit R
- Exhibit S
- Exhibit T
- Exhibit U
- Exhibit V
- Exhibit W
- Exhibit X
- Exhibit Y
- Exhibit Z
- Exhibit AA

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

b(6), b(3)

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: CAMP DRAGON, BAGHDAD IRAQ
2. DATE (YYYYMMDD): 2003 07 28
3. TIME: 1930
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] S
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

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

ON 19 JULY It was brought to my attention that a soldier under my command had went to the Chaplin reference the possible mis-treatment of Iraqi civilians. Upon finding this out, I went to the Chaplin () and received the information that was brought to his attention. Upon hearing the possible allegations I went to the Platoon Leader & Sergeant to get an initial read. They both said they had heard rumors or talk but knew nothing. I then talked with a couple of soldiers. [redacted] was the soldier that went to the Chaplin and he confirmed what the Chaplin had told me. He said that the platoon had stripped an Iraqi civilian, shocked an Iraqi civilian with an M34 blasting device and ragged a civilian up in their A&O. I also talked with [redacted] who stated that the platoon provoked a lot of things and both soldiers stated the platoon was doing things they should not be doing. The following day, 20 JULY 03, I had the [redacted] and [redacted] come to my location. I then began asking them questions reference the proposed allegations. I also spoke with all [redacted]. Upon my questioning I gathered the following information. To the best of my knowledge all incidents happened in the absence of the PL. He stated he had no knowledge and had heard some talk but had not seen any of the above stated incidences. After initial questioning [redacted] admitted to being present for all and directing the stripping of one individual. [redacted] seems to have been present for all and took part in the stripping and shocking incident. [redacted] admitted to being present but had no direct involvement. [redacted] also admitted to being present but had no direct involvement. Upon questioning other soldiers to the best of my knowledge I believe it is true. So from the

10. EXHIBIT: A
11. INITIALS OF PERSON MAKING STATEMENT: X-
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.

Personal Info Redacted IAW Sec of Dec Memo 01- CORR-101, dtd 9 Nov 01

001487

b(6), b(3)

STATEMENT OF

TAKEN AT

DATED 28 July 2003

9. STATEMENT (Continued)

information that I gathered the stripping incident happened twice, there was one shocking incident and one possible roughing up incident. With all soldiers questioned only one mentioned the roughing up, and one admitted seeing it (a ... in). The NCO's present / accused said they performed these acts as a means to teach them a lesson by not stealing wire and not shooting them. Upon questioning all NCO's and officers I ... read them their rights. Soldiers were not read their rights hence with the reason for only mentioning two names. I am unclear on the total number of incidences. It may be three separate but to my knowledge I believe it to be three incidents / allegations and only two individuals. Prior to this incident the NCO's in question had all my confidence and support. To see they were good NCO's and possibly went to far and took on more of a situation than they should have. NOTHING FOLLOWS

CORR-101, did 9 Nov 01

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 28th day of July, 2003 at Regimental TOC, Regimental, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

AK 15-6 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b(6), b(3)

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 Baghdad
2. DATE (YYYYMMDD) 20030728
3. TIME 20:50
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

On or about 2 weeks prior to the 4th of July I witnessed acts against an Iraqi civilian that I feel along with other soldiers felt was wrong. 3 of the platoons trucks had gone on a mission to buy drinks for the 4th of July (trucks 27, 23, 22). On the way back from the mission they went through the back forty to look for looters. One Iraqi boy was apprehended (between 16 + 18 years old) and brought back to Camp Marlboro. Instead of taking him to be turned in the Plt Sgt called the truck with the prisoner and told them to go directly to the Warehouse with out dropping off the prisoner. The translator was dropped off at the translator office and they all met at the warehouse. While everyone was unloading the drinks the prisoner was taken off the truck and leaned up against the wall. The Plt Sgt walked up and asked the prisoner if he wanted water then proceeded to pour water all over the prisoner. Then [redacted] took a blasting machine and shocked the prisoner on his feet & neck while he was in zip cuffs. I then left the area and told [redacted] what was happening. He went to the Plt Sgt and told him that it was not right. I returned to the warehouse about 1 hour

10. EXHIBIT B
11. INITIALS OF PERSON MAKING STATEMENT
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 BE INDICATED.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001489

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED 28 July 05

9. STATEMENT (Continued) and 20 minutes later. They loaded the prisoner on the Plt Sgt's truck and 21, 27, and 22 visitors left the camp with the prisoner and went back to the back side of Camp Marlboro. There the prisoner was taken off the truck and taken into a building. While he was inside I could not see him at first but heard lots of yelling. Then I could see him and watched as they stripped him of his clothing. They made him start walking away naked and then sprayed pepper spray on his clothing that was all in the building. Then they said that will surprise him if he comes back to get his clothes. Then I returned to the trucks and we all returned to Camp Marlboro. For speaking up he was talked badly about behind his back by most of the platoon and was not allowed to go out on missions with the Plt Sgt unless there was no other option.

PERSONAL INFO Redacted LAW Sec of Dec Memo 01 -
CORR-101, dtd 9 Nov 01

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:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of July 2005 at Regimental Troop Baghdad, Iraq

(Administering Oath)

(Typed Name of Person Administering Oath)

AR-15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: _____ PAGE 2 OF 2 PAGES

001490

b(6), b(3)

SWORN STATEMENT

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

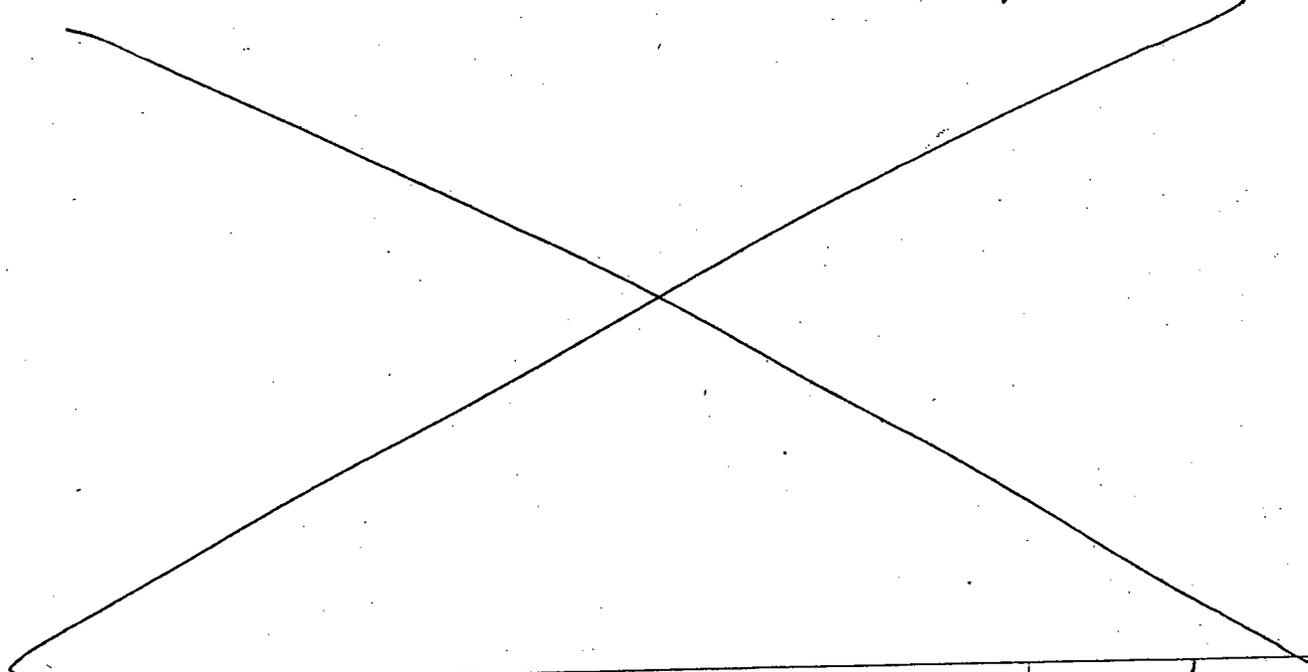
PRIVACY ACT STATEMENT

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>Baghdad</i>	2. DATE (YYYYMMDD) <i>20030728</i>	3. TIME <i>21:30</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME.	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS <i>IP</i>			

9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

A few days after July 4th at about 1500hrs I came to me and said you wont believe what I saw. I said what he told me that they had caught an Iraqi stealing. He told me that they had taken a 9 millimeter pistol and hit him with it and knocked him unconscious and left him there bleeding and in zip cutoffs. Then _____ walked up to me and told me the same thing and that he had watched it happen.



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>1</u> PAGES
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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.

Personal Info Redacted IAW Sec of Dec Memo 01-CORR-101, did 9 Nov 01

001491

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of July, 2003 at Regiment FOR Beahol, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

b(6), b(3)

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: Camp Marlboro, Baghdad Iraq
2. DATE (YYYYMMDD): 20030729
3. TIME: 1730
4. FILE NUMBER
5.
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about 15 Jul 03 I was approach by ... concerning treatment of Iraqi detainees. It was brought to my attention that one of my soldiers approach him and told of mistreatment of the Iraqis. Upon hearing this information I went to my platoon sergeant and informed him that there are rumors of mistreatment of detainees, and that if it is happening it needs to stop. I acknowledged and said it is not happening and won't happen. Through the initial investigation by ... I found out that since approx 2 weeks prior to myself talking to ... that all detainees were detained and taken directly to Bulldog X-Ray at Camp Marlboro. The allegations brought to my attention by ... were: forcing detainees to strip, shocking with a blasting machine, and excessive beating. I personally was unaware of these types of actions if they were occurring. I was with ... and another squad while detaining 3 or 4 individuals on approx 2nd or 3rd week of June. During this process, the Iraqis were flex buffed and put into the truck, they were then taken to Bulldog X-Ray at Camp Marlboro to be handed off to Bulldog Battery. Upon arriving, the mother of one of the boys came to the camp and her son left in her custody. We were then instructed that nothing could be done right then, so our choices were to leave the detainees in the holding cell at Camp Marlboro or take them out, drive around and release them. We chose to take them out + release the detainees. I stayed at Camp Marlboro and sent my other 2 squads out to release the detainees. I am aware of one instance of a detainee being brought to our warehouse. My second squad vehicle had a flat tire, so while the tire was being fixed my platoon sergeant drove back to the warehouse with the detainee in the back. One of the soldiers in the back had bounced a soccer ball off the detainees head, ... and told him he did not like the way the Iraqi was being treated. Since that talk ... made sure no Iraqis were mistreated again. I am not aware of any shocking with a blasting machine. I have talked with my soldiers and no individuals have seen or done this action. I have heard the possibility of 2 Iraqis being forced to strip + walkhome, but have not seen this. - Nothing Follows -

10. EXHIBIT: C
11. INITIALS OF PERSON MAKING STATEMENT
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.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, did 9 Nov 01

001493

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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Personal Info Redacted IAW Sec of Dec Memo 01-CORR-101, did 9 Nov 01

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 29th day of July, 2003 at Camp Harbano, Bantol, Ilog

ORGANIZATION OR ADDRESS

(Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b(6), b(3)

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 Camp Marlboro Baghdad Iraq
2. DATE (YYYYMMDD) 20080629
3. TIME 2010
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9.

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Before the 4th of July my PI+ was called to pick up a bunch of copper wire from Eagle troops sector. We came back to camp Marlboro to the back 40 and saw a bunch of looters. We chased them on foot to route across one of them was making fun of us as he ran away. We got back to our vehicles and our PSG had 2 detainees the looter started to come back so my squad dropped a trailer and went out to the area. At that time we caught 2 more looters. We brought them back and told we one of the detainees was the one making fun of us. They took him off the truck took him to the front of their truck and roughed him up. Put their foot in his chest. I saw a soldier shoot him with a blastus machine. We went back and dropped them off at the CMO. When we got back the PSG asked me if it bothered me and I said yes. The second occasion we picked up looters at the same place. We then drove to a building near the back 40 they pulled the chags out of the truck and the and a few others took them inside. I was sitting in my Humvee and I saw one chagi run out naked. about 3 min later the other one came out naked. The third incident we caught one looter and took him to the same place. I did not see him come out. I did see them come out with his clothes.

10. EXHIBIT D
11. INITIALS OF PERSON MAKING STATEMENT
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.

Personal Info Redacted IAW Sec of Def Memo 01- CORR-101, dtd 9 Nov 01

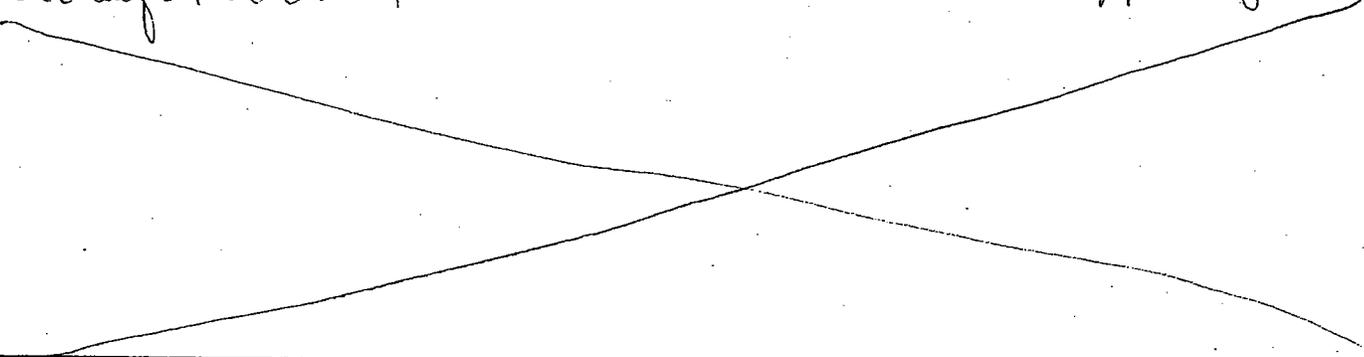
001495

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED 29 July 2003

9. STATEMENT (Continued)

The final incident I was present for we caught one doctor brought him back to camp members I asked the P56 what he wanted to do with him. He told me to bring him to the warehouse. When we got there I went out the front to use the latrine. I stayed outside for about 10 min. When I walked back in _____ came out and told me they were all going to hell. I walked to the back and saw _____ throw a soccer ball off the chagis head. I told him to stop and pulled the P56 off to the side and told him what had happened was wrong. He told me that they would tear it down. A day or so later he told me it wouldn't happen again.



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.

X _____
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of July, 2003 at Camo Harbor, Bougainville, Irag.

(Signature of Person Administering Oath)

(Typed Name of person Administering Oath)
15-C
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Personal Info Redacted LAW Sec of Dec Memo 01 -
CORR-101, did 9 Nov 01

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

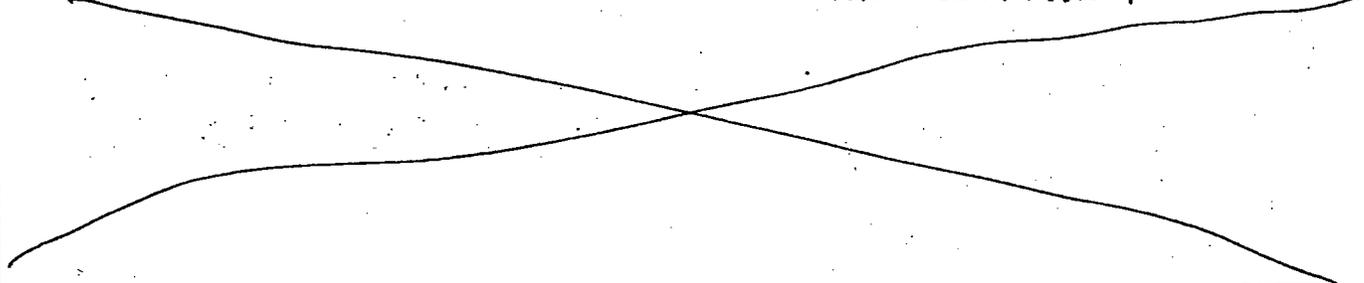
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION: CAMP MARLBORO
2. DATE (YYYYMMDD): 20030729
3. TIME: 2110
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We arrested 2 IRAQI LOOTERS RUNNING FROM INSIDE THE SPOT WHERE THE SQUADRON WAS KEEPING THE STOLEN COPPER. I WAS KIND OF SUPRISED THAT THEY WERE NOT SHOT BEFORE THEY MADE THEIR WAY TO US. THE DAY BEFORE THE GUARD TOWER SHOT A LOTTER AND KILLED HIM AND TO OUR UNDERSTANDING THE ROE WAS CHANGED TO SHOOT THE LOOTERS. AFTER THE ARREST WE BROUGHT THEM TO AN ABANDONED HOUSE BEHIND CAMP MARLBORO. THAT IS WHEN THE IRAQIS WERE BROUGHT INTO THE HOUSE. I HAD MY RESPONSIBILITY OF MY SECTOR OF FIRE ON THE GUN SO I HAVE NO KNOWLEDGE OF WHAT HAPPENED IN THE HOUSE. AFTER A SHORT TIME THE LOOTERS RAN, ONE AFTER THE OTHER, NUDE ACROSS THE STREET TO ANOTHER HOUSE.

EN23 BROUGHT WHAT SEEMED TO BE A LOOTER BY BACK TO THE PLATOON AO FOR A REASON I DID NOT KNOW. IT WAS MY DAY OFF SO I WAS WASHING CLOTHES AND JUST SEEN THE TRUCK PULL IN. I WALKED OUTSIDE TO WASH CLOTHES AND UPON MY RETURN THE LOOTER WAS ON BACK OF ONE OF THE TRUCKS AND THE PLATOON LEFT FOR THEIR MISSION.



10. EXHIBIT: E
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.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001497

b(6), b(3)

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: Camp Marlboro
2. DATE (YYYYMMDD): 030730
3. TIME: 15:55
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Prior to the 4th of July, EN22, EN23, EN27 seen looters. We detained 1 of them. We then went behind Camp Marlboro. They believe then stripped the Iraqi of his clothes. While this was going on I was on EN23 pulling security on the .50 cal. Then I seen the Iraqi run out of the building. Then we left and came back to Camp Marlboro.

Did you see the Iraqi run out of the Building and past your truck naked?

yes

10. EXHIBIT: F
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.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001499

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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CORR-101, dtd 9 Nov 01

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 30th day of July, 2003 at Camp Marlboro, Bedford, Mass

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

X

PAGE X OF X PAGES

001500

SWORN STATEMENT

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

b(6), b(3)

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 Camp Marlboro
2. DATE (YYYYMMDD) 20030830
3. TIME 1710
4. FILE NUMBER
5. LAST NAME ME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

around the beginning of July a incident took place in our Wharehouse were EN 23 Brought in a Iraqi Civilian appartently for stealing and Me and [Name] was Changing the tire on Eng. 22 when they came in and took him out the back of the truck he was zip tied + blind folded with a SAND bag. When I looked up To see whats going on he was sitting against the wall and they were yelling at him for stealing an how bad it was. Then when we was finished with EN 22, us and EN 27 Brought the Iraqi to the building in the Back 40 and I got out To smoke a cigarette and then I seen the boy coming out without any clothes on, I just turn around and then we loaded back into vehicles and came back to the wharehouse.

CORR-101, dtd 9 Nov 01

10. EXHIBIT G
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.

001501

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

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[Signature]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at Camp Mariboro Beckham, Pa

[Signature]
(Signature of Person Administering Oath)

[Name]
(Typed Name of Person Administering Oath)

15-C
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V1.00 Redacted LAW Sec of Dec Memo 01 - CORR-101, did 9 Nov 01

SWORN STATEMENT

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

b(4), b(3)

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 CAMP MARLBORO, BAHADO IRAQ	2. DATE (YYYYMMDD) 20030730	3. TIME 1750	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The day a detained Iraqi prisoner was brought back to our AOI took my Humvee to the repair bay to fix a flat tire. When I returned we loaded him up and took him back to the C-MOC. The trucks were EN22, EN27, EN03.

