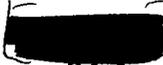


*Normally would not
release*

INFORMATION PAPER

AFOP-TRO

 464-6303
24 August 2004

ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

FORSCOM G3 training was asked to provide information on actions taken in response to the detainee abuse situation before and after 4 May.

Sequence of events

- Sometime prior to 31 March: USAMPS deploys a Mobile Training Team to Iraq to provide training on detainee operations, and develop a training support package for use in preparing soldiers for deployment. FORSCOM Provost Marshal contributes one team member.
- 4 May – 10 May: FORSCOM G3 Training is asked to answer training questions related to the 800th Military Police Brigade.
- 11 May: Hard copy of the USAMPS in theater detainee operations training received. Followed by electronic copy 12 May.
- 14 May: Email from TRADOC indicates that MP and MI schools are working a scrub of their doctrine.
- 15 May: LTG McKiernan white paper on detainee operations training is received.
- 17 May: FORSCOM completes draft training guidance for units performing detainee operations training and missions at detention facilities. This training guidance is reviewed and adjusted by COL(P) Terry on 18 May.
- 7 Jun: FORSCOM publishes training guidance for all units that will be performing detainee operations missions and missions at detention facilities.
- 15 Jun: USAMPS completes the detainee operations training support package.
- 22 Jun: Detainee ops training support package is available on Army Knowledge Online.

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ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

Actions prior to 4 May 04.

FORSCOM provided combat arms, combat support, and combat service support forces to engage in major hostilities. FORSCOM training guidance required units to be proficient in tasks essential to their mission. Individuals are trained on Rules of Engagement and Rules for the Use of Force.

Actions after 4 May 04.

FORSCOM responds to pre-mobilization and post mobilization training questions concerning several Military Police units mobilized and deployed for Operation Iraqi Freedom.

FORSCOM is aware of the developing situation regarding alleged detainee abuse at Abu Ghraib, and some of the actions being taken by Training and Doctrine Command and the combatant commander chain of command to assess the situation, define the problem, and make recommendations. FORSCOM starts revisions of training guidance in response to initial TRADOC documentation and LTG McKiernan paper with training recommendations.

General training guidance is changed as follows:

- All deploying units and headquarters will conduct or receive Law of War and Code of Conduct training supported by a Judge Advocate where feasible, Active Component units will perform this training within 60 days prior to deployment. Reserve Component units will conduct this training at the mob station. Training will stress -
 - The Geneva Conventions with specific emphasis on the Geneva Convention relative to the treatment of civilian persons in time of war;
 - The basic principles of humane treatment and prohibited acts outlined in AR 190-8, paragraph 1-5b and c, for any captured or detained person, which includes those captured individuals suspected of being unlawful combatants; and
 - The importance of immediately reporting all suspected Law of War violations to the chain of command.
- All individuals receive training on -
 - The Law of War (Geneva Convention) briefing
 - Army Values Briefing
 - Comply with the Law of War and the Geneva and Hague Conventions
- All leaders receive training on -
 - Enforce the Law of War and the Geneva and Hague Conventions
 - Supervise the Handling of Enemy Personnel and Equipment at the Squad level

Specific training guidance is published for units performing internment and detainment operations based on initial training tasks identified by TRADOC and LTG McKiernan's white paper.

ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

Specific questions

6. Provide unit training exercises that existed to train detainee operations and establish links between MP and MI units. Has training expanded to incorporate lessons learned from OIF and Bosnia:

- Before and after 4 May: For units deploying as part of a brigade or division, the mission rehearsal exercise and staff exercises provide a training event where all elements work in concert. For echelons above division (EAD) and echelons above corps (EAC) units, no standard mission rehearsal exercise with other units is conducted.

- After 4 May: Individual, leader, and collective training has changed in response to lessons learned in OIF. Training has not been changed in response to lessons learned in Bosnia.

9. What training has been incorporated into our MP/MI schools to prepare soldiers/leaders for detainee operations?

- This question can be answered by Training and Doctrine Command.

10. What training existed to prepare soldiers to report detainee abuse and use of the ethical decision making process when dealing with different categories of detainees? How has this training changed?

- Before 4 May: Units were required to be trained and proficient in their mission essential tasks. FORSCOM OIF/OEF Training guidance did not explicitly address training tasks related to preparing soldiers to report detainee abuse or using the ethical decision making process, but all reserve and active component units are required to conduct Law of War and other mandatory briefings annually. No training was specifically directed in the OIF training guidance on differences in categories of detainees.

- After 4 May: Units are required to be trained and proficient in their mission essential tasks. FORSCOM OIF/OEF training guidance was changed to incorporate specific training for all individuals on the Law of War, the Geneva and Hague Conventions, and reporting violations of the Law of War. Leaders are trained on supervising the handling of enemy personnel and equipment at the squad level and enforcing compliance with the Geneva and Hague Conventions.