10. EXHIBIT H	11. INITIALS OF PERSON MAKING STATEMENT X	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____
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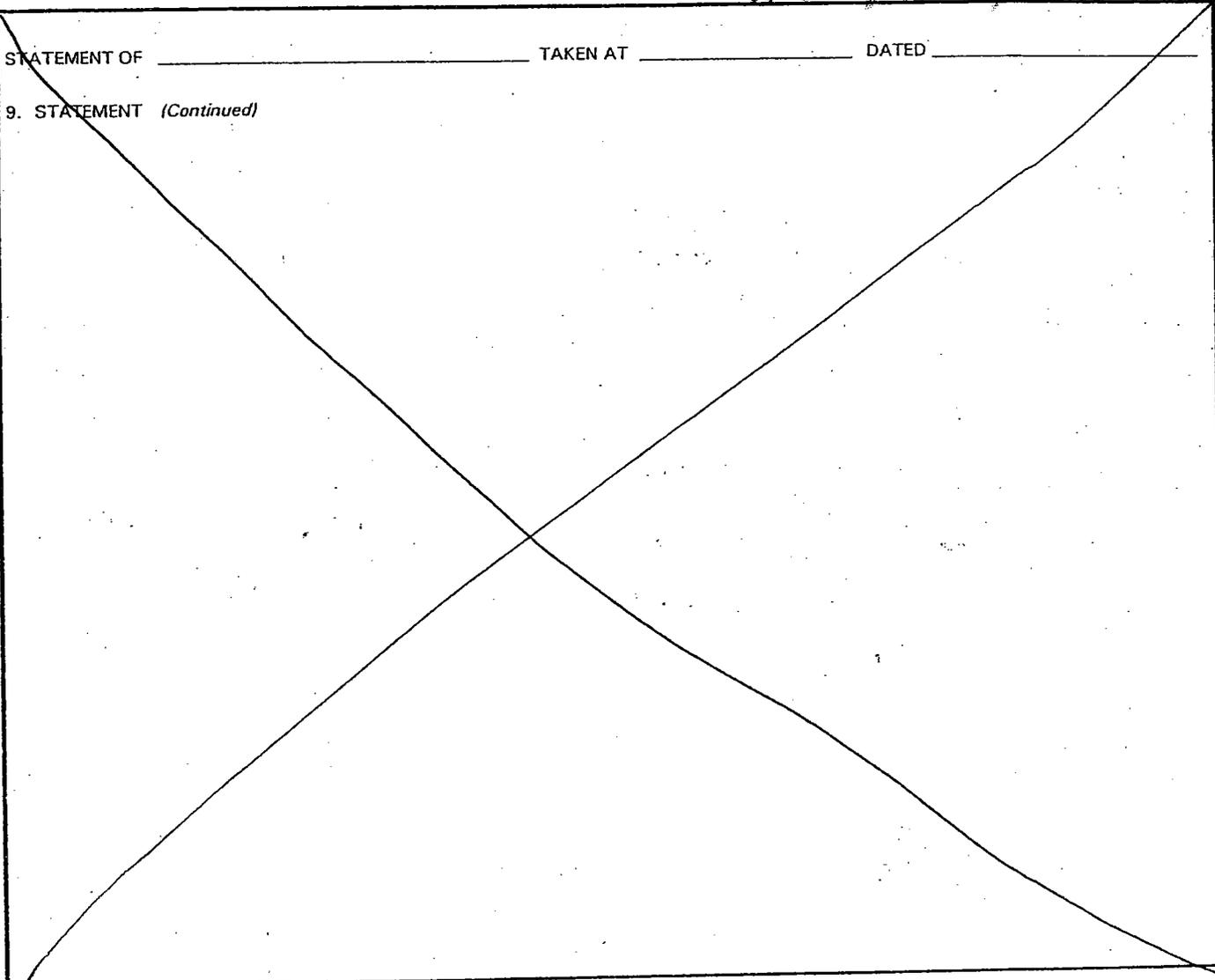
Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

001503

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



Personal Info Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July, 2003 at Camp Marlboro, Bealefield, JROC

WITNESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

WITNESS

ORGANIZATION OR ADDRESS

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

b(6), b(3)

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>Camp Marlboro Baghdad Iraq</i>	2. DATE (YYYYMMDD) <i>20030730</i>	3. TIME <i>1845</i>	4. FILE NUMBER
5. GRADE/STATUS	6. SSN	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I ~~was~~ was gunner of 27. '5 Trucks were coming to the back gate when we saw looters stealing copper wire. We chased down 3 looters and detained them. also caught 3 looters and brought them to our location, then got put on perimeter guard. We were making the looters unload wire. I was told to go check and make sure they were unloading wire. As I passed by truck I saw him shoot a looter with the M-34 blasting machine. The day I was moved from the squad that night. held a mtg meeting and said that if anything came down from what I said he and I could take full blame for everything.

~~on a lot~~
At week or so earlier we 27 & 22 caught ^{an} two kids looting and took them to the back yard and took them inside the building and took all their clothes and made them run home with no clothes.

Personal Info Redacted IAW Sec of Dec Memo 01-CORR-101, dtd 9 Nov 01

10. EXHIBIT <i>I</i>	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <i>1</i> PAGES
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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.

001505

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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.

(Signature of person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at Camp Harborside, Bechtold, Ind.

WITNESSES:

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001506

b(6), b(3)

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>Camp Marlboro Baghdad Iraq</i>	2. DATE (YYYYMMDD) <i>20030730</i>	3. TIME <i>2015</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS <i>4</i>	
8. ORGANIZATION OR ADDRESS			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That when the local was brought into our warehouse under flex cuffs w/a sand bag over his head to prevent a failure in security. Also that ... and ... stated that they were the ~~the~~ ones who were going to take ~~best~~ records the punishment due to ~~an~~ apparent ~~had~~ the fact that they were the highest ranking NCO's at the time brought up.

Nothing Follows

10. EXHIBIT

J

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.

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X, indicating redacted content.]

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

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.

(Signature of person making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at Camp Harbison, Georgetown, F.M.G.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001508

b(6), b(3)

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.

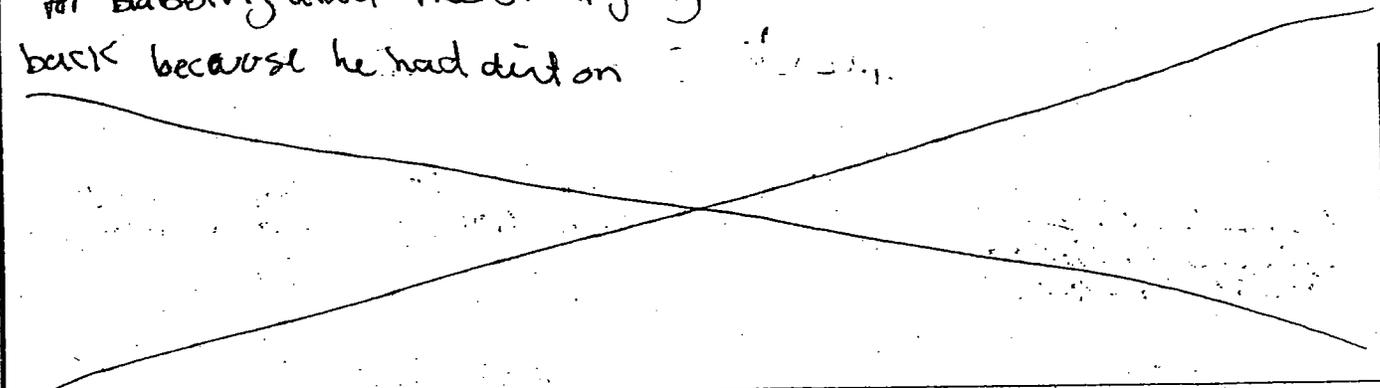
1. LOCATION <i>Camp Marlboro Baghdad, Iraq</i>	2. DATE (YYYYMMDD) <i>31 July 03</i>	3. TIME <i>1700</i>	4. FILE NUMBER
5. LAST NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

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

I saw 22, 23, + 27 come into the back of the warehouse with a 15 yr old Iraqi male. I proceeded to take him out of the truck and put him against the western side wall of the warehouse. They were whispering things in his ear while he was handcuffed + blindfolded. The PSG then told us to go to chow. Other people were unloading Bodas out of 23 but + I went to chow. When we came back, the blindfold was off, they were taking off the handcuffs because they were too tight, + they were getting ready to take the boy to either the CMOC or outside Camp Marlboro.

At a Platoon Meeting the PSG told us to not worry about the occurring situation, + he would take care of it.

In another meeting, he was telling us for blabbing about the sto if going on + that he would get him back because he had dirt on *... was a traitor*



10. EXHIBIT <i>K</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>+</i>	PAGE 1 OF <i>1</i> PAGES
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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.

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, did 9 Nov 01

001509

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[The main body of the page is crossed out with a large handwritten 'X' and contains faint, illegible text.]

CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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.

X _____
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of July, 2003 at Camp Marlboro, Baghdad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-C.
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001510

SWORN STATEMENT

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

b(6), b(7)

Personal Info Redacted IAW Sec of Def Memo 01-
COOR-101, dtd 9 Nov 01

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1993 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Marlboro, Baghdad, Iraq	2. DATE (YYYYMMDD) 200 30731	3. TIME 2130	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS

9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the month of June 2003, myself and other 2nd PI^t elements have captured and detained looters stealing or burning wire. The first few cases, we brought the looters back to Camp Marlboro and attempted to turn them in to Bulldog troop. We were told by Bulldog personnel that they didn't want to do anything because it was too much paperwork for such a small thing. They instructed us to take them out, drive around for a while, tell them they're going to jail, scare them, ruff them up, or whatever we wanted. We blindfolded them and drove around for about 1/2 hour, yelling at them and let them go. After the first couple cases, we stopped taking them to Bulldog. We would take them to an abandoned gas station, yell at them, make a lot of noise, banging on walls and a metal box. I was instructed my to remove their clothing, so I did so. We then took off the zip cuffs + blindfold and made them run down the street naked while we drove away. One case, we chased some looters and they ran through very ruff terrain and got away. When we returned to Camp Marlboro, I called [redacted] and said he had 1 prisoner he was going to drop off to Bulldog. [redacted] told him to hurry

10. EXHIBIT M	11. INITIALS OF PERSON MAKING STATEMENT [initials]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF _____ TAKEN AT Camp Marlboro DATED 31 July 2003

9. STATEMENT (Continued)

up and get back to the warehouse. A few minutes later, 23 pulled up with the prisoner still in the truck. I took the prisoner out of the truck, and made him sit against the wall. _____ told me to watch him while everyone was at dawn. The prisoner kept trying to get up and I ~~had~~ had to repeatedly push him back to sitting down. He was trying to show me his right hand. When I looked at it, it was turning purple and swelling, so I removed the Zip Raff that was on too tight and his blind fold. I then put a new ~~stuff~~ on him not so tight. He looked around and saw a soccerball near by. He said "Mr, football" I grabbed the ball and said, "You like football?" and bounced it off his forehead. _____ saw this and yelled at me. He then told _____ called me over, and yelled that what I did was wrong and that we can't do stuff like that. That night, I told everyone that we weren't going to take care of looters anymore and from that point on, we would just give them to Bulldog and let them handle it how they wanted. We've caught 2 Iraqi personnel stealing electricity since then, and they were taken straight to Bulldog. - NOTHING FOLLOWS -

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Personal Info Redacted IAW Sec of Def Memo 01- COOR-101, dtd 9 Nov 01

STATEMENT OF _____

TAKEN AT _____

b(6), b(3) DATED _____

9. STATEMENT (Continued)

[The main body of the statement is crossed out with a large handwritten 'X']

FEISUBJAI I1110 K5G0ACUCU LA W DEC 01 DE1 M21110 01 -
COOR-101, dtd 9 Nov 01

AFFIDAVIT

_____, 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of July, 2003 at Camp Herkboro, Brandon, Free

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

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 Camp Marlboro Baghdad Iraq	2. DATE (YYYYMMDD) 20030731	3. TIME 1940	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

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

Before the 4th of July, I can't ~~see~~ remember the exact date, but our truck 23 and the rest of the trucks except 26 went out to round up ~~looters~~ ^{looters}. We picked up 2 or 3 ~~looters~~ ^{looters} brought them back to the camp, but I guess the camp didn't want them. We then drove back out the gate to an open field with some buildings. Once we stopped I got out and pulled security. ~~We waited a little while~~ I guess some people got out and went into the building. I didn't see who exactly, but noticed that some people weren't in their trucks, only the people who ~~were~~ were out pulling security. Next thing I noticed 2 naked kids ran past my field of fire. Then we got in the trucks and left.

On another occasion when we were chasing looters we ended up picking up one looter. We took him to camp, but for some reason we didn't drop him off, he ended up driving back to the warehouse with us. Once back at the warehouse they took him out of the truck set him against the wall. Most of the platoon went to chow. ~~.....~~ went out to play volleyball with another unit.

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

Personal Info Redacted IAW Sec of Def Memo 01-COOR-101, dtd 9 Nov 01

001514

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area containing a large handwritten 'X' over the statement text]

FD-302 (REV. 11-27-2000)
CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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 _____.

WITNESSES:

ORGANIZATION OR ADDRESS _____

ORGANIZATION OR ADDRESS _____

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of July, 2003 at Camp Marlboro, Baguio, Free

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

IS-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001515

b(6), b(3)

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 [REDACTED]	6. SSN	7. GRADE (STATUS)	
8. ORGANIZATION OR ADDRESS			

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Did not see or do not know anything that happen

Nothing Follows

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

Personal Info Redacted IAW Sec of Def Memo 01- COOR-101, dtd 9 Nov 01

001516

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Redacted statement area]

Personal Info Redacted IAW Sec of Def Memo 01-COOR-101, dtd 9 Nov 01

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 _____

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION _____

ORGANIZATION OR ADDRESS _____

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July 2003 at Camp Marlboro, Bavaria, Iraq

(Typed Name of Person Administering Oath)
15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____ PAGE _____ OF _____ PAGES

001517

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Marlboro, Baghdad, Iraq
2. DATE (YYYYMMDD): 20030801
3. TIME: 1119
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6.
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

WARRANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During July 3rd 2003 we receive a mission to go buy sodas for the 4th of July events, the truck that we were chosen to go where 21, 22, 23 and 27. We got to the soda place and bought them then we returned back to camp on the way back we were told to police up the looters by Camp Marlboro we caught one and brought him back to the gate at the time we asked if we were to turn him in to the cimo somebody said to take him to the warehouse so we drove to the warehouse at the time I saw 51st signal playing volleyball and told he said to go ask for next game and come back to download sodas as soon as we stopped we got to the warehouse and parked I then went to the volleyball court and asked for next game and returned to download sodas when I came back the looter we caught was sitting down by the wall in between 26 and 22. We finished downloading sodas and we went to wait for the next game. During our play in the second

10. EXHIBIT: 0
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

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

b(6), b(3)

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

STATEMENT OF

TAKEN AT

Camp Marlboro

DATED

1 Aug 2003

9. STATEMENT (Continued)

... came and asked if any sodas fell off the truck because there was 10 cases of sodas missing. I said no and told him to count them again 2 minutes later. I told me to go and count them so I went to the rear of the warehouse and on the way in ... told me we were good it was a miss count I partially counted them and started to head out to play again on the way out I heard the Iraqi scream I then looked and caught a glance of our medic pouring water on him I left and started to play again. There was another incident that involved 2 naked guys. We had a mission which I can't fully remember what it was but it was a bullshit mission on our way back to camp we heard over the radio platoon net to go get some looters so we proceeded to go after them the truck I was in (23) we didn't get nobody because our driver was inexperienced when there were no looter left we followed the rest of the trucks (-27, 22,) to some shack our truck waited and everyone else dismounted some to smoke and others to do whatever they did. Well as we waited an Iraqi runner passed us naked I started laughing and ... did to about 5 min later another Iraqi stated running naked passed our truck again and that's all I saw and know about that incident.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V

Personal Info Redacted IAW Sec of Def Memo 01-COOR-101, dtd 9 Nov 01

DEPARTMENT OF THE ARMY

Commander's Report

b(6), b(3)

AFZX-CB-EN

MEMORANDUM FOR

SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

_____ I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

_____ I request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.

DATE: 25 Aug 2003

0900 hrs



CORR-101, dtd 9 Nov 01

001520

DEPARTMENT OF THE ARMY

b(6), b(3)

AFZX-CB-EN

MEMORANDUM FOR

SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

 I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

 2 I request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.

DATE: 25 Aug 2003
0910 hrs



Personal Info Redacted IAW Sec of Def Memo 01
CORR-101, dtd 9 Nov 01



DEPARTMENT OF THE ARMY
Headquarters, 2200 Wilson Road, Fort Belvoir, Illinois 62204-5000



b(6), b(3)

AFZX-C-CO

23 August 2003

MEMORANDUM FOR :

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. You mistreated Iraqi detainees who were under your control.

2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.

Encl.



Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

001522



b(6), b(3)

AFZX-C-CO

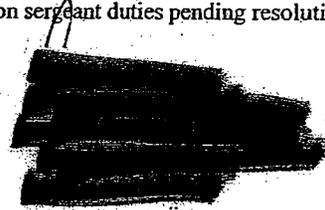
23 August 2003

MEMORANDUM FOR ...

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. While serving as the platoon sergeant, you mistreated Iraqi detainees who were under your control.
2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.
3. You are suspended from your platoon sergeant duties pending resolution of this matter.

Encl.



Personal Info Redacted IAW Sec of Def Memo 01.
CORR-101, dtd 9 Nov 01

001523

1477

AR 15-6 Investigation
Report - 2d Howitzer Battery,
2d ACK

(Redacted)

b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D SQUADRON, 2D ARMORED CAVALRY REGIMENT
UNIT # 92375
BAGHDAD, IRAQ APO AE 09322-2375

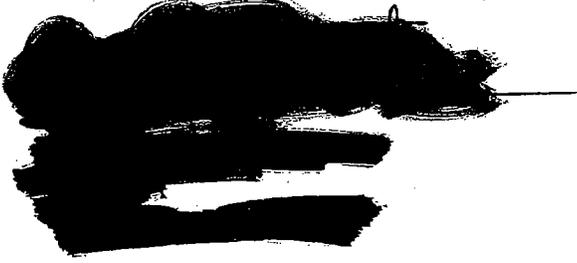
AFZX-CB-A

22 September 2003

MEMORANDUM FOR: 

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the alleged mistreatment of detainees by soldiers of 2d Howitzer Battery, 2d Armored Cavalry Regiment on or about 21 September 2003.
2. In your investigation, all witness statements will be sworn. From the evidence, you will assess the circumstances and events surrounding the incident.
3. Submit your findings and recommendations in four copies on DA Form 1574 to this headquarters, ATTN: AFZX-C-CO, within 7 days.



Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

b(6), b(3)

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] (Appointing authority)

on 22 SEP 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 Camp Marlboro, Baghdad, Iraq (Place) at 1045 (Time)

on 22 SEP 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.)

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 1850 (Time) on 22 SEP 03 (Date)

and completed findings and recommendations at 2200 (Time) on 22 SEP 03 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

Table with 3 columns: YES, NO, NA. Rows include: 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), c. Other correspondence with respondent or counsel, if any?, d. All other written communications to or from the appointing authority?, e. Privacy Act Statements (Certificate, if statement provided orally)?, f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?, g. Information as to sessions of a formal board not included on page 1 of this report?, h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

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.

001526

CORR-101, dtd 9 Nov 01

		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.				

001527

b(1), b(3)

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

The (investigating officer) (board), having carefully considered the evidence, finds:

The three detainees in the Squadron holding pen were punched and kicked at approximately 21 2330 SEP 03 by soldiers from HWB 2/2 ACR for several minutes. (Exhibit I, II, III, IV, V, XI, XII, XIII)

[REDACTED] kicked [REDACTED] several times. [REDACTED] was wearing a dasha and was being detained for forged passports. (Exhibit I, XII)

[REDACTED] hit [REDACTED] several times. [REDACTED] was wearing a white long sleeve shirt and was being detained for pointing a weapon at the tower and using children as a shield. (Exhibit II, XIII)

[REDACTED] hit [REDACTED] several times. [REDACTED] was wearing a read jersey and was being detained for possessing contraband ammunition. (Exhibit III, XI)

[REDACTED] allowed [REDACTED], and [REDACTED] access to the detainee holding area. (Exhibit IV, V)

[REDACTED] and [REDACTED] did not attempt to stop the attacks or report the incident. (Exhibit IV, V)

[REDACTED] acted alone. (Exhibit I, II, III)

[REDACTED] reported hearing screams from the detainee holding area while pulling guard on Tower 6. (Exhibit VIII, IX)

[REDACTED] investigated Tower 6's report to discover the beating incident. (Exhibit VIII)

[REDACTED] evaluated the three detainees and determined they had suffered bumps, bruises and abrasions, but no broken bones (Exhibit X)

[REDACTED] reported no direct knowledge of similar events within the Battery. (Exhibit I, II, III, IV, V)

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

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

The Appointing Authority consult with the Staff Judge Advocate about possible UCMJ action.

CORR-101, dtd 9 Nov 01

001528

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

b(6), b(3)

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.)

(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.)

001529

CORR-101, dtd 9 Nov 01

INDEX

b(6), b(3)

- Exhibit I [REDACTED]
- Exhibit II [REDACTED]
- Exhibit III [REDACTED]
- Exhibit IV [REDACTED]
- Exhibit V [REDACTED]
- Exhibit VI [REDACTED]
- Exhibit VII [REDACTED]
- Exhibit VIII [REDACTED]
- Exhibit IX [REDACTED]
- Exhibit X [REDACTED]
- Exhibit XI [REDACTED]
- Exhibit XII [REDACTED]
- Exhibit XIII [REDACTED]
- Exhibit XIV [REDACTED]

Personal Infor Redacted LA W Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(3)

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>CAMP MARLBORO</i>	2. DATE <i>22 SEP 03</i>	3. TIME <i>1715</i>	4. FILE NO.
5. NAME [REDACTED]	8. ORGANIZATION OR ADDRESS <i>CAMP MARLBORO</i>		
6. SSN	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 [REDACTED] 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.
- (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]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

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

CORR-101, did 9 Nov 01

SWORN STATEMENT

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

b(6), b(3)

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: Camp MARBUD
2. DATE (YYYYMMDD): 2003 09 22
3. TIME: 1800
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: [REDACTED]

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I Went back to the dogpound after shift and was informed about the prisoners. I was told one had a pistol at one of the towers and he was hiding behind kids with it. Another had a mortar pointed at the white house, The 3rd one was making passports for fediyem to go to the states. When I was told this I got really upset and [REDACTED] and 2 other soldiers walked to the chicken coop and told the 3 guys to stand up. Each guy walked over to each one of us and stood in our face. I didn't watch what the other 2 soldiers were doing but I know when I moved my foot to come closer my guy just fell down without even being touched. So I kicked him 4 or 5 times on his right arm and then I stopped and left. We were in the chicken coop 2 or 5 minutes and that is all that happen.
Q: WHICH DETAINEE DID YOU KICK?
A: The one that was doing the passports
Q: WHO INFORMED YOU OF THE PRISONERS THE DETAINEES WERE BEING HELD?
A: No answer
Q: WERE THERE "PLAIN CORDON" OR DID YOU ALL NATURALLY DECIDE TO GO TOGETHER?
A: We just all went down there together

CORR-101, dtd 9 Nov 01

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
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.

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT 1800 DATED 2250P03

9. STATEMENT (Continued)

Q: WHAT INSTRUCTIONS HAD YOU BEEN GIVEN WHILE SERVING AS THE DETAINEE GUARD?

A: To give food or water if needed and to make sure they don't get out of the coop [REDACTED]

Q: DO YOU THINK YOUR ACTIONS WERE APPROPRIATE GIVEN THE CIRCUMSTANCES?

A: In a way yes and no yes because I know 2 of those guys could have killed a lot of ~~the~~ soldiers and one could have made another attack on America. No, because I felt that I stepped out of line. [REDACTED]

Q: DO YOU HAVE ANYTHING TO ADD?

A: Yes, I think that ~~is~~ any American and soldier would have acted as I did and the other soldiers. For one I'm one of the guys that pulls guard on the tower around the camp all it would have taken is for one of us to come down from the tower and got shot by the guy hiding with the pistol behind kids. And just think of the soldiers that live in the white house if that guy would have shot the mortar round it would have killed hundreds of peoples friends and families. The guy who made passports to go to America, all I can think about is 9/11 and I knew anybody can't stand to see or know people that would try to do any of this to friends or family. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

CORR-101, did 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

b(6), b(3)

9. STATEMENT (Continued)

[Large redacted area]

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Sep 02 at THE CAMP MALL BOLD

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

AL B G
(Authority To Administer Oaths)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 3 OF 3 PAGES

USAPA V1.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>CAMP MARLBORO</i>	2. DATE <i>22 SEP 03</i>	3. TIME <i>1810</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>CAMP MARLBORO</i>		
6. SSN [REDACTED]	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 [REDACTED] 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.
- (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]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>CAMP MARLBORO</i>
b. ORGANIZATION OR ADDRESS AND PHONE		

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

CORR-101, dtd 9 Nov 01

b(6), b(3)

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: CAMP MARLBORO
2. DATE (YYYYMMDD): 2003 09 22
3. TIME: 1810
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

Around 2330 [redacted] returned from their shift at the Chicken Coupe, at which time we began discussing the detainees. The decision was made to return here and [redacted] the detainees. After walking down here I placed my weapon, camelback & Boonie cap down. I entered the Chicken Coupe where myself [redacted] & [redacted] separated the men asked a couple of questions getting no response [redacted] proceeded to hit the men. We only hit the men a few times due to their yelling & loud [redacted] behavior we stopped, got our belongings & left.

Q: DID YOU TALK TO ANY ONE [redacted] ABOUT THE [redacted] DETAINees WHILE AT THE CHICKEN COUPE?

A: Negative [redacted]

Q: WHICH DETAINees DID YOU HIT?

A: [redacted] pointing a weapon at the tower & using children as a shield. He was wearing a long sleeve white shirt & dark pants [redacted]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
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 BE INDICATED.

CORR-101, dtd 9 Nov 01

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT 1810 DATED 22 NOV 01

9. STATEMENT (Continued)

Q: WHAT INSTRUCTIONS HAVE YOU RECEIVED ON TREATMENT OF DETAINEES?

A: We have received a block of instructions saying the we must be in uniform (soft cap, water, weapon & magazine), call the COB. for anything that we may need (ie. water or food etc...), We usually are not to go into chicken coupe at all.

Q: DO YOU THINK YOUR ACTIONS WERE APPROPRIATE GIVEN THE CIRCUMSTANCES?

A: My actions were not appropriate, given that the men were in our custody & under investigation. I came to this conclusion after the fact.

Q: DO YOU KNOW OF ANY SIMILAR INSTANCES; EITHER FIRST HAND OR RUMORS?

A: Yes. I have heard several rumors, in our battery & other troops in our sqdn.

Q: DO HAVE ANYTHING TO ADD?

A: Yes. I have lost 2 battle buddies in less than 1 hr. I was particularly close to one of them. The thought of this man standing there w/ a weapon pointed at any of my fellow soldiers angered me. The idea of him using children intimidated me even more. So out of anger I struck him only a few times and told [REDACTED] to stop.

CORR-101, did 9 Nov 01

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large redacted area with a large scribble]

CORR-101, did 9 Nov 01

AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of SOP, 2003 at Camp Mazar Bour.

[Redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

[Redacted]

ORGANIZATION OR ADDRESS

AL 156
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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 CAMP MANABORO, BAGHDAD IRAQ	2. DATE 22G003	3. TIME 1850	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	CAMP MANABORO, BAGHDAD	

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 [REDACTED] 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.
- (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]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR CAMP MANABORO, BAGHDAD
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

CORR-101, did 9 Nov 01

111

001539

b(6), b(3)

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: Camp MarLBoro
2. DATE (YYYYMMDD): 20030922
3. TIME: 1900
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION/OR ADDRESS

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

I [redacted] had guard w/ [redacted] from 1900 to 2300 on 20030921. After getting off my guard point we went back to our sleep area, Not being there for more than minutes, we heard what the locals were detained for. Certain things caught my eyes, and to say the least I was very uncomfortable. One specific thing got me disturbed. One of the men was said to be around one of the towers, hiding behind kids, popping off shots at the soldiers! To be honest it's bad enough that someone is taking shots at you, but then you have a man, no I'm not even going to say a man, a coward hiding behind children. I have an 11 mo. old child and I just got to thinking about what if that was my child, or BC's child, anyone's. To say the least people would have had "fits." well, we were pretty hot at this point. ->

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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.

CORR-101, dtd 9 Nov 01

b(6), b(3)

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)

we really didn't even talk about going over to the "chicken coop." we didn't dwell on it for a second. One person said lets go over there and we went. we arrived at the "chicken coop" put our weapons and gear down so it was just "man on man." I told the three detainees to get up. We spread them out. I ask one of the men if he would fight. He had no answers. ~~we had the men~~ a couple of times and left the "chicken coop." We weren't really in there for... minutes, if that! We left on our own and proceeded back to the sleep area.

Q: WHO'S IDEA WAS IT TO GO TO THE CHICKEN COOP?

A: Not sure.

Q: WHICH DETAINEE DID YOU HIT AND HOW OFTEN?

A: ~~one~~ me the red T-shirt. A couple of times.

Q: WHAT INSTRUCTIONS DID YOU RECEIVE ABOUT CARE FOR THE DETAINEES?

A: Basically treat the detainees ~~the~~ w/ respect. No extra force.

Q: DO YOU THINK YOUR ACTIONS WERE APPROPRIATE GIVEN THE CIRCUMSTANCES?

A: At the time yes I did, No that I've had time to think with out a ~~the~~ question No.

Q: DO YOU KNOW OF ANY SIMILAR SITUATIONS OR HAVE YOU HEARD RUMORS OF SIMILAR INSTANCES?

A: ~~hears~~ Rumors about everything so yes. - Just Rumors.

Q: DO YOU HAVE ANYTHING YOU WOULD LIKE TO ADD?

A: I would just like to say, that my disition that Night might not have been the best one. I've been in the

CORR-101, dtd 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 3 PAGES

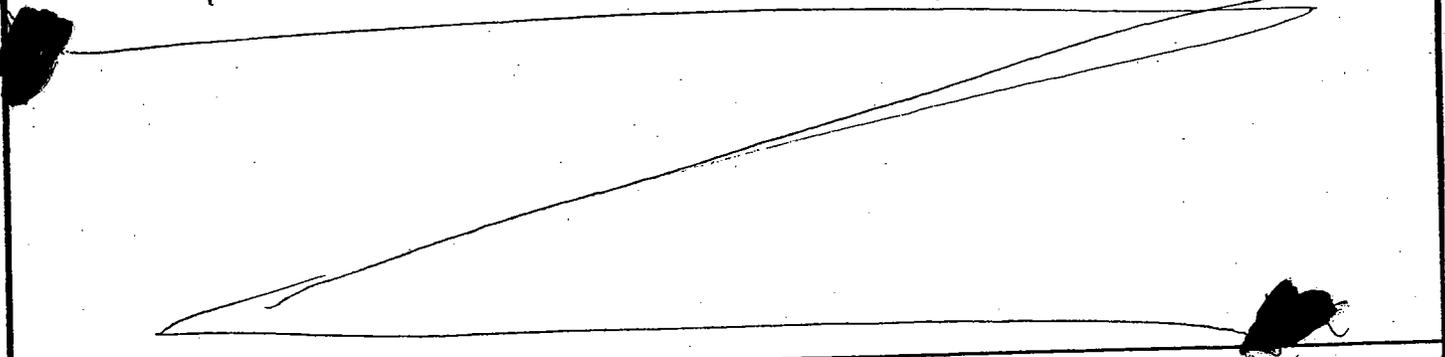
USAPA V1.00

b(3), b(6)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Army for almost 3 yrs. now and if you look at my rep. I'm a solder that loves training, the Army and other people! This is not like me to do something like this! I'm a damn good solder w/ high expectations of myself. Weather or not I get "kimed" for this. ~~and that~~, I know what I did wasn't the best thing to do. You can't tell me that, prove it to ~~me~~ or let me sit and think about it because I know already! Please don't let this one bad ~~dis~~ move the the highlight of my career! In more than that!



AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Sep 2007 at Camp ~~xxxxxx~~

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

AR 15-6
(Authority To Administer Oaths)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

1. Social Infor Redacted LA W Sec Of Def Memo 01 - CORR-101, did 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>CAMP MARLBORO</i>	2. DATE <i>22 SEP 03</i>	3. TIME <i>1550</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	<i>CAMP MARLBORO</i>	

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 [REDACTED] 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.
- (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
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
		6. ORGANIZATION OF INVESTIGATOR
		<i>H47 2/2 ACR</i>

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

CORR-101, did 9 Nov 01

b(6), b(3)

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 CAMP MARLBORO	2. DATE (YYYYMMDD) 20030922	3. TIME 1605	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 21 SEPT 03 [REDACTED] and I were on guard at the detainees
 pin from 2300 until 0300. When we came to relieve [REDACTED]
 [REDACTED] and [REDACTED], they briefed us on the amount of
 prisoners we had (3) and left. Approximately 20 to 25 minutes later,
 [REDACTED] and [REDACTED] returned, this time with [REDACTED]
 When they walked up, I thought they forgot something [REDACTED]
 They placed their weapons, entered the pin, and [REDACTED] the
 [REDACTED] doors. Again, I said nothing. When they were through, they picked
 up their weapons, said "See you guys later," and left [REDACTED] we had an icon,
 [REDACTED] neither [REDACTED] nor I reported the situation. There was no
 reason given for the beating.

Q: ARE YOU AWARE OF SIMILAR EVENTS OR HEARD RUMORS OF SIMILAR
 EVENTS.
 A: [REDACTED] When I first got here I heard rumors about detainees getting
 beat up. They were all were cases where it was looters getting beat
 after being detained, but before arriving at the pin. A few days ago
 was the last occurrence. One guy beat up a looter that had pushed him
 into constantina wire.
 Q: ~~ARE THERE ANY OTHER LOOTERS OR PRISONERS ON CAMP MARLBORO?~~
 Q: HOW LONG HAVE YOU BEEN ON CAMP MARLBORO?
 A: Slightly over 2 weeks, almost 3 weeks.
 Q: DO YOU HAVE ANYTHING ELSE TO ADD THAT YOU THINK MAY BE RELEVANT?
 A: No I do not.

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

CORR-101, dtd 9 Nov 01

b(6), b(3)

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)

[Large empty area for statement content, with a large diagonal line drawn across it from the bottom-left to the top-right.]

INITIALS OF PERSON MAKING STATEMENT.

PAGE 2 OF 3 PAGES

PROCESSED BY THE LEGAL ATTORNEY GENERAL'S OFFICE
CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>CAMP MARLBORO</i>	2. DATE <i>22 APR 03</i>	3. TIME <i>1630</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>CAMP MARLBORO</i>		
6. SSN [REDACTED]	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 [REDACTED] 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.
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 - (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]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>CAMP MARLBORO</i>
b. ORGANIZATION OR ADDRESS AND PHONE		

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

Personal info Redacted LAW SEC 01 DOJ INVARIANT V1
CORR-101, dtd 9 Nov 01

001547

SWORN STATEMENT

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

b(6), b(3)

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: Camp MARIETTA
2. DATE (YYYYMMDD): 2003 09 22
3. TIME: 1640
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR AGENCY: [REDACTED]

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

I was on duty around 11:00 p.m.; when [REDACTED] came to the chicken coupe. They set down [REDACTED] weapons and entered into the chicken coupe, where they then began to [REDACTED] the prisoners for about a minute or less. After they were done, they gathered the weapons and left. THEY IN THE CHICKEN COUPE

Q: How long were they in the chicken coupe?

A: for about a minute.

Q: Did you have a radio that allows you to talk to the CO, SOG or BOC?

A: [REDACTED] say why they took up the prisoners?

Q: What did you do after they left?

A: [REDACTED] the prisoners some water and continued to monitor them.

Q: Do you know of similar instances or have you heard of similar instances?

A: [REDACTED] heard many of rumors from various [REDACTED] all the time.

Q: Are you aware of the proper treatment of detainees?

A: I am aware that you are suppose to watch them, make sure they have food & water, but nothing deeper of that matter.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
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.

CORR-101, did 9 Nov 01

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 22SEP03

9. STATEMENT (Continued)

ACTIONS

Q: DO YOU THINK [REDACTED] WOULD BE APPROPRIATE?

A: I think that beating on innocent people is wrong in every way and I also think that if someone is trying to hurt us then roughing up is not bad as long as you don't kill them. But as far as the situation from what I seen and know, then ~~no~~ if it is not ok to beat on them, but from they way other troops talk and its war time then ~~yes~~.

Q: DO HAVE ANYTHING ELSE TO ADD THAT YOU THINK WOULD BE RELEVANT TO THIS SITUATION?

A: Due to the fact that I really don't know what is right and whats wrong as far as beating prisoners; my mixed emotions and the short time of the beating made it hard for me to do anything about the situation. I really didn't know what to do. If I know - right from wrong then I would make sure the right thing happened but I didn't understand the situation.

CORR-101, dtd 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

USAPA V1.00

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

b(6), b(3)

[Large redacted area]

Personal Info Redacted LAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Sep, 2003 at CAMP MARLBORO

[redacted]

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

[redacted]

ORGANIZATION OR ADDRESS

AR 15-6.
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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 CAMP MANABORO	2. DATE 22 SEP 03	3. TIME 1410	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS CAMP MANABORO		
6. SSN [REDACTED]	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 [REDACTED] 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:

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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]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

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

CORR-101, did 9 Nov 01

VTT

SWORN STATEMENT

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

b(6), b(3)

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: CAMP MALLBORO
2. DATE (YYYYMMDD): 2003 09 22
3. TIME: 1430
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9.

CORR-101, dtd 9 Nov 01

I [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I [redacted] started my CGR shift at 1900 when I started my shift the out going con told me that all the commo was good and every thing was fine. So I waited about 30 minutes then I went out to check all of the guard points. My first stop was the chicken coop. When I arrived their I asked did they have water they told me yes but it wasn't cold so I said o.k I would try to get some ice or bring them some cold bottles back and before I left one of the guards said his roommate had came by before me and said that he was going to bring the cooler from their room so I asked which way he went because he said that his roommate was walking so he said in the direction of the aid station so I told them to give me a radio check and if the didn't run into him going that way then I would bring them to bottles of cold water back and they said ok. from their I went to tower 7 to check their NVG's and their M249 and to make sure they commo, and water and they where good. I then went to the hole in the wall and checked commo, and water, and NVG's also tower 2, 3A, and 3B all where good except 3A which the batteries for the NVG's needed replaced some I came back to the dog pound and got some new batteries then went back out to thre 3A then from their I returned to the chicken coop when I returned the guards roommate [redacted] Already brought their cooler and he said he was good

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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 BE INDICATED.