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BT
UNCLAS

SUBJ/TRAINING GUIDANCE FOR UNITS PERFORMING INTERNMENT/DETAINMENT OPERATIONS ISO OPERATION IRAQI FREEDOM//

RMKS/

1. PURPOSE. THIS MESSAGE PROVIDES TRAINING GUIDANCE FOR ALL UNITS PERFORMING INTERNMENT AND DETAINMENT OPERATIONS IN SUPPORT OF OPERATION IRAQI FREEDOM.
2. THEATER SPECIFIC INDIVIDUAL TRAINING. SEE FORSCOM OIF TRAINING GUIDANCE CHANGE 3.
3. THEATER SPECIFIC LEADER TRAINING. SEE FORSCOM OIF TRAINING GUIDANCE CHANGE 3.
4. GENERAL COLLECTIVE COMPETENCIES. UNITS SHOULD BE TRAINED TO A "P" IN COMPETENCIES THAT ARE GENERAL IN NATURE AND INHERENT IN A UNITS NORMAL DUTIES AND RESPONSIBILITIES. THESE INCLUDE:
 - 4.A. THEATER SPECIFIC INTERNMENT AND DETAINEE OPERATIONS COLLECTIVE TASKS.
 - 4.A.1. INTRODUCTION TO DETAINEE OPERATIONS (OIF DETAINEE DEFINITIONS)
 - 4.A.2. COMMUNICATE WITH DETAINEES (MUSLIM CULTURAL AWARENESS)
 - 4.A.3. GENEVA CONVENTIONS (HUMANE TREATMENT OF DETAINEES)
 - 4.A.4. STRESS MANAGEMENT
 - 4.A.5. HIV/UNIVERSAL PRECAUTIONS WITHIN DETAINEE OPERATIONS
 - 4.A.6. USE OF FORCE FOR DETAINEE AND INTERROGATION OPERATIONS DROE/IROE)
 - 4.A.7. DETAINEE FRISK, UNDRRESS, CELL AND AREA SEARCH PROCEDURES
 - 4.A.8. RESTRAINT PROCEDURES FOR DETAINEES
 - 4.A.9. PERSONAL SAFETY AWARENESS
 - 4.A.10. REACT TO A PHYSICAL ATTACK USING UNARMED SELF DEFENSE TECHNIQUES
 - 4.A.11. FORCED CELL MOVE (FCM) PROCEDURES
 - 4.A.12. RESPOND TO A BOMB THREAT AND/OR A BOMB WITHIN DETAINEE OPERATIONS
 - 4.A.13. EMERGENCY ACTIONS FOR FIRE, ESCAPES AND DISORDERS WITHIN DETAINEE FACILITIES
 - 4.A.14. CELL BLOCK OPERATIONS WITHIN A DETAINEE CAMP
 - 4.A.15. ACCOUNTABILITY PROCEDURES
 - 4.A.16. PERFORM SECURITY AND CONTROL ACTIVITIES WITHIN DETAINEE OPERATIONS
 - 4.A.17. SPECIAL HOUSING UNIT (SHU) / SEGREGATION OPERATIONS
 - 4.A.18. MAIN GATE/SALLY PORT OPERATIONS
 - 4.A.19. VISITATION PROCEDURES
 - 4.A.20. BIOMETRIC AUTOMATED TOOLSET SYSTEM (BATS) AND NATIONAL DETAINEE REPORTING SYSTEM (NDRS)
 - 4.A.21. CAPABILITIES AND LIMITATIONS OF THE INTERROGATION
 - 4.A.22. SUPPORT RELATIONSHIPS BETWEEN MILITARY POLICE AND MILITARY INTELLIGENCE IN DETAINEE OEPERATIONS
 - 4.A.23. HUMANE TREATMENT OF DETAINEES
 - 4.A.24. INTERNATIONAL AGREEMENTS AND REGULATIONS RELATING TO DETAINEES
 - 4.A.25. INTEGRATION OF PROCEDURES FOR EVACUATION, CONTROL, AND ADMINISTRATION OF DETAINEES
 - 4.A.26. ESCORT PROCEDURES WITHIN DETAINEE OPERATIONS
 - 4.A.27. NON-LETHAL WEAPONS CAPABILITIES DURING DISORDERS/DISTURBANCES WITHIN DETAINEE OPERATIONS

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4.B. TRAINING SUPPORT: THE US ARMY MP SCHOOL AT FORT LEONARD WOOD IS PREPARING A TRAINING SUPPORT PACKAGE THAT WILL BE USED BY ALL TRAINERS FOR PRE-DEPLOYMENT TRAINING.

5. FOR MORE INFORMATION CONTACT FORSCOM G3 TRAINING, LTC [REDACTED] DSN 367 [REDACTED], OR CPT [REDACTED] DSN [REDACTED]

From: [redacted] LTC(P)
Sent: Tuesday, August 24, 2004 2:53 PM
To: [redacted] Jr. MAJ - G1; [redacted] LTC
Cc: [redacted] - LTC
Subject: RE: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Follow Up Flag: Follow up
Flag Status: Flagged

OK - [redacted] - ask USARC for details.