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT 1430 DATED 2003 0922

9. STATEMENT (Continued)

so I told them to give me another radio check and I also said that since I had already gotten them two bottles of water if they wanted them to go ahead and take them and he did and I left again and did the whole rotation again which was tower 7 and this time when I went to tower 7 their singars battery was low so I went straight from their to the boc and check to see if they had any batteries charged yet they said no so I went back to tower 7 and told them that when I brought their relief that I would stop past the boc again and by then I boc said the battery should be charged up so I let them know that and then I left and continued my checks by checking the hole in the wall, tower 2, 3A, and 3B then I left from their and came back to the dog pound and while I was at the chicken coop before I left one of the guard told me to make sure to check on their replacements to make sure that their were replaced on time so I notified their section chief and continue into the bay where I conducted my guard mount which was done at 1030 then we left and I posted the guards at tower 7, then hole in the wall, then tower 2, 3A, and then 3B then at each guard mount before I left I told them to give me a radio check and then I left by the time I finished it was about maybe 1130 so I went back to the hole in the wall and talked to the NCO their for about 5 minutes and I went back to the dog pound to wake up [REDACTED] and then I heard over the radio for the SOG, 1SG, and the commander to come to the chicken coop so since I had just got their I was waiting for the relief to get dressed so I drove the SOG to the chicken coop and then was directed by my 1SG to get 3 personnel and bring them to the boc when I returned my replacement was dressed so he said that he

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)
would go ahead and take those three guys over their and I briefed him on the commo and then was relieved and from there he left.

Q: Who were the three individuals the ISG asked you to pick up?

A: [REDACTED]

Q: Who was on guard with you and on SAFT?

A: [REDACTED]

[REDACTED]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of SEP 03 at Camp MAUIS-20

[REDACTED]
(Administering Oath)

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 2 PAGES

CORR-101, did 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE E **b(6), b(3)**

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>CAMP MARLBORO</i>	2. DATE <i>226003</i>	3. TIME <i>1520</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>CAMP MARLBORO</i>		
6. SSN [REDACTED]	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 [REDACTED] 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.
- (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 <i>(If available)</i>		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME <i>(Type or Print)</i>		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME <i>(Type or Print)</i>		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

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

b(3), b(6)

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 CAMP MARLBORO	2. DATE (YYYYMMDD) 2003 09 22	3. TIME 1535	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

ON 22 September 2003 AT APPROXIMATELY 0015 WHILE ASSUMING THE DUTIES AS SERGEANT OF THE GUARD. I RECEIVED A CALL FROM BULLDOG X-RAR (BOC) STATING THAT THE COMMANDER AND THE 1ST SG NEED TO REPORT TO THE BOC. THE C.O. 2 [REDACTED] AND MYSELF THEN PROCEED TO THE B.O.C. I WAS FURTHER INSTRUCTED TO HAVE [REDACTED] AND 2 OTHER SOLDIERS REPORTED TO THE B.O.C. UPON ARRIVAL OF THE 3 SOLDIERS, 1ST SG ASKED THE 3 SOLDIERS TO TELL HIM WHAT HAD HAPPENED. HE ASKED THEM 3 TIMES WHAT HAD HAPPENED BEFORE THE AFRICAN AMERICAN SOLDIER EXPLAIN THAT THEY WENT TO THE CHECKED CAMP TO BEAT UP THE PRISONERS, BECAUSE THEY WAS USING THE KIDS AS A HUMAN SHIELD AND HE BELIEVE THAT IT WAS WRONG. HE FURTHER EXPLAIN THAT HE HAD LOST A KID THAT'S WHY HE BELIEVE THAT IT WAS WRONG TO USE KIDS AS A HUMAN SHIELD. BEFORE GOING BACK TO [REDACTED] TO THE BARRACKS, ALL THESE THREE SOLDIERS APOLOGIZE FOR LETTING THE BROTHER DOWN, AND THEY INTENDED TO CAUSE NO ARM.

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

1. ORIGINAL MUST BE FILED IN THE FILE OF THE MEMO U1-CORR-101, dtd 9 Nov 01

b(6), b(3)

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)

[Redacted]

[Large redacted area covering the main body of the statement]

[Redacted]

INITIALS OF PERSON MAKING STATEMENT

[Redacted]

PAGE 2 OF 3 PAGES

USAPA V1.00

001557

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large redacted area for the statement content]

AFFIDAVIT

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

[redacted signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of SEPT, 2003 at Canal Mauborgo

WITNESSES:

[redacted witness name]

ORGANIZATION OR ADDRESS

[redacted witness address]

ORGANIZATION OR ADDRESS

[redacted signature]
(Signature of Person Administering Oath)

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

AL 156
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[handwritten initials]

PAGE 3 OF 3 PAGES

Personal Infor Redacted IAW Sec of Def Memo 01 - CORR-101, dtd 9 Nov 01

SWORN STATEMENT

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

b(6), b(3)

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: Camp Marlboro, BACHONG FANG
2. DATE (YYYYMMDD): 2003 09 22
3. TIME: 1030
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS:
8. ORGANIZATION OR ADDRESS:

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

At approx 2400hr [redacted] Eagle troop SOG informed me of a situation w/ the Iraqi Detainees possibly being beaten. [redacted] told me that the Guards of tower 6 reported hearing Iraqis screaming for help and saying "No Mister, No" or words to that effect. The two Guards in Tower 6 were [redacted] and [redacted] also from Eagle troop. [redacted] and I immediately went over to tower 6 to talk to the 2 guards. Got their story and went the Detainee Case. The SPC on duty said all was OK and quite, then [redacted] I identified himself and the SPC informed CAPT [redacted] that 3 soldiers did enter the cage & beat the Iraqis. I then informed the Guard who I was and advised him that "Now is the time to tell the truth" I asked the SPC who the 3 soldiers were and said [redacted], [redacted] and another soldier, I don't remember his name. All 3 were from How Bat 2/2. [redacted] was sent to get medics when [redacted] noticed all 3 detainees were complaining about pain. One had a swollen face and another had a knot and abrasion on the forehead. [redacted] immediately sent for the Comm and 1SG for How Bat and the medics. [redacted] & [redacted] checked the Iraqis. [redacted] briefed the Commander of How Bat and then he and I departed the Area at approximately 0100 hrs 22 SEP 2003. ///

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]

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.

CORR-101, dtd 9 Nov 01

STATEMENT OF

TAKEN AT Camp Marshall DATED 22 Sep 2007

b(6), b(3)

9. STATEMENT (Continued)

[Redacted Statement Content]

Personal Info Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

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.

[Redacted Signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Sept, 03 at Camp Marshall

WITNESSES:

[Redacted Signature]
(Signature of Person Administering Oath)

[Redacted]
ORGANIZATION OR ADDRESS

[Redacted]
(Typed Name of Person Administering Oath)

[Redacted]
ORGANIZATION OR ADDRESS

AC 15-C
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 2 OF 2 PAGES

USAPA V1.00

SWORN STATEMENT

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

b(6), b(3)

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: Camp Marlboro
2. DATE (YYYYMMDD): 2003SEP 22
3. TIME: 10:40
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
on or about setp 21 2003 at 23:24 while pulling
Guard at tower 6; [redacted] and I heard
Iraqi voices yelling for help for about 30sec.
[redacted] During this outburst used our
NVG's To see what was going on [redacted]
stepped out the back of the tower and
looked in the direction of the Bird cage
through his NVG's. He then told me he saw
scuffling through a bush that was in the way
of tower 6. [redacted] said He could not make
any one out. Once the scuffling stop
[redacted] said he could see 4 us soldiers
Exiting the bird cage. [redacted] then called
The Eagle Troop [redacted] ([redacted]) ///
End of statement ///

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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 BE INDICATED.

CORR-101, did 9 Nov 01

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 2003 sept 22 DATED Camp Marlboro

9. STATEMENT (Continued)

[REDACTED]

PERSONAL INFO REDACTED IAW SEC 01 USC 1761 (MICHIGAN U.I. - CORR-101, did 9 Nov 01)

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.

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Sept, 2003 at Camp Marlboro

WITNESSES:

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Type Name of Person Administering Oath)

AL 15-6
(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

b(6), b(3)

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: CAMP MARLBORO, BAGHDAD
2. DATE (YYYYMMDD): 2003 09 22
3. TIME: 1205
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the night of the 21st of September an NCO named [redacted] came to the SAS to retrieve a medic for the POW cage. Myself and [redacted] went to see the injured [redacted] detainees. When I first got there [redacted] was already there and had the guards at attention. He directed myself and [redacted] to the detainees inside while himself staying outside. [redacted] informed me that the two patients were one that was sitting and one in a red shirt lying down. I received a flashlight from him and went to the one sitting. He had a ruptured blood vessel in his left eye and a bump and bruise under his right eye. He had pain while breathing and bumps on his skull under the hair. His vision was intact and did not have a broken jaw or orbital bone. On the bump under his right eye he had an abrasion that seemed old to my estimation. I had him lay down and palpated his ribs. I felt no crepitus or give to any part where he directed me. I moved on to the detainee in the red shirt and assessed his wounds. This man had larger bumps to the head and a lump on his forehead the size of a golfball with a fresh abrasion that broke the skin. I had him stand he did not seem wobbly or like he would fall.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
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.

CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 1205 DATED 2003 0922

9. STATEMENT (Continued)

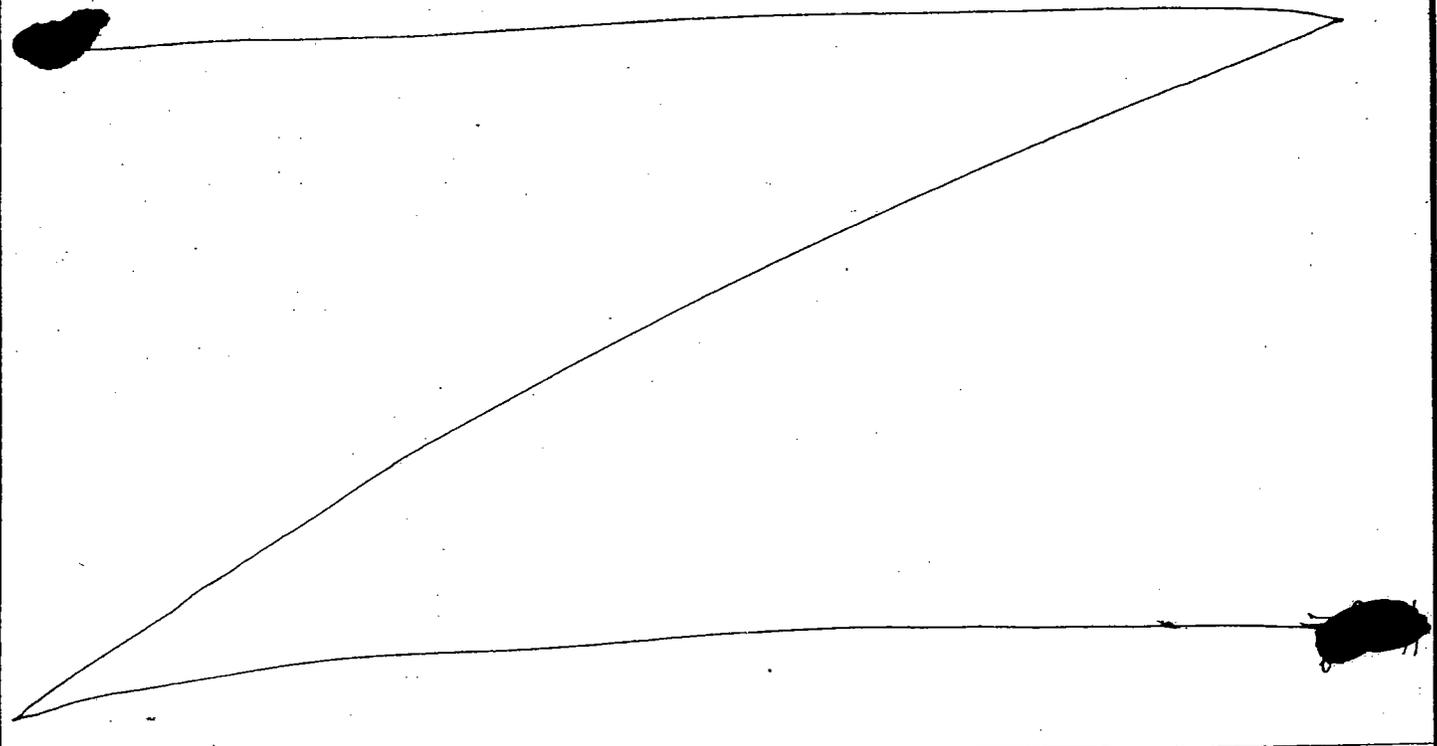
Most of this patients pain came from his back, I was going to begin to examine this when [REDACTED] arrived and took over the exam. I went into my kit bag and retrieved some 4x4 gauze and an IV bag. I cut open the IV bag and soaked the gauze and cleaned the patients cuts and scrapes. As soon as I was done with this [REDACTED] informed me he was going to wait for a translator and see if the patients had further injuries. He informed me that it was fine for me to return to the SAS.

Q: ~~WHAT~~ WAS THE GOVERNMENT YOU TREATING WAITING?

A: The detainee had on a Iraqi man dress. [REDACTED]

Q: DID YOU TREAT THE THIRD PRISONER?

A: No I did not treat the third detainee. [REDACTED]



001564

CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 1205 DATED 2003 09 22

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

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

[REDACTED] (Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of September, 2003 at Camp Matherboro

[REDACTED] (Person Administering Oath)

[REDACTED] (Person Administering Oath)

AR-15-6
(Authority To Administer Oaths)

WITNESSES:

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

CRIMINAL JUSTICE TRAINING CENTER DEC 01 DEJ MEMPH 01 - CORR-101, dtd 9 Nov 01

SWORN STATEMENT

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

b(6), b(3)

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: Camp Mallebo
2. DATE (YYYYMMDD): 20030922
3. TIME: 1045
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: NA
8. ORGANIZATION OR ADDRESS: [REDACTED]

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

WAS SITTING ON MY BOB. 3 SOLDIERS ENTERED THE CABIN. THE SOLDIERS TOLD THEM TO COME NOAR. THE SOLDIER IN THE MIDDLE SAID "OK" AND THEY BEGAN BEATING THEM. THEY HIT US FOR ABOUT 4 MINUTES. I AM VERY SICK AND TIRED. THEY HAVE BROUGHT ME NO MEDICINE. I NEED TO GO TO THE HOSPITAL TO CHECK MY DOCTOR. SOLDIER IN THE MIDDLE SAID "I AM GOING TO BEAT YOU UP" THE SOLDIER IN THE TOWER SCREAMED FOR THEM TO STOP. THEY THEN LEFT.
Q: DID THEY USE ANY TYPE OF WEAPON?
A: NO THEY KICKED ME AND STOPPED ON MY HEAD.
Q: SOLDIER IN THE MIDDLE VISIT US IN THE DAY?
A: YES, HE WAS THERE IN THE AFTERNOON AND DROVE AWAY IN A TRUCK, WITH AN OPEN BACK (6 PACK HONDA). AT NIGHT THEY WALKED BACK.

ADDRESS: [REDACTED]
PLACE OF BIRTH: [REDACTED]

TRANSLATED BY: [REDACTED]
TRANSCRIBED BY: [REDACTED]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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.

CORR-101, dtd 9 Nov 01

b(6), b(3)

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)

[Redacted statement area]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

USAPA V1.00

REVISOR: 1110 NOVEMBER 14 W. DEC 01 1201 150000 01
CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large empty area for statement content, mostly obscured by a large scribble]

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

AFFIDAVIT

_____, 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.

X _____
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of Sep, 2003 at Camp Moxley, Bogota, State of PA

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Al 156
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

WRITE MAN

b(1), b(3)

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 CAMP MARLBOROUGH BAGHDAD IRAQ	2. DATE (YYYYMMDD) 20030922	3. TIME 1100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			

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

THOSE PEOPLE CAME INTO THE CAMP WITH US. ALL OF A SUDDEN THEY PUNCH AND KICK US. THEY HIT US WITH THEIR HANDS AND KICKED US.

Q: How long did they stay in the camp?
A: ABOUT 4 OR 5 MINUTES WHEN THEY HIT US IT WAS BAD AND NOisy.

Q: How are you feeling now?
A: MY RIBS ARE BROKEN AND I HAVE SCRAPS ON MY HANDS, FACE, EAR AND FEET

Q: DID THE GUARDS COME IN?
A: NO, THEY STAYED OUTSIDE

Q: DID YOU RECOGNIZE THE FORM EARLIER IN THE DAY?
A: NO, THEY ALL LOOKED THE SAME.

Q: WHY ARE THE SOLDIERS LAUGHING?
A: I DON'T KNOW

TRANSLATED BY: [REDACTED]

TRANSCRIBED BY: [REDACTED]

BAGHDAD = 1965, JULY

ADDRESS: [REDACTED]

1 USUAL HOURS INQUIRY BY THE DOW OF THE PENTAGON
CORR-101, dtd 9 Nov 01

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	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 THE NEXT PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED b(6)

9. STATEMENT (Continued)

[The main body of the page is mostly blank, with a large diagonal line drawn across it from the top left to the bottom right. There are two blacked-out redaction marks: one in the upper right quadrant and one in the lower left quadrant.]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

USAPA V1.00

CORR-101, dtd 9 Nov 01
SEC OF DEF MEMO 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

b(6), b(2)

CORR-101, did 9 Nov 01

AFFIDAVIT

_____, 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.



X

(Signature of Person Making Statement)

WITNESSES:

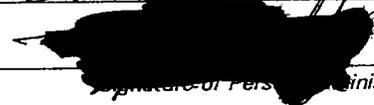


ORGANIZATION OR ADDRESS



ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of SEP, 2003 at CAMP MAUBOYD



(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

AL 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 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: Camp MARIPOSA BASHOR RD JVA 200309 22 1115
2. DATE (YYYYMMDD)
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: NA
7. GRADE/STATUS: NA
8. ORGANIZATION OR ADDRESS: NA

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
THE SOLDIERS HAD US SIT DOWN IN THE CAGE BROUGHT US FROM THE INVESTIGATION. HE SAID HE HAD SOMETHING FOR US. AT NIGHT HE RETURNED WITH TWO OTHER SOLDIERS. HE KICKED ME EVEN THOUGH I SAID I COULDN'T BREATHE. HE KICKED ME WITH HIS LEG ON MY ARM. THE SOLDIER IN THE TOWER YELLED AT THEM AND THEY LOT.

Q: SOLDIER IN THE AFTERNOON WAS THE SAME AS THE ONE AT NIGHT?
A: YES.
Q: HOW DID THEY BRING YOU TO THE CAGE?
A: IN A TRUCK.
Q: WHAT TYPE OF TRUCK WAS IT?
A: A TRUCK WITH NO TOP AND FENCES ON THE SIDE.
Q: WHAT ARE YOUR INJURIES?
A: MY ARM & BACK ARE BRUISED. MY LEG IS BRUISED AND SCRATCHED.
Q: WHY DID THE SOLDIERS WANT?
A: THE SOLDIER IN THE TOWER YELLED AT THEM.

Telephone: [REDACTED]
BIRTHDAY: [REDACTED]
ADDRESS: [REDACTED]

TRANSLATED By: [REDACTED]
TRANSCRIBED By: [REDACTED]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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.