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

From: [redacted] Jr. MAJ - G1
Sent: Tuesday, August 24, 2004 2:48 PM
To: [redacted] LTC; [redacted] LTC(P)
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Gentlemen,

Here is all the info we sent in the past on the 372 MP CO, the last time we did this Trng had the lead and we assisted (PMO/MPOI). As LTC [redacted] states below, don't have any info on the 12 pax (Det 4) peice they talk about, and would have to ask USARC what this is, only problem I'll have on that is the person I would need to speak to is up in DA at the panel meeting today and tommorrow.

Ma [redacted]

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

From: [redacted] LTC
Sent: Tuesday, August 24, 2004 6:32 PM
To: [redacted] Jr. MAJ - G1
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

372nd information below ... unknown about the 12 .. but would wait for the tasker to ask USARC

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

From: [redacted] LTC
Sent: Friday, May 28, 2004 1:07 PM
To: [redacted] COL
Cc: [redacted] COL; [redacted] LTC
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Sir,

MG Burns requested that you review the response prior to him sending it to DA.

Below are the original questions

Subject: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying Units.

1. The SecDef has established an Independent Panel to review DoD Detention Operations, headed by the Hon. James Schesinger. Army G-3, in conjunction with the other staff sections, will support the DoD Independent panel in responding to requests for information.
2. VCSA wants to get information on what the training requirements were from the CONUSA and supporting TSB for RC Units during the period that detainee abuse occurred.

a. Overview of what deploying units were required to train on?

- (1) What tasks were conducted pre-mobilization?
- (2) What tasks were conducted at mobilization?
- (3) What were post mobilization tasks conducted (broadly)?
- (4) What shortcomings were noted, and corrective actions taken?

b. What guidance did CONUSAs and Training Support Brigades operate from at the time of mobilization?

c. Was training and validation of units at mobilization stations consistent?

d. Did units receive theater specific mission training requirements?

e. Did Military Police units receive Internment/Resettlement training?

Have sent the appointment memo from Sec Rumsfeld on NIPR as well.

Suspense to DA is today. Don't think MG Burns will send without your review.

Thanks,

LTC [REDACTED]

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

From: [REDACTED] COL
Sent: Friday, May 28, 2004 12:25 PM
To: Burns, Jr. Julian H. MG DCS G-3/5/7
Cc: [REDACTED] LTC, [REDACTED] LTC, [REDACTED] LTC
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Sir,

Forwarded is our input to the Schlesinger tasking:

talked w/ DAMO-TR POC (LTC [REDACTED]) this morning ... they're looking for the broad description of post-mob training and activities and specifics on the 3 units discussed before

Per your guidance, we've attached the 1A info papers on those units.

information we requested from 1A on specific MI units (325th and 323d) is incomplete ... 1A continues to work ... DA does not expect today

TRADOC and DA staff are working the cross walk of doctrine to Army Regs ... DAMO-TR will forward to later us for our reference

Recommend we forward attached files to DAMO-TR today ... forward MI unit data when complete.

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

From: [REDACTED] LTC
Sent: Friday, May 28, 2004 4:08 PM
To: [REDACTED] COL
Subject: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

<< File: Detainee Investigation.doc >>
<< File: CONUSA.doc >>
<< File: 800th MP BDE info paper.doc >>
<< File: 320th MP FINAL.doc >>
<< File: 372 MP info paper.doc >>

Sir,

Attached is the FORSCOM response, the 3 white papers for the MP companies provided early by First Army and a ten-liner that talks about the panel start date and the nature of the responses.

LTC [REDACTED]
NIPR: [REDACTED]@forscom.army.mil
SIPR: [REDACTED]@force1.army.smil.mil
DSN 367 [REDACTED] Comm 404-464 [REDACTED]

474 ID

DIVAN 15-6

75 pages

Admiral Law Control Sheet

ID	Date received	Action	Name/(Unit)
162	24 SEP 2003	CDRs Inquiry	SPC [REDACTED] /SSG [REDACTED]
Summary	Attorney	Status	
TF GUNNER DETAINEE	CPT Derossi	COMPLETED	
Date Completed	Investigating Officer		
24 SEP 03	COL [REDACTED]		

File Copy Made

Print Form

Received by/date

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DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

AFYB-ADC-S

12 September 2003

MEMORANDUM FOR: MG RAYMOND T. ODIERNO, Commander, 4th Infantry Division
(Mechanized), Tikrit, Iraq

SUBJECT: Commander's Report of Commander's inquiry

I. GENERAL

A. Pursuant to memorandum dated 15 July 03, Subject: Appointment of Investigating Officer, I conducted an informal Commander's Inquiry of Task Force Iron Gunner detainee operations. Although the appointing memorandum directed a general inquiry into Iron Gunner "operations," a review of the attached statements prompting the inquiry clearly indicated a concentration on detainee operations. The subsequent inquiry focus on three specific areas:

- Task Force Iron Gunner procedures for identifying Iraqi national's for detention.
- Tactics, techniques, and procedures used when detaining Iraqi Nationals during raids and other operations.
- Procedures used to transport, in process, and interrogate detainees.

In addition, a number of other, specific concerns raised in the attached statements were also explored as outlined below. The original packet was submitted to the TF Ironhorse Staff Judge Advocate office for legal review in early August and was returned with recommended areas for additional inquiry on or about 20 August 2003. During the intervening time one witness whom SJA had recommended be asked an additional question had departed theater on emergency leave. Submission of the revised report was initially held until the scheduled return of the individual during the first week in September. Subsequently been

B. On 4 July 2003 [redacted] a team member assigned to Psyops TTP 1683, forwarded through his command a list of concerns with the effectiveness of detainee operations within Task Force Gunner (Exhibit B). At the same time he approached [redacted] of the 37th CI TH, asking him to provide his observations also. [redacted] without further consultation with [redacted], forwarded his statement (Exhibit C). The statements assert:

- That [redacted] had an "unorthodox method of deciding who was a bad guy and needed to be detained" and that decisions on who was suspect in the Task Force Gunner's AO are routinely based on [redacted] personal feelings instead of active or passive intelligence. [redacted]

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- That Task Force Gunner continually detains Iraqis on little more than a whim, e.g. for nothing more than having \$100 in their possession. Many times the Task Force kept that money and never returned it [REDACTED]
- That few of the raids and detentions executed by Task Force Gunner have resulted in the capture of any anti-coalition members or the seizure of any weapons. Hundred of detained Iraqi Nationals are eventually released for lack of evidence of any wrongdoing. [REDACTED]
- That during interrogation at Task Force Jail, many detainees were not being informed of why they were there nor was the interrogation team privy to this information. Only 20 of 650 detainees interrogated have had any real intelligence value. [REDACTED]
- That [REDACTED] has made it clear that shooting and killing an Iraqi National for running on Task Force members is acceptable and even required. [REDACTED]
- That on or about 11 JUN 03 following clearance of a house, a Bradley Fighting Vehicle opened fire causing the house to burst into flames in front of the "weeping and distraught families". [REDACTED]
- That in a separate incident a father of a 12-year-old boy killed in operations was forced to wait days to recover the body and was "made to dig it up himself." [REDACTED]
- That members of Task Force Gunner, especially the S-5, are running their own intelligence show; that the Task Force was acting on this information without corroborating this information through the proper intelligence channels. [REDACTED]
- That on one occasion [REDACTED] was told to reveal a source of intelligence, classified information, to a detainee by the S-2. [REDACTED]

2. FACTS

A. The target and purpose for raids and other operations within Task Force Gunner are determined through a staffing process which culminates with a daily 1930 planning meeting involving the TF staff, subordinate commanders or their representatives, and the command group. Issues regarding types of individuals to be detained are not generally discussed as part of the planning meeting although specific detainee targets may be designated if suspected to be at the site. The opportunity for further clarification of detainee guidance is available during subsequent mission back briefs and rehearsals. [REDACTED] was present as an observer for some of these meetings early on but has participated recently due to other assigned duties. (Exhibits A, B, C, D, H)

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B. TF Gunner has not promulgated written guidance or an SOP regarding the types of individuals to be detained. TF personnel rely upon an evolving understanding of individuals to detain who are or are suspected of falling into theater designated A-D categories for additional questioning. During missions, on-site commanders may/do request additional guidance from Gunner 6 when they feel clarification is required. Early on in the campaign as the TF sought former regime members funding attacks on coalition forces, large amounts of cash were considered an important indicator for questioning. Subsequently, as this threat subsided and the conversion rate for DINARS was more fully understood the frequency incident of apprehension associated solely for carrying large amounts of cash has largely been eliminated. In addition, TF Gunner routinely detains a significant number of locals infiltrating Gunner FOB for the purpose of scavenging and looting the abandon Iraqi military stores located there. The requirement to detain and interrogate these individuals to determine their real intent and category further exacerbates the impression that TF Gunner is detaining folks with "no real intelligence value." (Exhibits A, B, H, Q, V, W, T, U)

C. There is no evidence that individuals are detained at the "whim or personal feelings" of [REDACTED]. Early on in the campaign, [REDACTED] did accompany the initial set of raids and did personally designate certain individuals for detainment. According to the only witness to accompany [REDACTED] on those raids, his interpreter [REDACTED] decision to detain an individual was based upon his professional assessment that the individual might pose a threat to the force. There is no evidence to corroborate that [REDACTED] assertion that [REDACTED] choose to detain individuals that did not wave back at him. [REDACTED] no longer routinely accompanies operations and is, therefore, not present to personally direct individual detentions. The decision as to who will be detained is made by the commander on the scene. [REDACTED] only becomes involved when consulted by the on-scene commander, normally by radio. Both [REDACTED] indicate that their statements relied upon second hand accounts rather than personal observation of [REDACTED] role in determining who was detained. (Exhibit A, C, K, Q, R, S, T, U)

D. The inquiry revealed that some Coalition Capture Forms accompanying detainees to Gunner Jail (estimates provided place the number at less than 30 of hundreds) have been annotated in the reason for detention block "by direction of [REDACTED] or words to that effect. This annotation was apparently added in some cases when [REDACTED] had been consulted by on-site commanders to discuss detention of individuals apprehended at the scenes. These annotations coupled with second hand accounts seem to be the source of much of the assertion of [REDACTED] direct and personal involvement. (Exhibits C, J, F)