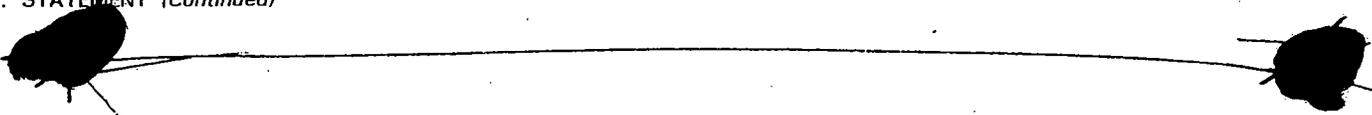
CORR-101, dtd 9 Nov 01

b(6), b(3)

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)



FEDERAL BUREAU OF INVESTIGATION
CORR-101, dtd 9 Nov 01
Sec of Det Memo 01-



INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED b(6), b(3)

9. STATEMENT (Continued)

[Large redacted area]

PERSONAL INQUIRY RECORDED LAW SEC OF DISTRICT OF COLUMBIA
CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

[redacted signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of SEP, 03 at OTMP MAFU 10

WITNESSES:

[redacted witness name]

ORGANIZATION OR ADDRESS

[redacted witness address]

ORGANIZATION OR ADDRESS

[redacted signature]
(Signature of Person Administering Oath)

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

AC-15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

b(6), b(3)

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: Camp Murrison
2. DATE (YYYYMMDD): 20020924
3. TIME: 0815
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the night of the 21st of sept, after Notification of patients at the Detainee hold area I arrived to find 3 Iraqis Males with injuries. After a complete exam of each of their injuries I realized that two of the patients had superficial injuries contusions/abrasions, but no injuries that would require further care. The injuries were obviously caused by some type of blunt force trauma (striking force) and they were very recent due to the fact that the blood on the abrasions had not solidified. The third Iraqis Civilian had a abrasion and contusion to the forehead with a good amount of swelling. This patient exam took a good deal longer than the others due to the fact that I had to check his CAC, which meant I would need a translator so that I could rule out a concussion. I waited for the translator completed my exam and after I was satisfied with my results and knew he did not have an apparent concussion I returned to the aid station to complete SF 600 (Exam Records) that detailed the entire exam process and location of the injuries.

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.

Personal Infor Redacted IAW Sec 01 Del Memo U1 -
CORR-101, did 9 Nov 01

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

STATEMENT OF _____ TAKEN AT b(6), b(3) DATED _____

9. STATEMENT (Continued)

[Redacted statement area]

INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE OF PAGES

CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

b(6), b(3)

9. STATEMENT (Continued)

[Redacted statement area]

CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

[Redacted signature]
(Signature of Person Making Statement)

WITNESSES:

[Redacted witness name]

ORGANIZATION OR ADDRESS

[Redacted witness name]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of APR 03 at CAMP MARI-BORO

[Redacted signature]
(Signature of Person Administering Oath)

[Redacted name]
(Typed Name of Person Administering Oath)

APLIS
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001577

1531

AR 15-6 Investigation Report -

Cory Davis

(Redacted)

b(6), b(3)

15-6 INVESTIGATION

TABLE OF CONTENTS

- TAB A – DA FORM 1574 (Report of Proceedings)
- TAB B – Appointment of Investigating Officer
- TAB C – DA FORM 3881 (Rights Wavier Certificate, [REDACTED])
- TAB D – DA FORM 3881 (Rights Wavier Certificate, [REDACTED])
- TAB E – DA FORM 3881 (Rights Wavier Certificate, [REDACTED])
- TAB F – DA FORM 3881 (Rights Wavier Certificate, [REDACTED])
- TAB G – DA FORM 3881 (Rights Wavier Certificate, [REDACTED])
- TAB H – DA FORM 2823 (Sworn Statement, [REDACTED])
- TAB I – DA FORM 2823 (Sworn Statement, [REDACTED])
- TAB J – DA FORM 2823 (Sworn Statement, [REDACTED])
- TAB K – DA FORM 2823 (Sworn Statement, [REDACTED])
- TAB L – DA FORM 2823 (Sworn Statement, [REDACTED])
- TAB M – DA FORM 2883 (Sworn Statement, [REDACTED])
- TAB N – DA FORM 2883 (2/2 ACR, Battle Drill #3, Detainees)
- TAB O – DA FORM 2882 (2ACR, DRAGOON Rules of Engagement)

Personal Info Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER OR BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by Commander, 2d ACR, Camp Dragoon, Baghdad, Iraq
(Appointing authority)

on 16 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 Camp Dragoon, Baghdad Iraq at 0700
(Place) (Time)

on 16 Aug 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.)

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 2200 on 16 Aug 03
(Time) (Date)
and completed findings and recommendations at 1600 on 17 Aug 03
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ^{1/}	N
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)			
	c. Other correspondence with respondent or counsel, if any?			
	d. All other written communications to or from the appointing authority?			
	e. Privacy Act Statements (Certificate, if statement provided orally)?			
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			
	g. Information as to sessions of a formal board not included on page 1 of this report?			
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			

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.

CORR-101, dtd 9 Nov 01

		YES	NO	Y	N
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?				
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?				
	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)?				
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?				
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)

b(6), b(3)

The (investigating officer) (board), having carefully considered the evidence, finds:

[REDACTED] did make a statement stating to "beat a detainee" and release him. It is determined that although [REDACTED] made such a comment, it was not the direct cause of a violation of the Rules of War or the ROE. [REDACTED] has a history of making hostile comments about Iraqi civilians (Exhibit H,I,J,L) but not in the presence of local Iraqis (Exhibit J,L). [REDACTED] was counseled by his squadron commander about making such comments (Exhibit I). The circumstances that evolved between the third week of June 03 and the first week of July 03 resulted in the stripping of Iraqi detainees, which cannot be linked to any statements that [REDACTED] made regarding the treatment of detainees. Questioning of the NCO responsible for the stripping incident revealed that [REDACTED] might have made a statement to beat the detainee and release him. However, this cannot be proven as fact since no one but [REDACTED] and [REDACTED] were able to hear the dialouge that took place between the three soldiers (Exhibit M). If [REDACTED] gave [REDACTED] the directive, [REDACTED] should have asked for clarification, not complied and reported it to his chain of command. [REDACTED] did not ask for clarification (Exhibit M). 2nd Squadron's actions of releasing some detainees (Exhibits H,J,K,L) are not listed in their battle drill regarding detainees (Exhibit N) and created the opportunity to mistreat detainees as occurred in the stripping incident. There is no evidence of any mistreatment of Iraqi civilians prior to the stripping incident, or after the incident, yet [REDACTED] has a history of derogatory comments towards Iraqi civilians through this period.

CORR-101, dtd 9 Nov 01

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

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

[REDACTED]

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.)

(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.)

001583

USAPA V

b(6), b(3)



DEPARTMENT OF THE ARMY
Headquarters, 2d Armored Cavalry Regiment
Unit 92401
APO AE 09322-2401



AFZX-C-CO

16 August 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

1. [REDACTED], you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances covering the actions of [REDACTED] which may have contributed to alleged ROE and Geneva Convention violations.
2. In your investigation, all witness statements will be sworn. From the evidence, you make findings as to whether negligence was involved.
3. Submit four copies of your findings and recommendations on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

[REDACTED SIGNATURE]

Personal Info Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>Camp Dragon, IRAQ</i>	2. DATE <i>16 Aug 03</i>	3. TIME <i>2000</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: *Actions which may have contributed to alleged ROE and Geneva Convention violations*

fore 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. NAME OF INTERVIEWEE
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	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

CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offenses(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)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>CAMP DRAGON, IRAQ</i>	2. DATE <i>16 Aug 03</i>	3. TIME <i>2030</i>	4. FILE NO.
5. NAME (Last, First, Middle) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: *Actions which may have contributed to alleged ROE and Geneva Convention Violations*

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 <i>(If available)</i>		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME <i>(Type or Print)</i>		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME <i>(Type or Print)</i>		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

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

Personal Info Redacted IAW Sec of Def Memo 01 - CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(3)

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 <u>CAMP DRAGON</u>	2. DATE <u>16 AUG 03</u>	3. TIME <u>1420</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>Fort Polk, LA 71459</u>		
6. [REDACTED]	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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: Possible ROE/ Geneva Convention violations

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 [REDACTED]
1a. [REDACTED] (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

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

1. VISUAL LIAISON RECALCULATED LA W Sec 01 Det Memo 01 - CORR-101, did 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(2)

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.

Form with fields: 1. LOCATION (CAMP Dragon), 2. DATE (16 AUG 03), 3. TIME (14:20), 4. FILE NO., 5. NAME, 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 [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: POSSIBLE ROE OR GAOEVA CONVENTION VIOLATIONS

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.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time.

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.

Form with fields: 1a. NAME (Type or Print), b. ORGANIZATION OR ADDRESS AND PHONE, 3. SIGNATURE OF INTERVIEWEE, 4. TITLE OF INVESTIGATOR, 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

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(3)

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>Camp Dragon</i>	2. DATE <i>16 AUG 03</i>	3. TIME <i>1420</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: possible ROE / Geneva Convention violations

Before he asked me any questions about the offense(s), however, he 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]
1a. NAME (Type or Print) [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		6. ORGANIZATION OF INVESTIGATOR [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

PERSONAL INFO REDACTED LAW Sec of Def Memo 01 - CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(3)

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 CAMP DRAGON IRAQ	2. DATE (YYYYMMDD) 20030816	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

Q. During Operation Scorpion or at any time while being presented with detainees, have you ever told a U.S. soldier to "take the detainees out back and beat the fuck out of them" in any manner seriously or jokingly?

A. I have never seriously told anyone to do that. My soldiers and I have always processed the detainees IAW our Battle Drill or released them. If the detainees are underage we have released them to an adult. If they are an adult we have either returned them to their homes or let them go at the gate.

Q. You have been accused of telling a NCO to "beat the fuck out of a detainee". Given this, do you feel that you should have been taken seriously if you did so ~~commit~~ commit the said act?

A. NO. Even if I had said that, the NCO should never have thought I meant it.

Q. Do you wish to add anything else that may help clear this matter?

A. NO. *nothing follows*

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



CORR-101, dtd 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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AFFIDAVIT

I, _____, 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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Dragon, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

CORR-101, dtd 9 Nov 01

b(6), b(3)

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Dragon, Iraq	2. DATE (YYYYMMDD) 20030816	3. TIME 2113	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ADDRESS [REDACTED]			

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

Q. Have you ever directed a NCO to "beat" a detainee prior to releasing them?
A. I may have joked about it before but I never seriously ordered anyone to do it. I only joked about this once and was counseled by the SCO to stop it.

Q. ARE the documents that I am showing you in fact your current SOP on the processing of detainees and the current ROE governing the treatment of detainees?

A. Yes.

Q. As the [REDACTED] are you ensuring the enforcement of these documents?

A. I am. I have my 156 check detainees in the couple when they are there and I spot check paperwork to ensure it will pass MP standards.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
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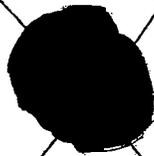
CORR-101, dtd 9 Nov 01

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



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CORR-101, dtd 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Personal Info Redacted IAW Sec of Def Memo 01-
CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, _____, 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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Oragon, IRAQ

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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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: CAMP DRAGON IRAQ
2. DATE (YYYYMMDD): 20030816
3. TIME: 2035
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

Q. Please explain what happens to detainees when brought to your unit.

A. The detaining unit brings the suspect(s) to the CMOC (colocated w/ our Battery TOC). They will fill out the apprehension forms and sworn statements relating to the suspected crime, and fill out a chain of custody form if applicable. Once the paperwork is complete, custody of the detainees and evidence is transferred to our control. The detainees are kept in a fenced cement pad w/ over lead shade and given water and MREs. The evidence is safeguarded in the Battery's TOC. Once the detail is ready to transport the prisoners (usually once daily), the detainees and evidence is loaded on vehicles and transported to BIA P under the control of an OIC. Once at BIA P, custody is transferred to the MPs on site.

Q. Are the documents that I am showing you in fact your current SOP on the processing of detainees and the current ROE governing the treatment of detainees?

A. Yes.

Q. Has your unit ever deviated from your SOP of processing of detainees?
A. Not that I am aware. IF children are caught under the age of 16, we hold them at our location until either their

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

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CORR-101, dtd 9 Nov 01

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STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 Aug 03

9. STATEMENT (Continued)

parents come to pick them up or an Imam or community leader comes to pick them up.

Q. Have you ever heard [REDACTED] say "We should just beat the fuck out of them" in relation to detainees?

A. I have not heard him say this.

Q. Not even in a joking manner?

A. Not in my presence.

Q. Have you heard that he told a NCO who had brought detainees for processing to just "beat the fuck out of them and release them"?

A. I have heard him say something to the effect of "just kick their asses out of the gate and send them home." I have never heard of him instructing someone to beat a prisoner.

Q. Was this a directive or a joke?

A. It was a joking manner, you could tell he didn't expect anyone to physically kick the prisoners.

Q. Have you heard any rumors of anyone taking him seriously when he says this?

A. No. The only time I have heard of anyone striking a prisoner was in self defense, when a detainee attempted to bite a soldier while being transported.

Q. Do you have anything that you wish to add to help clear this matter?

A. When I have been present during the handling of detainees, they have been treated properly.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

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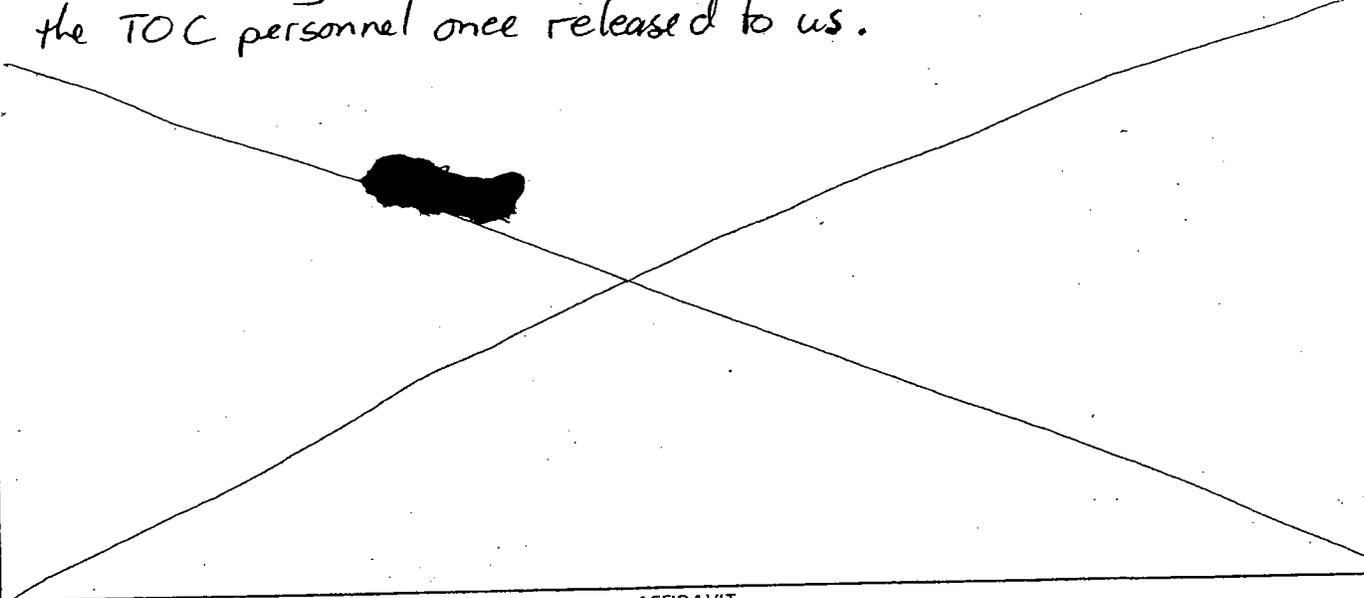
STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 Aug 03

9. STATEMENT (Continued)

I have not seen a prisoner beat or mistreated, nor has anyone approached me about being instructed to do so.

Q. Have you ever observed [REDACTED] displaying unprofessional gestures or saying unprofessional things around or to detainees?

A. No. I have rarely been in contact with [REDACTED] while he is handling detainees. They are usually in the custody of the TOC personnel once released to us.



AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Dragon, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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b(6), b(3)

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: CAMP DRAGON
2. DATE (YYYYMMDD): 2003/08/16
3. TIME: 14:53
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

WHEN WE WOULD GET A DETAINEE WE WOULD TAKE THEM TO THE CMOC WERE THEY WOULD TAKE CONTROL OF THEM. I HAVE NEVER SEEN A SOP ON HANDLING DETAINEES. I THOUGHT TAKING THEM TO THE CMOC WAS WHAT WE WERE SUPPOSE TO DO. BECAUSE I SAW ALL THE TROOPS DOING THE SAME. WE HAVE TOOK DETAINEES TO THE CMOC 3 TIMES ONE TIME THEY TOOK THE 7 FROM US. THE OTHER TIME THEY TOOK THEM FROM US. THE LAST TIME MYSELF AND [REDACTED] TOOK A DETAINEE WE ASKED WHAT WE WERE TO DO WITH THE DETAINEE. [REDACTED] TELL [REDACTED] TAKE THE DETAINEE TO THE BACK AND BEAT THE SHIT OUT OF THE DETAINEE. I TOOK THAT AS HE WAS BEING SERIOUS AND HE WANTED US TO DO THAT TO THE DETAINEE. AFTER THAT I HAVE NOT BEEN INVOLVED IN TAKING ANYMORE OR TRYING TO TAKE ANYMORE DETAINEES TO THE CMOC. THE END OF JULY MY [REDACTED] HAD THE [REDACTED] OVER THE FRAGO THAT PERTAINED ON HOW WE ARE SUPPOSE TO HANDLE IRAQI PERSONEL WHEN WE DETAIN THEM. AFTER THAT I HAVE NOT HEARD ANYTHING ELSE ABOUT FROM ANYONE HIGHER THAN MY PL.