E. The inquiry revealed a continuing problem with the timeliness and accuracy of coalition capture forms detailing the circumstances and reason why the people were being detained. In a significant percentage of cases, the capturing units fail to properly fill out the form to include the detailed circumstances surrounding detention of the individual. Frequently the capturing unit fails to complete the form at all, leaving the task to a designated transfer unit that moves detained personnel to the Gunner Jail. In addition, post operation after the action reports required by the TF within four hours of termination are frequently tardy. As a result, interrogators often lack the knowledge of why the person is being detained and are unable to

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focus their interrogation to derive the greatest possible intelligence benefit. This has contributed to the opinion held by some interrogators that individual's lacks intelligence value and have been detained for no specific, discernable reason. (Exhibits J, F)

F. TF Gunner readily admits that issues did exist with accountability of detainee property as detention operations were being established in May 03. This was recognized by the command and procedures instituted to safeguard property to include cash. All personnel questions to include ██████ agree that procedures enacted in the last two months to safeguard and ensure return of personal property to detainees have been effective. In addition, TF Gunner is actively involved in assisting Iraqi claims for recovery of loss money and personal effects. (Exhibit J, I)

G. Regarding the Bradley firing incident cited by ██████. The operation cited was mounted following an exchange of fire between coalition forces and Iraqis on 10 JUN 03 at that site. Upon review of the firing exchange, the TF executed a raid on the property the following evening called Operation Knight Rider II. The raid began with a broadcast PSYOPS directive to residents to exit the house for questioning. Adult males present were detained for further questioning. A bunker was observed on the roof the night prior and it was decided by ██████ and ██████ that in this operation the bunker would be destroyed using 25mm cannon and coaxial machine gun fire from accompanying BFVs given force protection considerations. A small fire began and subsequently died, resulting in some damage to a portion of the house. The site was then cleared revealing a weapon cache including mortars, artillery projectiles, rocket motors, and other items. Actions taken during the operation are seem consistent with command guidance concerning handling of non-combatants, the use of non-lethal actions to minimize loss of life and stand off fires to protect troop safety. The fire and subsequent damage to the residence was incidental to the action and there is no evidence that the Bradley engagement was punitive or taken in retribution. (Exhibit A, Q, R)

H. Regarding the incident cited in both statements concerning recovery of remains by the father of an Iraqi boy killed as a part of operations. The remains of 4 unidentified Iraqis killed during a raid were brought to FOB Gunner when no civilian site for drop off could be identified. Lacking storage capability, the command decided for humanitarian reasons and out of concern for Islamic burial customs to have the remains interred that evening at the FOB. Interment was conducted under the supervision of the DIVARTY Chaplain, a mortuary affairs officer, and a lay Muslim cleric (US Army 2LT). Two days following the burial, a group of purported family members approached the command and requested recovery of the remains. At that time, it was noted that some members of the group were wanted for questioning and were detained. The father of the boy was questioned as part of that process, released and asked to return the following day. Subsequently the father returned with other relatives and, consistent with security requirements, was admitted to the burial site for recovery of remains. Engineering equipment detailed to support recovery broke down necessitating manual excavation of the burial site. By reports family members requested to recover the remains without additional US assistance. US personnel provided site security and water to the family members. On scene observers note that US forces maintained the proper decorum appropriate for the situation and that the father was conciliatory in his comments. Both ██████ and ██████ admitted they were not present at the scene and largely came to their conclusions based on second-hand accounts. (Exhibits A, E, N)

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I. Early during operations, TF Gunner employed a variety of means to gather intelligence. These included using CA and S5 operations to develop informants and intelligence. Information generated by these means was normally integrated with other sources as a part of a systematic "red, amber, green" approach of cross-referencing and confirming intelligence prior to determine whether or not operations should be launched. TF Gunner routinely uses its PSYOPS and CI capabilities to corroborate intelligence or to assess public responses to operations. On occasion, however, based on the fleeting value of intelligence, operations were launched without full corroboration and sometimes failed to net detainees of intelligence value. The command agrees that early operations were sometimes launched based on limited, S5 generated intelligence but that is not the norm. (Exhibits C, S)

J. Regarding [redacted] assertion that he was told to reveal a source of intelligence information (the name of an informant) to a civilian detainee by the S2. [redacted], the assistant [redacted] states that early in the operation she inquired of [redacted] if such a release would be allowable. Although it is unclear what generated the question, [redacted] assertion that the matter was dropped when [redacted] stated that he should and would not release such classified information appears to be true. [redacted] confirmed that the matter was dropped at [redacted] insistence. (Exhibits G, H, J)

K. No one interviewed specifically corroborated [redacted] allegation that [redacted] had "made it very clear on every occasion that shooting and killing an Iraqi national for running on task force members is acceptable and even required." All parties interviewed expressed doubt that [redacted] had specifically made that statement. Clearly, discussions were held concerning actions to be taken regarding personnel fleeing from US forces as part of mission briefings, rehearsals, and general discussions concerning the application of the ROE. It is possible that [redacted] may have stated or eluded to the acceptability of engaging fleeing Iraqis under specific selected conditions without the intent to communicate the requirement to shoot fleeing Iraqis or to direct engagement as part of the SOP within the task force. [redacted] addressed this allegation in his statement specifically noting that "there are no standing orders in Task Force Gunner to shoot an Iraqi running away, but according to ROE if the person has just performed a hostile act then TF members are to engage. All acts are according to ROE. Running away from US forces do not necessarily constitute a reason to use deadly force." (Exhibits S, T, U, V, W, X)

3. FINDINGS

A. [redacted] assertion that only 20 of 650 detainees have had intelligence value is an opinion not based on fact. A total of 82 detainees have been forwarded from TF Gunner to TF Iron Horse to date for additional intelligence exploitation. Likewise, it ignores the broader range of detainees being apprehended by TF Gunner that must be interrogated before their intelligence value can be decided. Similarly, [redacted] assertion that few Task Force Gunner raids and detentions have resulted in the significant capture of personnel or equipment is opinion not fact based on second hand stories and impressions.

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B. With regards to the Bradley firing incident on 11 JUN 03, actions of the command were in accordance with accepted procedures and appropriate force protection measures. The fire that began at the home was incidental to the action. There is no evidence that the firing was used as a punitive measure or act of retribution.

C. With regards to the recovery of the Iraqi remains, there is not evidence that US forces acted in any way other than affording the dignity and respect due the remains and adherence of Islamic custom in the handling of the remains and their recovery.

D. There is no evidence to support the allegation that [REDACTED] has issued instructions or implied the rules involving the use of deadly force outside of those prescribed with the current ROE or that he directed the blanket shooting and killing of Iraqis running from coalition forces. It is likely that discussions concerning the use of force were overheard by [REDACTED] and taken out of context or interpreted to be more directive than understood by other members of the chain of command. It must be noted that no members of the chain of command interviewed believed [REDACTED] had made or implied such a statement and that no one expressed doubt concerning the ROE in this area.

E. This inquiry finds that [REDACTED] assertion that TF Gunner's operation are viewed by the population as bad as the old regime is not supported by any of the facts. The operational requirement to conduct raids and other operations is likely to concern or alarm local citizens but is a military necessity during this phase of the operation. TF Gunner is aware, however, of this fact and routinely uses it in PSYOPS and other resources to address these concerns as part of a post operations follow-up.

F. The inquiry finds that early in TF Gunner operations, operations were initiated based upon a variety of sources to include the S5 informant and that these operations were launched on occasion without corroboration through normal intelligence channels. Some of these operations resulted in the apprehension and subsequent release of individuals with little intelligence value, the lack of corroboration significantly contributed to [REDACTED] stated concerns. These issues have largely been resolved, as S5 operations have been integrated into the general intelligence assessments of the S2.

G. Regarding [REDACTED] assertion that he was told to reveal classified information to a civilian detainee by the S2, it is likely to have been derived from his interpretation of the intent of the discussion held with [REDACTED] and [REDACTED] and not by a specific request to do so. Since that date, the issue has surfaced again.

H. With regards to the statement made by [REDACTED] it is uncertain to the timing and context of the discussion at TF Gunner. While it appears certain [REDACTED] did not issue instructions or direct soldier that shooting an Iraqi national was desirable. It is likely as a Commander discussing ROE and the use of deadly force in that context [REDACTED] may have assumed a level of mislead direction from the discussion by staff who were privy to certain information that [REDACTED] was not. The context [REDACTED] took the discussion in was not shared by [REDACTED] or his staff. Clearly the Commander and the staff understand the gravity of using deadly force and the ROE authorities granted them. The Commander and his

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staff understand the ROE and use it to protect themselves against those committing hostile acts or fleeing a scene having committed a hostile act. With regards to Iraqis being detained for not waving at [REDACTED] this assumption was not corroborated by any of the individuals being interviewed.

I. The inquiry has been unable to find anyone who would corroborate [REDACTED] statement made during his second interview that members of the unit were "understandably" reluctant to corroborate his statements to avoid trouble. No one questioned indicated any reluctance or sense of coercion in making their statements.

4. RECOMMENDATIONS

A. No additional inquiries or investigations be initiated in reference to the issues raised by [REDACTED] and [REDACTED]

B. That TF Gunner review and enforce procedures to insure that Coalition Capture Forms are being prepared in a complete and timely manner by the capturing unit. Specific emphasis needs to be placed on relating both the general situation surrounding the detentions and the specific circumstances involved with the individual in question. This information should be made available prior to initial screening at TF Gunner jail to support isolation of those most likely to have intelligence value and subsequently, to the interrogation team so to help focus their efforts. In addition, the command needs to enforce its established SOP to conduct a detailed AAR within 4 hours of the detention and to transmit important information developed to the interrogation team.

C. That Task Force Gunner continue to review procedures for handling of detainee personal property to insure that it is safeguarded and that procedures for claims operations are supported

D. That TF Gunner actively pursues alternatives to deal with civilian KIA to preclude future incidents. In the interim, the Division might explore options for providing reefers for local, short-term body storage.