Q. Who did you report to the first two times you took detainees to the cmoc?

A. I WE TOOK THEM TO THE BULLDOG ELEMENT AT THE CMOC AND HANDED THEM TO THEM.

Q. Why were the procedures changed the third time you took detainees to the cmoc

A. I GESS THEY WERE TIRED OF HANDLING THE PERSONEL THAT WE WOULD BEING THEM FOR TAKING THE COPPER WIRE FROM THE BACK OF THE CAMP.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 8/16/03

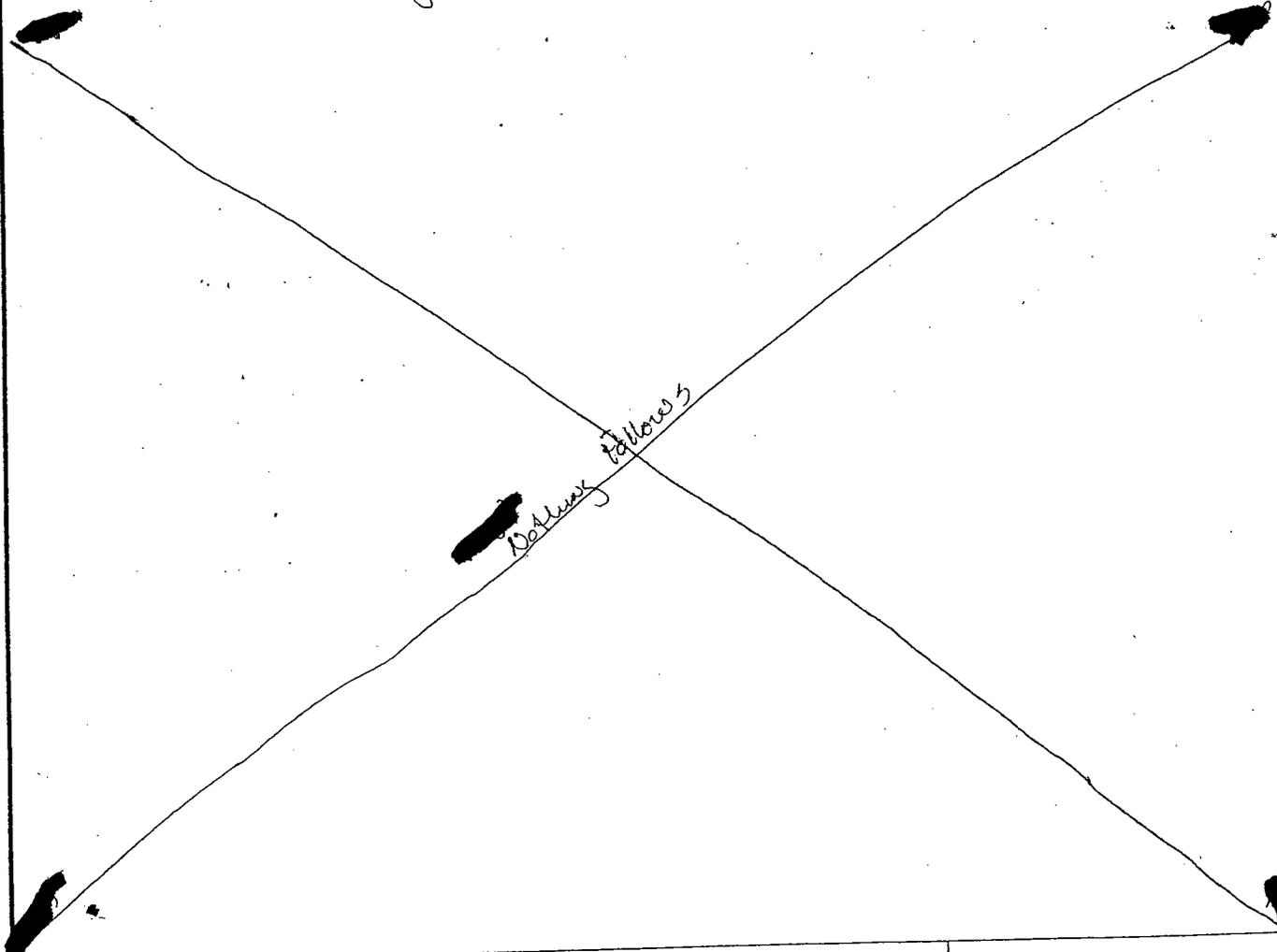
9. STATEMENT (Continued)

Q. Reference the first two times that you took detainees to the CMOC, who did you turn the detainees over to?

A. IT WAS ONE OF THE LTs THAT WAS WORKING IN THE bulldog TOC AT THE TIME. [REDACTED]

Q. Did the lieutenants follow what you think the SOP is?

A. After handing over the detainees I don't know what they did with them. So what they did with them I ~~guess~~ thought was right. because I thought all we had to do was take them to the CMOC were the bulldog element was located at was the SOP. AND the bulldog ELEMENT handled the rest [REDACTED]



[REDACTED] follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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CORR-101, dtd 9 Nov 01

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9 STATEMENT (Continued)

[Large redacted area with a large 'X' drawn across it]

Nothing follows

Personal Infor Redacted IAW Sec of Def Memo 01 -
CORR-101, dtd 9 Nov 01

AFFIDAVIT

_____, 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:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August 2003 at Camp Dragon, Baghdad, IRAQ

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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b(6), b(3)

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION: CAMP DRAGON
2. DATE (YYYYMMDD): 20030816
3. TIME: 1445
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
This is SOP for actions to take with detainees. When detaining Iraqis we flex cuff them and put the individual in the vehicle to take to Camp Marlboro. Actions with the detainee after arrival to Camp Marlboro is handed to Bulldog X-Ray. At that time a representative from Bulldog made the decision to keep the detainee or have us drop them off 2 or 3 kilometers from the site detained at. (While en route from the site detained at and Camp Marlboro we send a radio transmission stating number of detainees to both Bulldog and Cougar X-RAY). There is two instances when I was involved with detaining Iraqis. First time I was in a four vehicle convoy with my platoon returning from Camp Dragoon to Camp Marlboro. I called Bulldog X-Ray to check if they wanted us to enter Camp Marlboro through the back entrance in order to check for looters in the wire yard (Back 40). Bulldog X-Ray responded yes, so we executed the mission and detained four looters. I reported the number of detainees to Bulldog X-Ray so they could prepare for our arrival. Upon arrival to Camp Marlboro we dismounted the detainees outside the gate and escorted them through the ~~personnel~~ walk-thru gate. At this time one of the LT's stated that we Bulldog could hold them overnight or we could drive the detainees around, scare them a little and let them go. We chose to drive around. So I sent my Platoon Sergeant and 2nd Squad leader back out with the detainees while I returned to our warehouse with my 3rd squad leader. The second time we detained an individual and handed them off to Bulldog. When dealing with the locals, I was instructed to deal with them with dignity and respect. After the investigation started with my

CORR-101, did 9 Nov 01

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

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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 AUG 03

9. STATEMENT (Continued)

Platoon, I received a print out from a diversion PRAGO that stated how locals could not be treated ie: beatings, abusive language etc. Since our investigation, I have been in contact with [REDACTED] (Bulldog 6) through normal daily activities (BUB, discuss force protection issues). During these times he has not made any additional comments about beating local to me.

Q. Have you ever heard [REDACTED] say to "beat the fuck" out of a detainee?

A. I have heard him say "We should beat the fuck out of these people". This comment was not said to me while I had a detainee, but in reference to all Iraqis as I perceived it.

Q. Did [REDACTED] make that comment in a joking or serious way?

A. My opinion is that he truly feels this way about the Iraqis.

Q. Address the question above, what manner did [REDACTED] make the comment "We should beat the fuck out of these people"?

A. While talking about treating looters. He had a more serious than joking expression on his face, He was not smiling, but had a smirk on his face

Q. Your S&OP on processing detainees is fairly detailed, you have stated that you have taken detainees to the CMOC on two occasions. Given this, why did the CMOC not follow the SOP when [REDACTED] supposedly told [REDACTED] to take the detainees and "beat the fuck out of them"?

A. I can't speculate why the detainees were not handled according to SOP. The two times stated earlier are just the times I was present during detaining the individuals. The only reason I can think of why Bulldog did [REDACTED] made that comment was so paperwork did not have to be done, possibly.

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

USAPA V1.00

Personal Info Redacted IAW Sec of Det Memo 01 -
CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Nothing Follows

Personal Info Redacted LAW SEC 01 POL 11/01/01
CORR-101, did 9 Nov 01

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 16th day of August, 2003 at Camp Dragon, Baghdad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

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: Camp Dagaon
2. DATE (YYYYMMDD): 20030816
3. TIME: 1451
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

I. [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I think of our S.O.P. for detainees is bring them back to bulldog elements. (Camp mariboro). Turn them over bulldog elements and they will take them to JOC. I never seen S.O.P. until now. when [redacted] 1st time we took the looter to Bulldog elements. they told us they couldn't take them, just take them out and send them. so, I [redacted] took them there house. before that we took them to there house, I told my translator to tell them we are going to take them to jail. but we took them to there house, turn over to there family. when we are killing the looter "shooting them". we return the looter from back of camp mariboro. I took them to bulldog elements, I seen [redacted], I ask him, where he want these looters at? he told me "Just take them out and beat the fuck out of them". I told all my squad leaders what Bulldog 6 told me to do with all the looters. I told them we are not going to do that. we are going to send them and hope they will not return back and get killed. Last week of July we received OP order for, How to treat the detainees. Form/LT. Considerive.

Q. When [redacted] told you to take the detainees "out and beat the fuck out of them" did you take him serious?

A. yes

Q. What tone did [redacted] address you in? Could anyone else have heard his conversation with you?

A. [redacted] was behind me when [redacted] told me that, I took as order he was giving me do that [redacted] only me and [redacted]. I took as serious, I do not know [redacted] only seen him at bulldog TEC few times.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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 BE INDICATED.

CORR-101, dtd 9 Nov 01

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 Aug 03

9. STATEMENT (Continued)

Q. When [REDACTED] told you to take them and "beat the fuck out of them" did you ask him to clarify his instructions?

A. it was around June. he just told me that and walk away. I didn't ask him to clarify.

Q. Is there any reason why you did not ask for clarification?

A. I was trying to figure out what he just said to me, at the time and he walked away same time, I couldn't follow what he told me to do. I been ~~being~~ told by different people he doesn't like Iraqi people, maybe that's why he say that to me.

Nothing follows

CORR-101, dtd 9 Nov 01

INITIALS [REDACTED] MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00

001611

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

STATEMENT (Continued)

nothing follows

CORR-101, dtd 9 Nov 01

AFFIDAVIT

_____, 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:

 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Dragon Baghdad, Iraq

 (Signature of Person Administering Oath)

 ORGANIZATION OR ADDRESS

 (Typed Name of Person Administering Oath)
15-6
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____ PAGE _____ OF _____ PAGES

001612

BATTLE DRILL #3

(DETAINEES)

BATTLE DRILL

- Troop notifies Bulldog X-Ray of detainees being brought to Camp Marlboro. Get the number of prisoners and what they are charged with.
- Contact the SOG so that he can ensure the Bang Bus personnel are prepared to guard the chicken coup.
- Contact the OIC for the Bang Bus so that he can ensure the paperwork is filled out correctly and so that he can coordinate for an escort.
- When the Troop comes to the CMOC give them 1 apprehension form and 2 sworn statements for each detainee. Give them 1 evidence custody log for them to fill out listing the seized property. Once completed the BOC NCOIC signs the evidence custody log and gives it to the troop. The RTO types the seized property on the DA Form 1594.
- The Troop guards the detainees while in the CMOC area. Once the paperwork and any interrogation is completed the Troop transports the detainees to the chicken coup.
- Safeguard all seized property now under our control. DO NOT let anyone touch or play with any of the seized property. DO NOT let anyone take any property unless Bulldog 6 personally tells you to give it to someone.
- If there are any questions about anything to do with detainees contact the OIC for the Bang Bus or Bulldog 5.

001613

DRAGOONS RULES OF ENGAGEMENT

References:

CENTCOM Order 1003V
V Corps FRAGO
1AD FRAGO 18A

1. Situation:

a. **GENERAL POLICY:** Commanders may use all necessary means available and take all appropriate action in self-defense of their units and in defense of other U.S. and coalition forces.

(1) **Effective date:** The ROE in this annex are effective immediately and will remain in effect, until rescinded.

(2) **Collateral damage:** Military operations will be conducted to ensure that incidental injury to civilians and collateral damage to civilian property is minimized.

b. **Enemy forces:** Iraqi military and paramilitary forces loyal to the former regime are declared hostile. They may be engaged on site.

2. **Self-defense** - American commanders and personnel have an inherent right to self-defense. Nothing in these rules of engagement negates a commander's obligation to take all necessary and appropriate action to protect his unit and those entrusted to his care. **All U.S. personnel may exercise the inherent right of self-defense.**

a. U.S. forces may use force, up to and including deadly force, as necessary to protect U.S. forces from civilians who demonstrate a hostile act or hostile intent.

(1) **Hostile act:** a hostile act is an attack or other use of force against U.S. forces, allies, or persons under the protection of U.S. forces.

(2) **Hostile intent:** a threat of imminent attack against U.S. forces, allied forces, or persons under the protection of U.S. forces.

b. If civilians pose a threat to U.S. forces, use graduated force, up to and including deadly force, as necessary to protect U.S. forces. Against civilians, U.S. forces should use the minimal amount of force necessary to protect themselves and other U.S. forces. U.S. troops may use any of the following techniques, as necessary, to protect themselves from harm by civilians:

(1) Provide verbal warnings. The word, "Kiff!" means halt or stop in Arabic.

(2) Provide a show of force. Show a weapon and demonstrate an intent to use it. Call for reinforcements, as necessary.

(3) Use non-deadly force. Physically restrain or detain the civilians.

(4) Fire a warning shot. (Warning shots are not allowed to prevent looting).

(5) Use deadly force.

001614

3. Protection of civilians – U.S. troops may use necessary force, including deadly force, to protect civilians from violent crimes, such as murder, rape, or armed robbery.

4. Protected persons, property, and places: U.S. forces may use necessary force, including deadly force to protect any of the following specially protected persons, places, or property:

- a. All U.S. citizens;
- b. Prisoners of war or detainees under U.S. control;
- c. Coalition forces and their mission-essential equipment and supplies;
- d. Specified non-governmental organizations, including the International Red Cross/Red Crescent, and UN relief agencies;
- e. Public and private banks and financial institutions;
- f. Courthouses and buildings housing vital government records;
- g. Weapons of mass destruction or WMD manufacturing or storage facilities;
- h. Public utilities or facilities, including those that generate, distribute, or transport electricity, petroleum, or water for public use;
- i. Civilian mass transit facilities;
- j. Waste facilities;
- k. Hospitals or other public health facilities; and
- l. Agricultural processing, storage, or distribution facilities producing food for civilian consumption.

5. Protection of other private property:

a. U.S. forces may use graduated force, not including deadly force, to protect all other private property. Commanders may take any of the following actions to prevent looting or damage to private property:

- (1) Detention of persons who are suspected of looting;
- (2) Establishment of off-limits areas;
- (3) Establishment of checkpoints to control traffic flow;
- (4) Establishment of curfews with approval of CG, 1AD; and
- (5) The temporary confiscation of property used to commit looting.

001615

(6) Deadly force is only authorized to stop looting against the persons and property designated in paragraph 4.

b. U.S. forces are prohibited from looting or taking war trophies.

c. Troop commanders may authorize soldiers to seize civilian property in emergency situations. Commanders must provide a receipt to the rightful owners of the property.

d. Commanders are not allowed to spend locally seized money for any purpose.

6. Checkpoint ROE: U.S. forces are allowed to stop and search all persons and vehicles for weapons and other contraband. U.S. forces may use the following measures to control movement at checkpoints.

a. Restrict the flow of traffic with vehicles and other obstacles;

b. Shout, "Kiff!"

c. If a vehicle refuses to stop, U.S. soldiers may fire warning shots, fire to disable the vehicle or shoot to kill, as necessary, to protect the safety of U.S. forces.

7. Detaining civilians: U.S. forces are authorized to detain civilians for any of the following reasons:

a. Possession of any of the following items:

(1) A firearm without a valid weapons card;

(2) Explosives;

(3) Bayonets or military style knives;

(4) Equipment for making explosives or firearms;

(5) Maps with locations of U.S. base camps, routes, or other operational information;

(6) Photographs of U.S. areas or operations;

(7) U.S. or coalition forces paperwork, equipment, or uniforms;

(8) U.S. or coalition identification, U.S. or coalition passports, multiple IDs, passports from more than one country;

(9) Illegal drugs or drug paraphernalia;

(10) Stolen power lines; or

(11) More than eight feet of thin rope, wire, or similar material.

b. If the person has committed a crime; or

001616

c. The person possesses suspected intelligence information.

8. Treatment of detainees.

a. Processing of detainees. For persons detained for looting or other violations of public order, note the circumstances and basis of detention on the capture card accompanying the detainee to the collection point. Information on the basis and circumstances of detention, and contact information (name and phone number) of a detaining unit POC must be provided with each detainee along with sworn statements (DA Form 2823) from two witnesses. This information is essential in order to continue to hold detainees and to successfully prosecute persons who are detained for crimes. Record and safeguard all property seized with the detainee.

b. U.S. forces will not abuse or mistreat any detainees. Maltreatment is any act that is designed to cause physical or mental anguish without cause. Maltreatment includes:

(1) Physical abuse: torture, hitting, butt-stroking;

(2) Demeaning acts: spitting, stripping detainees of their clothes; and

(3) Theft of private property.

c. U.S. forces are not authorized to take private property, money, or personal papers from any detainees, except:

(1) Evidence of crimes;

(2) Weapons, drugs, or other contraband;

(3) Property with intelligence value; or

(4) Property taken for safekeeping.

9. Weaponry:

a. Ammunition: All ammunition issued by the United States government to United States forces complies with the law of war. Soldiers may use cal. .50 machine guns against personnel or equipment.

b. Mines: Except as stated below, the use of mines requires approval by the Secretary of Defense.

(1) The Division Commander may authorize the use of command-detonated (Claymore) mines.

(2) The CENTCOM Commander may authorize the use of self-destructing or self-deactivating mines.

c. Riot Control Agents (RCAs): U.S. forces may not use riot control agents (CS gas, mace, pepper spray, etc.) for offensive operations. Riot control agents may only be used in the following situations:

001617

(1) To protect U.S. and coalition forces or persons and places under the protection of U.S. forces from civil disturbances (riots);

(2) To control rioting enemy prisoners of war;

(3) To rescue friendly forces from enemy control; and

(4) When the enemy uses civilians for cover.

d. Indirect fires and Close Air Support – Only observed fires are authorized for offensive operations. Positive identification is required.

10. Hostile forces – U.S. personnel may engage hostile forces (Iraqi paramilitary and military forces loyal to the former regime) subject to the following limitations:

a. Positive identification is required prior to engaging any target. Positive identification is a reasonable certainty that the target is a legitimate military target.

b. U.S. forces will not engage anyone who is out of the battle due to sickness or wounds.

c. U.S. forces will not fire at anyone who has surrendered or is attempting to surrender.

d. Protected places: Cultural and historic buildings, nonmilitary buildings, civilian population centers, mosques and other religious places, hospitals, and buildings displaying the red cross or red crescent are protected places. Protected places will not be attacked, unless the enemy is using them for military purposes.

001618

1572



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH BATTALION, 1ST FIELD ARTILLERY
3D BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
BAGHDAD, IRAQ

b(6), b(3)

AFZN-BB-FAB

10 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Informal 15-6 Investigation Findings

- Background information: TF 2-70 conducted a raid on or about 16 September 2003 that resulted in the capture of approximately 5 detainees. The detainees were suspected of conducting an IED attack against TF 2-70 personnel that resulted in the severe injury of [REDACTED], 2/A/1-41 IN [REDACTED], and his driver. The lieutenant sustained the complete loss of eyesight and the use of one arm and the driver sustained the loss of eyesight to one eye. The raid suspects were questioned, and the evidence and questioning indicated that the detainees were the people involved in the attack. Avalanche Company report that some of the platoons, including 1/A/1-41, do one day on for operations and patrols, then a down day where they would do detainee movement for the task force if it is needed. The 16th of September was 1/A/1-41's down day. On 16 Sep 03, TF 2-70 notified 1/A/1-41 to move the prisoners from the 2-70 holding area to TF 1-13 for further questioning by the 3BCT MIT team. They loaded up the prisoners and moved them to TF 1-13 detention facility. The rest of the events are in question. The report from the MIT team states: The 2 ½ ton truck pulled up at the detention facility and the 1/A/1-41 personnel began unloading the detainees. At this time, the army personnel requested that two of the MIT members leave the area or look away, because these guys had severely injured two of their unit's soldiers. The members of the MIT team remained in place and watched anyway. The process was rough by pulling the prisoners of the trucks and laying them face down on the ground. All during this time, the soldiers were yelling at the prisoners who were zip cuffed and blindfolded. It is alleged that after three or four of the prisoners had been downloaded, the personnel on the ground helping to get the detainees off the truck continued to stand by the unloaded detainees on the ground, instead of returning to help with the last detainee. A soldier waited a moment for them to return before he pushed the detainee off the truck to fall to the ground from about 4 feet. He hit the ground on his side. Upon unloading, the soldiers gathered around them and continued to yell at the detainees using profanity and harsh language. The MIT team reports witnessing two of the soldiers kick two of the detainees several times in the sides. At this time, [REDACTED] says that she approached and insisted the activity stop immediately. It did after they told her that the guys did not kill her lieutenant. She then walked over and sat down while the 1/A/1-41 personnel moved the people into the jail and filled out the paperwork. She insists that upon completion of the prisoner transfer, an NCO and LT asked a member of the MIT team what was [REDACTED] rank and who she was with. One of the MIT security personnel replied that she was an interrogator. [REDACTED] said they seemed concerned and made a point to make sure the detainees looked "okay." The 1-41 Infantry personnel state that none of the detainees fell from the truck and this event did not occur as stated by the MIT team whatsoever. Also, they stated that no one was kicked, but that a soldier did use his foot to continue to roll

001619

1573

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AFZN-BB-FAB

SUBJECT: Informal 15-6 Investigation Findings

over a detainee that would not remain facedown. It may have appeared that he was kicking him. They did admit to using profanity and harsh language, and that they were aware of the suspects' crime and emotions were running high. Upon returning to base, [REDACTED] reported the incident of abusive actions; this resulted in the 15-6 investigation. The conduct of the investigation and findings are provided herein.