[REDACTED]

b(4), b(5)

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b(6), b(3)

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001098



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

b(6), b(3)

REPLY TO
ATTENTION OF

AFYB-CS

15 July 2003

MEMORANDUM FOR: [REDACTED], 4th Infantry Division (Mechanized),
Tikrit, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed to assist me in conducting a Commander's Inquiry into operations at Task Force Iron Gunner. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.

2. All witness statements will be sworn and recorded on a DA Form 2823 if possible and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of his or her rights.

3. Legal advice and assistance must be obtained from the Office of the Staff Judge Advocate before you take any action on this matter. Consult with your legal advisor prior to your investigation.

4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than 72 hours from receipt of this memorandum. Submit any requests for delay to me either orally or in writing.

FOR THE COMMANDER:

[REDACTED SIGNATURE]

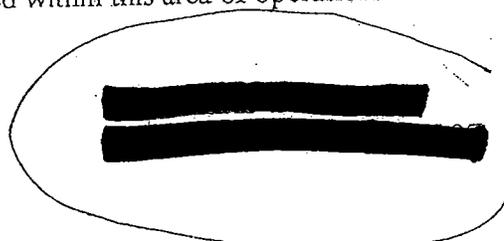
TASK FORCE GUNNER

b(7)(c), 016),
b(3)

I have now been assigned to Task Force Gunner for three months. I have witnessed several violations of the Geneva Convention and Rules of Engagement established for this theater. I will address these from a Counterintelligence standpoint as that is my profession. The following are some examples:

- 1) Task Force Gunner continually detains local civilians on nothing more than a whim. At first, detainees were brought in for nothing more than having the equivalent of \$100 on their possession, as there are no functional banks, many people are forced to travel with their life savings. Many times this task force kept that money and never returned it (ROE states, personal property will only be taken with a receipt and all detainees and their property will be treated with respect). Civilians are being detained and treated as Enemy Prisoners of War (EPW)(even though the President of the United States declared over hostilities in May,), EPW's are those taken in armed conflict, not a civilian detained at a checkpoint. During interrogations at Gunner jail, many detainees were not informed as to why they were being detained, nor was the interrogation team privy to this information. The criterion for detention constantly changes and civilians are being kept at Gunner jail, with no way of informing their families as to their whereabouts. Of the over 650 detainees interrogated, only 20 have proven to be of any real intelligence value.
- 2) On a raid conducted approximately one month ago by 2/20 Field Artillery, a 12-year-old boy was killed, along with two adult males. This occurred due to the vehicle allegedly firing at the 2/20 convoy, though the report failed to mention any weapons being recovered. The bodies were promptly buried on Taji military complex, and when the family inquired as to their whereabouts, they were detained temporarily, and told to come back on the following day to claim the bodies. The father returned the next day, and had to dig the bodies of his sons up. Whether the deceased were guilty of shooting at a convoy or not, is not relevant, having a father dig up his dead son is very immoral and cruel.
- 3) Members of Task Force Gunner, especially the S-5, are running their own intelligence sources. This information is not being reported to the G-2 for analysis and raids and other operations are being conducted without validating the source of information or the information itself. Task Force Gunner is conducting an active intelligence source network, without any kind of G-2 approval.
- 4) On one occasion, I was told to reveal a source of intelligence information to a civilian detainee by the S-2, I refused. I was not about to reveal classified information to a local national.

These are the only events I have first hand knowledge of, though I am certain more questionable activities have occurred within this area of operation.



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 (SSM).
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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030726
3. TIME: 1546
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: DIVARTY, TAJI, IRAQ

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

Detainees are identified as associated with three types of operations: deliberately planned raids based on two independent sources, immediate (2-4 hours) reaction to time sensitive intelligence, or as part of a patrol "action on contact" situation. Deliberate operations are planned, rehearsed and executed based on multiple information/intelligence sources. Given a reliable HUMINT source I may will authorize an operation based solely on one informants data. For example, Operation Payback conducted in June was an operation based on informant information, TUAV input, SIGINT hits and multiple reconnaissance missions. Additionally, the informant was willing to be part of the raid and agreed to be incarcerated with the detainees to cover his involvement in the operation. Immediate or time sensitive operations are usually driven by intelligence received by higher headquarters. Several TF20 operations were supported in this manner. Our armed counter-reconnaissance patrols typically conduct the third type of operation by reacting to contact and/or developing the situation when the enemy either attacks or is observed preparing for an attack. Additionally, our QRF will react to situations both inside and outside the Taji Military Complex (TMC). These situations range from stopping gun market activity, to securing a LZ for MEDEVAC to conducting a cordon and search of a farmhouse deemed to be a target. In all three types of operations detainees are habitually taken to the Gunner Jail for questioning and evaluation by our Counter-Intelligence Team.