2. The findings of the investigation are as follows:
 - a. Members of 1/A/1-41 IN, attached to TF 2-70, did use poor judgment and procedures during the prisoner drop-off on 16 September 2003.
 - b. There was enough evidence based on interviews, to conclude that some abusive actions did take place by no less than three personnel at the detention facility, to include:
 - i. A detainee was either pushed or allowed to fall from a 2-½ ton truck while blindfolded and zip-cuffed.
 - ii. That at least two Caucasian soldiers did kick two detainees in a violent fashion as to cause severe discomfort or temporary pain, not with the intent to cause permanent disability or damage.
 - iii. That the soldiers yelled and used excessive profanity toward the detainees throughout the operation at a time when the detainees were of little threat (blindfolded and zip-cuffed); and at a minimum, the soldiers did not perform the operation with the utmost professionalism expected of our military by failing to preserve the dignity and respect for our prisoners.
 - iv. That the 1/A/1-41 soldiers were aware that their actions were questionable or wrong during the operation.
 - c. The operation's leadership was present and watched during the events, and failed to prevent it.
 - d. There were several procedural issues that could have prevented the events on 16 September 2003 from occurring at the task force level. In the future, the investigation determined the following:
 - i. It is not recommended to have a unit transfer detainees suspected of conducting an attack that resulted in severe injuries to U.S. Army personnel of that same unit (in this case, 2/A/1-41 received two casualties due to the attack by the detainees, and the sister platoon 1/A/1-41 was given the job of transferring those prisoners.) Due to the sensitivity of the issue, leaders should protect the soldiers from themselves and have unbiased units deal directly with the detainees in situations like this. This includes the actual raid, handling of suspects, pre-interrogation, and movement of detainees.
 - ii. That some of the soldiers in TF 2-70 may perceive that the chain-of-command is endorsing "pay-back" by allowing the units most affected by suspected detainee actions to play the greatest role in bringing those suspects to justice. The investigation does not believe this is intentional on the part of the task force chain-of-command, but that the emotionally sensitive issue with the prisoner transferring unit (1/A/1-41) may have escaped their attention. It is simply noted because the chain-of-command may want to place heavy emphasis on proper prisoner handling from the

001620

b(6), b(3)

AFZN-BB-FAB

SUBJECT: Informal 15-6 Investigation Findings

top-down in order to ensure that this possibility, if existing, is eradicated as quickly as possible.

- e. The investigation recommends the following actions to deal with the findings:
 - i. That [REDACTED] and [REDACTED] receive counseling covering the treatment of detainees, professionalism and expectations of the command on future operations, and potential punishments under UCMJ on the events that occurred at the detention facility.
 - ii. That [REDACTED] and [REDACTED] receive a formal letter of reprimand from the command, preferably at the Brigade level with TF Commander present, covering the events of this investigation to be put in their local file.
 - iii. That all soldiers in TF 2-70 undergo retraining approved by the 3BCT command, regarding the treatment of prisoners and Law of Land Warfare. Specifically, that the command emphasizes their position condoning it without question, and establishing a strong understanding that harsh punishments will be quickly and judiciously given should anything resembling war crimes be committed in the future.
 - iv. Finally, the TF 2-70 TOC establish procedures to be approved by the 3BCT Command, to ensure that units (Company Level and below) that receive casualties in enemy attacks are placed in minimal contact with prisoners believed to have conducted those attacks.

3. The investigating officer was asked to answer or evaluate the following issues regarding this case:

- a. Investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3 BCT Detainee Holding Facility.
- b. Make findings as to the facts and circumstances of the incident and whether any TF 2-70 soldiers were abusive, used excessive force, or violated any rules of engagement.
- c. Make any recommendations as to whether disciplinary action is appropriate and if any changes to procedures or tactics are appropriate.

4. The findings to the investigation questions were determined based on the following evidence and statements (findings and justifications paired with questions a-c):

- a. The facts and circumstances are stated in the background section (paragraph 1) of this investigation, and included in the findings (paragraph 4.b.) It is believed to have occurred as stated in [REDACTED] sworn statement, and corroborated by the other three members of the MIT team.
- b. The investigation determined that it is likely that the allegations did take place as stated by the MIT team. It is believed that one detainee did fall or get pushed out of the 2-½ ton truck and fall to the ground while blindfolded and in zip-cuffs. It is believed that at a minimum two of the personnel on-site did kick the detainees in their sides as they lay facedown on the ground. Finally, it's believed that the personnel used excess profanity and harsh abusive language during the operation that degraded the detainees' dignity. The following evidence was used to determine this finding:

001621

b(6), b(3)

- i. The issue of a detainee falling from the truck: [REDACTED] stated that when the 2-½ ton truck pulled up there was a lot of yelling. She wanted to see what was going on, as well as what prisoners were being dropped off so she could prep for questioning. She stepped out from the guard shack area and witnessed the events she stated from approximately 10-15 meters away. Given the close proximity to the situation, her detail in describing the events, she was in a good location to see the events she described. She stated, "I saw three detainees on the ground and a fourth being thrown out of the truck." (See Sworn Statement, 9 November). Three other MIT personnel on site reinforced this fact. [REDACTED] of the MIT team, who was positioned approximately 75 meters from the rear of the 2 ½ ton truck and had a straight line view to the events stated, "he could witness men in DCUs, but not close enough to see detail of faces or ranks" (during oral dialog with investigator, 9 November) agreed with [REDACTED]; He stated, "Saw one person thrown from the back of the truck." (See sworn statement, 9 November). [REDACTED] and [REDACTED] stated that they were about 15 meters from the truck and did have a good view of the unloading procedures. (See sworn statements, 9 November) [REDACTED] also stated, "Yes, saw a detainee fall out of the truck." (See sworn statement, 9 November) He admitted that he did not see the detainee thrown, but would agree that someone did fall out of the truck and hit the ground while blindfolded and zip-cuffed. (Oral dialog with investigator, 9 November) [REDACTED], the fourth member of the MIT team stated, "No, he did not see someone fall from the truck," but that he saw them pulled roughly from the vehicle. (See sworn statement and during oral dialog with investigator, 9 November) The statement from [REDACTED] is attributed to the likely event that he only witnessed the first three detainees unloaded from the truck and was focused on the personnel who unloaded them, who were at this time with the detainees on the ground yelling at them. The MIT team lacks any reason to report any events other than as they happened, credibility and motive are in their favor. The statements taken from 1/A/1-41 are all consistent in that no personnel were dropped from the truck. (See sworn statements, 9 November) However, it is noted that 1/A/1-41 personnel have the motive to state this was the case whereas; the MIT team has no motive one way or the other. Therefore, the facts stated by the MIT team were given more credibility in this case, but cannot be proven by physical evidence beyond the report of witnesses. **IDENTITY OF PERSONNEL MOST LIKELY INVOLVED:** The personnel in the truck during this event could not be proven beyond doubt. [REDACTED] stated in his statement, "He knew his guys wanted to kill these guys so he had the foresight to tell them not to get in the truck and handled it completely by himself, passing the prisoners from the truck to people on the ground. He also stated, "I was in the 2-½ ton truck and every one else was on the ground." (See Sworn Statement, and in oral discussion with investigator, 9 November) However, in other sworn statements of [REDACTED], [REDACTED] and [REDACTED] they stated that [REDACTED] and [REDACTED] were the

b(6), b(3)

personnel in the truck downloading the prisoners. (See Sworn Statements, 9 November) If this is the case, it is likely that either [REDACTED] or [REDACTED] would have been most likely in the position to have pushed or dropped the detainee. Furthermore, it is noted that this decreased [REDACTED] credibility as he stated in his statement that he had foresight to prevent abuse and allow only himself in the truck, but his soldiers stated otherwise.

- ii. The issue of 1/A/1-41 IN kicking detainees in custody: Detainees in custody cannot be tortured or suffer any abuse at the hands of American forces, contrary, all prisoners must be protected and treated with dignity and respect as per the Law of Land Warfare, Rules of Engagement, and UCMJ Article 128 - Assault. After reviewing the facts, the investigation determined that at least two individuals on the ground, during the detainee operation kicked two detainees while they were blindfolded and zip-cuffed. [REDACTED] (interrogator on the MIT team) determined that from her vantage point she observed two soldiers kicking the prisoners. She said the prisoners were yelling and crying. (Oral dialog with investigator on 9 November) She also stated, "Two soldiers were kicking the detainees in the ribs." When asked if the detainees did anything to warrant the execution of force to maintain control of the situation, she stated, "Absolutely not warranted." (See sworn statement, 9 November) The facts were reinforced by all three other members of the MIT team [REDACTED], [REDACTED] and [REDACTED], when asked if they witnessed any soldiers behaving aggressively toward the detainees and if yes, whether force was warranted to control the situation. All three stated they saw soldiers kicking the prisoners. (See sworn statements, 9 November) [REDACTED] stated that he also believed they were pushing the detainees around a lot, and it was not really justified to maintain control. (See Sworn Statement, 9 November) [REDACTED] explained it was difficult for him to see because once the detainees were on the ground, the soldiers from 1/A/1-41 gathered around them, yelling at them. He further said it appeared that some may have been kicking them, but it was hard to see through the crowd. (Stated in dialog with investigator, 9 Nov) Understanding that she was in close proximity [REDACTED] was asked what actions she took to stop the situation.

She stated, "I first approached the two soldiers that were kicking the detainees and told them to stop. They did, saying, "They didn't kill your LT!" I asked a 2LT ([REDACTED], identified by picture during interview) if he was in charge, he said, "yes," and explained that the prisoners shot an RPG that hit a LT. I advised him that they (the detainees) were in my charge. I also advised [REDACTED] that prisoners will not be harmed." (See sworn statement, dated 9 November)

[REDACTED] of the detention center for TF 1-13 AR stated in his sworn statement that what he remembered a member of the MIT team saying something about abuse, [REDACTED] stated she was reporting

b(6), b(3)

2-70 AR for prisoner mistreatment." (See sworn statement, dated 22 October). [REDACTED] was inside the detention center working on paperwork at the time, and did not actually witness any improper behavior. (See Sworn Statement, 23 October) However, the fact that [REDACTED] did talk to him about it on the day it took place reinforces her credibility. Furthermore, the two members of the MIT team stated that they witnessed [REDACTED] say something to the 1/A/1-41 soldiers, but could not hear what was said. (See Sworn Statement, 9 November) [REDACTED] did not have a direct line of sight to [REDACTED] and did not witness any dialog that took place, only the back of the 2-½ ton truck. Also, the 2-70 detention [REDACTED] stated that he did not witness abuse, but that he did see behavior that was rougher than "his style." (Stated in dialog with investigator, 9 November) Finally, the MIT team was asked to look at pictures of all the personnel from 1/A/1-41 and 2-70 present that day to determine if they could determine who was committed the abusive behavior. All four members stated they could not be certain which person committed the acts beyond doubt; however, they stated the two individuals that they believed did kick the detainees were Caucasian. (See sworn statement, [REDACTED], 9 Nov) Lastly, the only pictures identified as people [REDACTED] recognized for sure were [REDACTED] and [REDACTED] and stated that they were present during the incident. (See Sworn Statement and in oral dialog with investigator, 9 November). During the interview she stated that [REDACTED] was present and that he did not go into the jail to fill out paperwork until after she had come over during the events to stop it. She stated that she then walked over and sat down, fuming over the incident while he went inside to fill out the paperwork. Later she overheard [REDACTED] asked [REDACTED] who [REDACTED] was and her rank. At his response of her being the interrogator, and that he could not tell them her rank, she stated [REDACTED] said "Oh Shit" under his breath. (Said in dialog with investigator, 9 Nov 03) The TF 2-70 unit disagreed and stated something contrary to all other parties. First, [REDACTED] stated he went directly inside and did not witness the prisoner downloading operation. (See sworn statement, 9 November) They also stated that no one said anything to them regarding any issues of abuse, and it surprised them when it came up a few days to a week later. (See sworn statements, 9 November). However, in dialog with [REDACTED] during the investigation, he stated that he foresaw the possibility of this very issue occurring and took steps to prevent it. Furthermore, he stated, "that he asked 2 PFCs in the jail to inspect the prisoners to make sure they were okay." (See Sworn statement, 9 November) The fact that he wanted an outside inspection to ensure the prisoners did not have marks or injury is disturbing because it raises the suspicion that he was protecting himself after wrongful behavior. The behavior in question likely was not aimed at causing permanent damage, but rather to intimidate and cause short-term discomfort or pain. Similarly, much of the 7 personnel interviewed shared the same specifics regarding the case to include someone saying, "You

001624

b(6), b(3)

guys are square," when asked if the unit was done and the prisoners were okay. However, many did not remember dialog that took place or what kind of swearing or interactions occurred on the scene. It is the belief of the investigator that the unit discussed the incident prior to the investigation and determined "the one story to tell" so that everyone would be the same. It is common practice told among combat units that if a unit comes under investigation that if the unit makes sure every one is on the same page, nothing will come out of it. Again, this is simply speculation and no facts can be produced beyond the similar specifics and omissions between all seven personnel. Lastly, it is noted that the PA for TF 1-13, [REDACTED] was sent to inspect the detainees for abuse. He noted a scrape on a detainees shoulder injury (described as a abrasion) and a minor scalp laceration. The PA determined abuse did not occur at the jailhouse. During questioning, he said he asked the prisoners if they were abused while at the jailhouse. They said they hadn't; however, from the point of view of the prisoners, it occurred prior to them arriving. Also, they had blindfolds on during the events, which limits their ability to state facts. Finally, abuse may have occurred in minor fashion, and the prisoners answered no because it was simply viewed as rough handling and a few cheap shots. Improper handling viewed by the American Military may be a very different idea than that of an Iraqi whose experience has been the former Saddam Regime. It is interesting to note that one detainee had a minor scuffmark on his shoulder and only one prisoner is reported of falling or being pushed out of the 2-½ ton truck. It is likely that the small abrasion occurred during this event. Furthermore, it is likely that all kicks were not delivered to cause major injury. In fact, during discussion with [REDACTED] he said he specifically asked if the prisoners looked okay prior to leaving that day, which leads one to believe if he had allowed abusive behavior it would have been controlled to pass jailhouse inspection and not raise suspicion. It is noted that [REDACTED] did not believe the prisoners were abused at the jailhouse. The investigation determined that given the possibility that the kicks to the sides did not leave marks and could still have occurred. Lastly, the investigation found records through the 3BCT S-2 of the prisoners that were involved in this incident. The prisoners were referenced in [REDACTED] sworn statement and are found under the list of 2-70's detainees from 16 SEP 03. The individuals are the following:

[REDACTED], and [REDACTED]
[REDACTED] The record received from 3BCT S-2 shows that the individuals were released on 19 September to 2-70, except for prisoners 6515 and 6516, who were sent to the Division Interrogation Facility for further questioning. The DIF and Abu Ghurab Prison were contacted in order to find the detainees for questioning. Both facilities do not have the prisoners and further contact information was not available to contact them.

001625

b(6), b(3)

The issue of abusive language and improper conduct toward detainees:
The investigation found that all parties agreed that there was a lot of swearing and yelling toward the detainees during the unloading procedures at the TF 1-13 detention facility. (See all sworn statements, 9 November). Under UCMJ, Article 134 - Threat Communicating, the regulation states, "That the accused communicated certain language expressing a present determination or intent to wrongfully injure the person, property, or reputation of another person, presently or in the future. That the communication was known to the person, and that the communication was wrongful. Finally that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces." (UCMJ, 110. Article 134 - (Threat Communicating). Given the already rough treatment, it is the belief that the threat was communicated and enhanced by the unprofessional nature of dialog directed toward the prisoners. The detainees were all blindfolded and zip-cuffed. They did not present a threat to the ten 2-70 personnel on site. The need for further intimidation, scare tactics, or verbal abuse was unwarranted for mission accomplishment. The United States Army states on its rules of engagement card, "Conduct yourself with dignity and honor." (Rules of engagement card) The investigation believes that the verbal tactics used at the detention center violated this aspect of ROE. The fact was enhanced during spoken dialog with [REDACTED] who stated, "Yes, common swear words were used," and spelled it capital letters on his sworn statement regarding whether it was common practice to yell at prisoners after arrest. He further stated that the prisoners were suspected of wounding men from his unit, hell yes he was swearing and yelling at them. He further stated, that was how he did business, and he was not trained for peacekeeping missions. He was here (Iraq) for the war and if they wanted peacekeepers they could send him home, and replace his unit with units trained as peacekeeping! He wasn't going to change his tactics regarding swearing at detainees or using forceful tactics when handling prisoners. (Verbal dialog with investigator, 9 November).

- c. Recommendations for punishment, corrective actions, and changes in procedures for future operations.

- i.

[REDACTED]

b(5)-3
deliberative
process

b(6), b(3)

ii.

iii.

b(5)-3
deliberative
process

iv.

b(5)-3
deliberative
process

[REDACTED]

[REDACTED]



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
Baghdad, Iraq
UNIT 92940, APO AE 09324-2940

REPLY TO
ATTENTION OF:

b(6), b(13)

5 NOVEMBER 2003

AFZN-BB-CO

MEMORANDUM FOR [REDACTED]
[REDACTED], 1st Field Artillery Regiment, 3rd Brigade Combat Team, Baghdad, Iraq

SUBJECT: Appointment as Investigating Officer (Detainee Abuse, 16 Sep 03)

1. You are appointed as an investigating officer IAW AR 15-6. You will investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3rd BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.
2. Use the informal procedures of AR 15-6. At a minimum, make findings as to the facts and circumstances of the incident. Determine whether the TF 2-70 AR soldiers were abusive towards the detainees, whether they used excessive force, and whether they violated any rules of engagement.
3. You will also make any pertinent recommendations. At a minimum, you will make a recommendation as to whether any disciplinary action would be appropriate. You will also make a recommendation as to whether any changes to procedures or tactics would be appropriate.
4. You will take sworn statements from all pertinent witnesses. If you suspect anyone of violating the UCMJ, you will inform them of their Article 31 rights, using DA FM 3881, prior to questioning or taking a statement. In addition, provide them with a Privacy Act statement, prior to soliciting any personal information.
5. You may obtain legal advice from the Brigade Legal Advisor.
6. Submit your findings and recommendations on DA FM 1574 to the Brigade Legal Advisor no later than 10 November 2003.

[REDACTED]

001628



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
Baghdad, Iraq
UNIT 92940, APO AE 09324-2940

b(6), b(3)

REPLY TO
ATTENTION OF:

AFZN-BB-CO

19 September 2003

MEMORANDUM FOR [REDACTED]

[REDACTED] 1st Field Artillery Regiment, 3rd Brigade Combat Team, Baghdad, Iraq

SUBJECT: Appointment as Investigating Officer (Detainee Abuse, 16 Sep 03)

1. You are appointed as an investigating officer IAW AR 15-6. You will investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3rd BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.
2. Use the informal procedures of AR 15-6. At a minimum, make findings as to the facts and circumstances of the incident. Determine whether the TF 2-70 AR soldiers were abusive towards the detainees, whether they used excessive force, and whether they violated any rules of engagement.
3. You will also make any pertinent recommendations. At a minimum, you will make a recommendation as to whether any disciplinary action would be appropriate. You will also make a recommendation as to whether any changes to procedures or tactics would be appropriate.
4. You will take sworn statements from all pertinent witnesses. If you suspect anyone of violating the UCMJ, you will inform them of their Article 31 rights, using DA FM 3881, prior to questioning or taking a statement. In addition, provide them with a Privacy Act statement, prior to soliciting any personal information.
5. You may obtain legal advice from the Brigade Legal Advisor.
6. Submit your findings and recommendations on DA FM 1574 to the Brigade Legal Advisor no later than 28 September 2003.

[REDACTED]

001629

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 09 NOV 03	TIME 1740	FILE NUMBER
LAST NAME [REDACTED]	GRADE/STATUS [REDACTED]	NUMBER [REDACTED]	GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.
1-13 DETENTION FACILITY, GUARD STACK, 10 M AWAY FROM STON IN WHICH DETAINEES WERE BROUGHT IN.
2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
N/A
3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
I SAW 3 DETAINEES ON THE GROUND AND THE FOURTH BEING THROWN OUT OF THE TRUCK.
4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)
N/A
5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
I DON'T REMEMBER ANY OBSCENE LANGUAGE, THOUGH IT IS COMMON PRACTICE TO RAISE ONE'S VOICE AT A PRISONER UPON ARREST.
6. Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
NO, THEY WERE TIED AND BLIND-FOLDED.
7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
TWO SOLDIERS WERE KICKING TWO DETAINEES IN THE RIBS - ABSOLUTELY NOT WARRANTED.
8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
I FIRST APPROACHED THE TWO SOLDIERS THAT WERE KICKING THE DETAINEES AND TOLD THEM TO STOP. THEY DID, SAYING: "THEY DIDN'T KILL YOUR LT". I ASKED A 2LT IF HE WAS IN CHARGE, HE SAID YES AND EXPLAINED THAT THE PRISONERS SHOT AN RPG THAT HIT A LT. I ADVISED HIM THAT THEY WERE IN MY CHARGE. I ALSO ADVISED [REDACTED] THAT PRISONERS WILL NOT BE HARMED.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

001630

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO.

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

I REMEMBER THE TWO SOLDIERS THAT WERE KICKING THE PRISONERS ARE CAUCASIAN. A SSG WAS STANDING NEARBY. SAME SSG ASKED ONE OF MY SECURITY GUARDS (REDACTED) WHAT MY RANK WAS AND WHO I WAS. REDACTED TOLD HIM THAT HE CAN'T TELL HIM MY RANK, BUT THAT I WAS AN INTERROGATOR.

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

NO.

13. Is there anything you would like to add to the investigation at this time?

REDACTED TOLD ME THAT HE WAS TOLD TO "LOOK AWAY OR GO TAKE A PISS" BY SOLDIERS HANDLING THE PRISONERS.

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 REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INFLUENCE.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at 38CT FOB

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] (Signature of Person Making Statement)

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

[REDACTED] (Authority To Administer Oaths)

001631

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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	2. DATE 9 Nov	3. TIME 1737	4. FILE NO.
5. NAME (Last-First-Middle)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

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 [REDACTED], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and [REDACTED] having a lawyer present with me.

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

001632

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 Nov 03	TIME 18:55	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.
IN side vehicle about 75m from the 5 ton truck, The gate was open on 14 Sept. 03 approx 16:00hrs.
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
N/A
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
Saw one person thrown from the back of the truck.
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)
N/A
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
Several soldiers were yelling at the prisoners, while the prisoners were on the ground. These mother fuckers just killed two soldiers!
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
NO.
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
Some soldiers were kicking the prisoner while on the ground.
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
No.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES
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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.

001634

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. *NO,*

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos), and specifically what you believe this person did.

Too far. Soldiers in DCU's.

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

See question number 5.

13. Is there anything you would like to add to the investigation at this time? *NO,*

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.



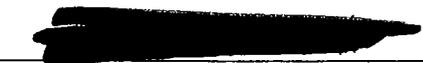
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at



(Signature of Person Administering Oath)



(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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
2. DATE 9 NOV 03
3. TIME 1853
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN 573
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 [redacted], IAD

and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject othe UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- 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.

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

5. COMMENTS (Continue on reverse side)

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
4. SIGNATURE OF INVESTIGATOR
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

PART II - RIGHTS WARNING PROCEDURE

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)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 09 Nov 03	TIME 1838	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.

In clear view of the Star, standing in back of the Humvee

2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?

N/A

3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?

Yes, saw detainee fall out of truck.

4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)

N/A

5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?

Yes, yelling and obscene language was used.

6. Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.

No

7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)

I am guessing; 2 people were kicking the prisoners to the sides.

8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?

The soldiers pulled up in the Star and told me and [REDACTED] to look away.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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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.

b(6), b(3)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

Identified SSG and 2LT as being present, but NOT necessarily participating or present during the events. Saw them 2 talking to [redacted] and prison NCOIC.

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

NO

13. Is there anything you would like to add to the investigation at this time?

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.

[redacted signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Nov, 2003 at

[redacted signature]

(Signature of Person Administering Oath)

[redacted name]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted initials]

001639

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(3)

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	2. DATE 7 Nov 03	3. TIME 1836	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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
1a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
		[REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		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

2. SIGNATURE OF INTERVIEWEE

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

001640

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 NOV	TIME 1825	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.
I was at the rear of my truck less than 15m from the five-ton they used
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
N/A
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
NO they were pulled from the back of the truck
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)
N/A
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
Yes they were yelling obscenity's ie: motherfucker, Assholes...
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
NO they were blindfolded & zip-tied
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
Yes, they threw them to the grade then one soldier kicked a detainee in the side they were also shoving around too much
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
[REDACTED] came out and said some words I could not hear

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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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.

001642

STATEMENT (Continued)

b(6), b(2)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

NO

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

NO

13. Is there anything you would like to add to the investigation at this time?

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.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Nov, 192003 at 38CT FCB

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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	2. DATE 9 NOV 03	3. TIME 1822	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

- 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 othe UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- 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 WITNESS [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		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

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

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 arranged 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)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION FTCP 2-70 AR	DATE 9 Nov 03	TIME 1011	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

I, William B Murphy, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.
I was located at the front Gate, approximately 100 meters from the truck.
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
yes, about 1 week after drop off of prisoners
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
No, I did not physically see them all unloaded from truck
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)
[REDACTED] were unloading the prisoners.
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
Yes, we were swearing. One prisoner tried to remove his blind fold and was yelled at. It wasn't anything out of control though.
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
They were trying to get up once we put them on the ground.
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
Soldiers put their feet in the back of their hands to put the individual on the ground.
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
I talk to the soldiers to make sure everything was ok and we were all set.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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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.

001646

STATEMENT (Continued)

b(6), b(3)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. No, [redacted] did paperwork

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? We were told they were arrested for and admitted to setting IED that hit Lt Muzel our 2Lt platoon leader by 2-70 AR holding area

11. Is there anything you would like to add to the investigation at this time?

Yes, If our actions were in question why did they not address me immediately. Bounty did actual raid to detain him. The soldiers who were injured due to the IED were from [redacted] attached to Bounty

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]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Nov, 2003 at [redacted]

[redacted signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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	2. DATE 9 NOV 03	3. TIME 1012	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: **15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs**

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

- or -

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

- 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
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
		[REDACTED]
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
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

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

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)

b(6), b(3)

SWORN STATEMENT

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

LOCATION FTCP	DATE 9 Nov 03	TIME 1045	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	

ORGANIZATION OR ADDRESS
[REDACTED]

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.
TC of 2 1/2 ton truck - Back of Doce During Download
2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
yes
3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
The Detainee was lifted from the truck to the ground
4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck relieving the prisoners after they were unloaded and consolidating them on the ground.)
I was in the 2 1/2 ton truck. Downloading prisoners, everyone else was on the ground.
5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
yes, common swear words. YES!
6. Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
They were being uncooperative, not wanting to get off of the truck. One soldier did not want to stay down after being downloaded. One soldier held prisoner down with force.
7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
NO.
8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
[REDACTED] said we need to be nicer to the detainees. I personally asked 2 APL's in the jail to inspect the prisoners to make sure they were OK. They responded "you guys are square"

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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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.

001650

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

See Q.8

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

Yes. IFO;

11. Is there anything you would like to add to the investigation at this time?

Noone at any time ^{was} mistreated or Abused. The MIT Team needs to stop being so Sensation, and let us do our job or they can do it themselves.

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 9 day of Nov, 16 2003 at

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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 FTCP	2. DATE 9 Nov 03	3. TIME 1045	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	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 [REDACTED] IAD

suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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. [REDACTED] VIEWEE
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		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

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

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."
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 - 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)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION <i>Acc 1-41 Ent Camp Payne</i>	DATE <i>09/16/03</i>	TIME <i>11:14</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03. *I was the truck with prisoners*
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? *Yes I was aware*
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? *NO, I didn't witness a detainee being dropped off the 2 1/2 ton truck*
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.) *[REDACTED] and myself were unloading the prisoners [REDACTED] were laying them on the ground then myself [REDACTED] walked to prisoners to their location and left*
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest? *NO and the prisoners were not saying anything to us*
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what. *NO*
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.) *NO*
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? *NO*

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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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.

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. *No*

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? *yes because one guy was arrested for blowing out ~~a~~ and Lt's eyes and one from a driver that was in my company*

11. Is there anything you would like to add to the investigation at this time? *No*

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

001655

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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>A Co 1-41 Inf Camp Payne</i>	2. DATE <i>09 AUG 03</i>	3. TIME <i>11:44</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED]	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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

PART II - RIGHTS WARNING PROCEDURE

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)*

#4
b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
LAST NAME - FIRST NAME - MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS [REDACTED]			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.
riding in the Humvee, consolidating prisoners 10ft. from the star
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
no
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
no
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)
don't recall
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
no
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
no
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
no
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
no

EXHIBIT	[REDACTED] MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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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.

001658

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. **NO**

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? **NO** ~~at least~~ even know

11. Is there anything you would like to add to the investigation at this time? **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 [REDACTED] THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [REDACTED]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 10 2003 at

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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	2. DATE 9 Nov 03	3. TIME 1132	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	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 [REDACTED] IAD

and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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 to the investigator first and without having a lawyer present with me.

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

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

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."

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- 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)*

b(1), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 Nov 03	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS

ORGANIZATION OR ADDRESS

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.

Driver of Duce went and smoked a cigart

2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?

NO

3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?

NO

4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)

_____ where in the truck
_____ escorted the prisoners in
pretay some he also escorted.

5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?

NO

6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.

NO

7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)

NO

8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?

I went and talked to two guys told them these were the guys who had set off an IED

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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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.

001662

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

yes we were told they set off an IED that injured 2 of our fellow soldiers.

11. Is there anything you would like to add to the investigation at this time?

NO

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.

[REDACTED SIGNATURE]

(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 OF PAGES

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

b(6), b(3)

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	2. DATE 9 Nov 03	3. TIME	4. FILE NO.
5. NAME	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

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 [redacted], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	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

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

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)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 NOV 03	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.
Guard in back of Deuce helped unlode prisoners

2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
NO

3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
NO

4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.)
[REDACTED] helped unloded prisoners

5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
NO

6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
NO

7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
NO

8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
NO

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

001666

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

yes The receiving NCOIC checked the prisoners he said you guys are square

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

NO

11. Is there anything you would like to add to the investigation at this time?

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.

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV 2003 at

[REDACTED SIGNATURE]
(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 [REDACTED]

PAGE 2 OF 2 PAGES

001667

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

b(6), b(3)

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 2. DATE 9 NOV 03 3. TIME 4. FILE NO.
5. NAME (Last, First, MI) 8. ORGANIZATION OR ADDRESS
6. SSN GRADE/STATUS

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 [redacted], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject othe UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- 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.

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

5. COMMENTS (Continue on reverse side)

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
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. [redacted]
4. SIGNATURE OF INVESTIGATOR
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

PART II - RIGHTS WARNING PROCEDURE

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)

b(6), b(15)

SWORN STATEMENT

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

LOCATION	DATE 9 Nov 03	TIME 1204	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.
Inside Jail Filling out paper work
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?
No idea of incident until BN XO calls me in his office to question me
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?
No I did not
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)
No
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?
No
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.
No
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)
No, they were off the truck when I came out of the building
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?
No

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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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.

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. Detention NCOIC Said to his guys, be easy with prisoners, Don't beat them up.

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? My opinion based on the evidence we had they appeared guilty

11. Is there anything you would like to add to the investigation at this time?
Nothing follows

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at

[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 [REDACTED]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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	2. DATE 9 Nov 03	3. TIME 1203	4. FILE NO.
5. NAME (Last, First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED]	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 [REDACTED], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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 othe UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- 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]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

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

001672

PART II - RIGHTS WARNING PROCEDURE

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION Dakota FOB, Baghdad, Iraq	2. DATE (YYYYMMDD) 2003 10 10	3. TIME 13 00	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

On 16 Sept 03, I was called by the BN TOC to go to the jailhouse to determine whether or not any of the detainees had suffered any physical abuse while they have been in the jailhouse. I determined that none of them did. However, there was one detainee that did have a minor scalp and shoulder injury, which he said occurred at a gas station where he was detained by coalition troops. Both wounds only required simple first aid for treatment. One of the witnesses on the scene said that while this person was being detained he kicked one of the soldiers and the soldier retaliated back by butt stroking him in the head.

End of statement

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

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT 1300 DATED 10 Oct 03

9. STATEMENT (Continued)

Q: Did the Detainees arrive at I-13 AR with any visual injuries?

A: yes, there was one detainee that had a minor scalp laceration and abrasion on his shoulder. I am not sure which one the four it was though.

Q: Why did they call you to examine Detainee?

A: The Chain of Command wanted me to evaluate whether a prisoner had been abused at our jailhouse.

Q: How many injuries did the Detainee have on his Body?
A: Two, an abrasion on his left shoulder which was nothing more than a scuff mark and a superficial laceration on his scalp which did not require stitches.

Q: Did you ask him how he received the injuries? If so what did the Detainee say?

A: yes, He told me that a soldier butt ~~stroke~~ stroked him in the head.

Q: Who were the witnesses who reported/stated seeing the butt-stroke incident? Did you see any soldier butt stroke a Detainee?

A: It was a Sgt. MP at the prison that told me that, when I was questioning the detainee on how he got his injuries. No, I did not see any soldier butt stroke a detainee.

nothing follows

INITIALS OF PERSON MAKING STATEMENT

ORP

PAGE 2 OF 3 PAGES

STATEMENT OF _____

TAKEN AT _____

DATED, b(6), b(3)

9. STATEMENT (Continued)

Nothing

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 WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL _____

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of October, 2003 at _____

ORGANIZATION OR ADDRESS _____

ORGANIZATION OR ADDRESS _____

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

001676

b(6), b(3)

SWORN STATEMENT

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

LOCATION Dakota Fab	DATE 17 Sept 03	TIME 2:00	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
OCCUPATION OR ADDRESS [REDACTED]			

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

On 17 Sept 03 at approximately 2000hrs went to the Dakota jail to evaluate prisoners #'s 6513, 6514, 6515, 6516, 6517 for signs of physical abuse, which might have occurred at the jailhouse. I asked the prisoners if any of them had been abused since being in the jail. They all replied no. I also examined the prisoners and found no signs of abuse.

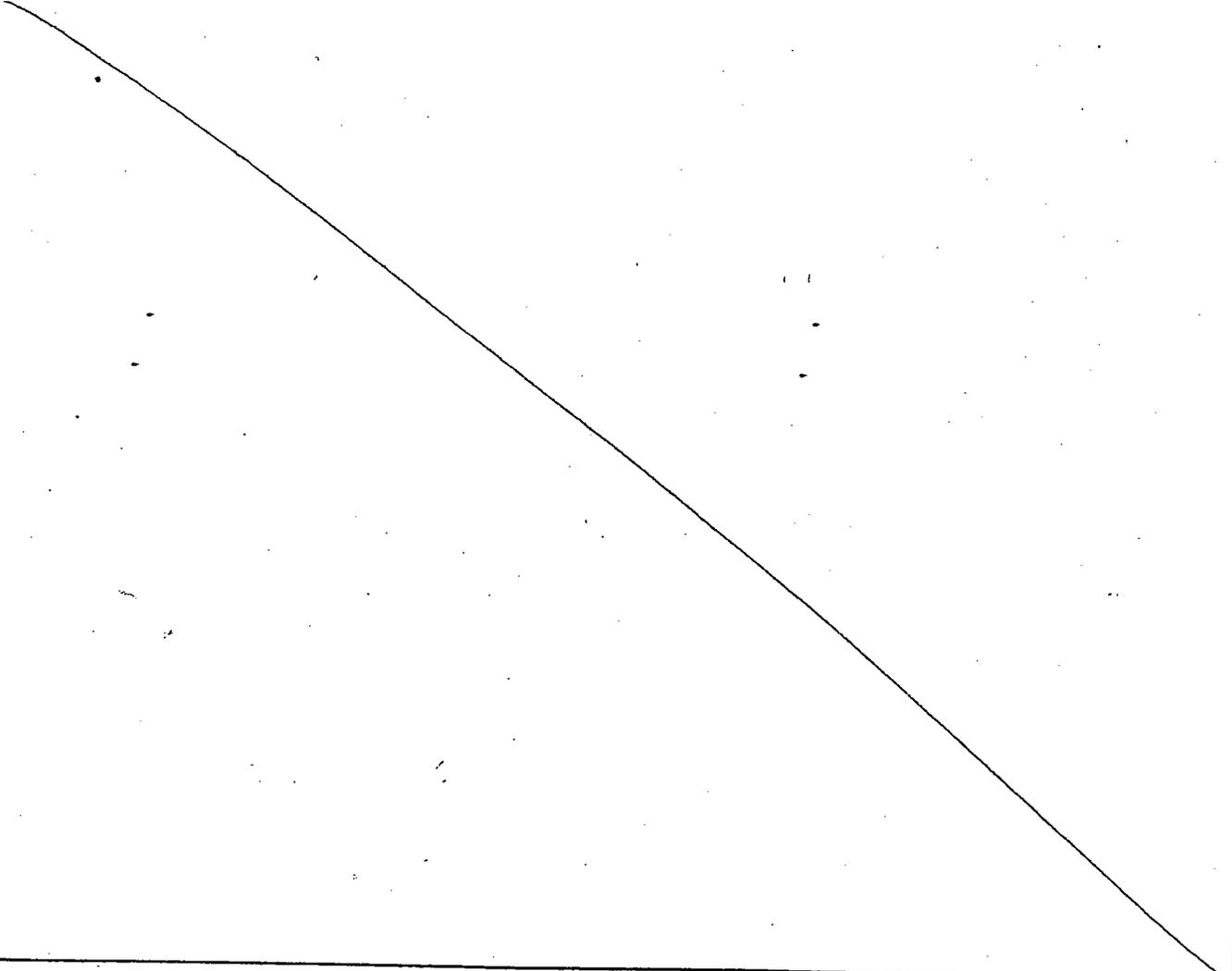
End of Statement

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.

b(6), b(3)

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 17 day of Sept, 192003 at FAB Dakota

(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

001678

SWORN STATEMENT

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

b(6), b(3)

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: 1-13 Av FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 2003 10 22
3. TIME: 1720
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 16 Sept I had the day shift, and was the UCOIC when 270 AR brought prisoners in. Due to my location and routine I was checking paper work by the entrance of the jail for inprocessing. I remember one of the MIT personnel saying that they were reporting 270 AR for abuse of prisoners. I did not see or witness any of that incident. This statement is provided to the best of my knowledge and memory.
Nothing follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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 BE INDICATED.

STATEMENT OF _____

TAKEN AT _____

DATED _____

b(6), b(3)

9. STATEMENT (Continued)

Q: Did you witness/see a detainee being butt stroked by a Soldier?

A: No

Q: Where were you the receiving NCDIC for the Detainees on 16 Sept 03 from 2-70 AD soldiers?

A: Yes

Q: Did ~~the~~ Anyone report anything to you regarding a Detainee being butt-stroked on Detainee being Abused? If so, ^{who} was the Individual?

A: I was told by _____ from the MIT team that they (the MIT team) was reporting 2-70 AR for prisoner mistreatment. I don't remember the type of mistreatment that was being talked about.

Nothing follows

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 22 day of October, 2003 at _____

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