Commanders on the ground make the call on who should be detained and questioned. After questioning, I alone make the decision to release a detainee. I don't have a fixed or written policy or SOP for who is to be detained. Typically all non-compliant forces, individuals acting suspiciously and personnel violating weapons policies are detained. This is not an all encompassing list as the commander on the ground have to make the subjective call. We do not limit our detainee population to males. On occasion I will authorize the detention of women if I believe they have intelligence value. We have in the past notified TF Ironhorse of this activity. During all operations if I am not on the ground during the operation I am within radio contact of the commander conducting the operation. In April, May and early June, during the initial phase of the operation, I participated in most of our raids and did on occasion direct that certain individuals be detained. Detention of an individual was always linked to the situation as I or the ground commander saw it. Some detainees were only suspects but were linked to the incident site. If after questioning the individual was deemed by the CI team to be clear of wrong doing I would consider the individual's release after further review of the circumstances. A detainee may not have intelligence value but may be a criminal. In this case the detainee is processed through the local police. I am confident that all units are acting within the ROE and that there are no rogue actors in TF Gunner. When detainees are brought to TF Gunner, they are met at the gate by a detainee transport team. This allows the capturing unit to focus on mission continuation. It is the capturing unit's responsibility to fill out a complete data sheet on each detainee. Early in the campaign this was not the case, however, we have taken action to refine this procedure. Last week I heard a report some detainees were "roughed up" by the detainee transport team. All detainees are to be treated with respect, but I have personally told all our soldiers not to be hesitant to use force when warranted. I went down to observe transfer operations and saw nothing out of the ordinary. I usually try to go to the Gunner Jail about 3 times a week if the volume of the detainees is up. When the volume is low I visit about once a week. A member of the command group typically visits the jail on a daily basis.

Deliberate offensive operations are based on the targeting results of our nightly 1930 hrs plans huddle. Most often targets are developed from informant information and verified by a secondary source and/or reconnaissance. The bulk of the decision making in an operation lies with the commander on site. I am consulted by the commander if the situation needs clarification. It is difficult without local law enforcement to sometimes tell the thugs from those with further intelligence value so we sort them out into four categories once detained and questioned.

Concerning the two specific situations mentioned by TF Gunner soldiers prompting this investigation: (1). Operation Night Rider involved our Armed-Counter Reconnaissance Patrol developing a situation after observing local nationals acting suspiciously while pushing a motorcycle. We had intelligence from TF Ironhorse that motorcycles were being used to support RPG attacks on coalition forces. Upon arrival at a court yard where the motorcycle had entered our patrol came under attack by RPG and small arms fire. A firefight ensued and several Iraqis were killed and the motorcycle destroyed. The patrol

10. EXHIBIT: A
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 BE INDICATED.

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

withdrew and, after an intelligence review a deliberate raid was planned and conducted the next night. After our PSYOPS team used a loudspeaker to tell residents to come out of the complex a number of men, women and children exited. A bunker was identified on the top of the building and consistent with the ROE/TTP, the on-site commander gave instructions for the Bradleys to engage and destroy it. The house was then cleared by the team and a weapons cache including small arms (rifles, pistols), rockets and other contraband were found. I monitored the commander's decision to engage the bunker and concurred with his decision consistent with the situation and force protection considerations. I understand a fire did start but was contained and ultimately extinguished. (2) The second operation (Operation Payback) involved the exhuming of enemy KIAs by family members. During Operation Payback the C2 node of the operation came under fire from a passing vehicle. The unit returned fire which resulted in four enemy KIA and two US soldiers being WIA. The KIAs were killed near a soccer field where children might play and there was evidence of dogs in the area that could effect the KIAs remains. After discussing the situation with the commander I directed him to bring the bodies to TF Gunner for a proper burial. The Divarty [redacted] was contacted as well as a Lay Muslim cleric to properly bury the bodies IAW Muslim religious custom. The bodies had no identification at the time we received them. The bodies were washed and buried toward Mecca as is the Muslim custom in a six foot grave. Several days after the operation relatives of the KIAs arrived at the TMC to claim the bodies. Several of the family members were detained as they were deemed to be accomplices in attacks on coalition forces. The father of the youngest KIA was included with the detainees. After questioning, the father was released and subsequently told to comeback the next day to receive the KIA. Upon his return, he and a small group were escorted to the burial site. They appreciated our efforts to make sure that the bodies had received a proper Muslim burial. We used engineer equipment to help exhume the bodies. The family members requested to recover the bodies themselves without US help. Every effort was made to ensure the remains were properly handled regardless of the circumstances surrounding their death.///End of Statement///

NOTHING FOLLOWS [redacted]

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 COERCION, THREAT, OR UNLAWFUL INFLUENCE, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INFLUENCE.

[redacted signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

[redacted signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted signature]
(Typed Name of Person Administering Oath)
Art 36(a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001102

On our initial attachment to Task Force Iron Gunner, it was brought to our attention by some of the soldiers (interpreters that worked with the [REDACTED] personally) that [REDACTED] had an unorthodox method of deciding who was a 'bad guy' and needed to be detained; he would wave at them and if they did not wave back, he had them arrested. It is unclear as to whether this is an isolated incident or a regular occurrence. It is to be noted that decisions on who is suspect in Task Force Gunner's AO is routinely based on personal feelings that [REDACTED] has, if an incident occurs in a certain area by some dwellings, anyone in those dwellings is then targeted. In example, Coalition forces were fired upon from a location on Highway 1. The [REDACTED] had a raid executed on the dwelling closest to the incident, (actual planning and intelligence gathering on this mission is unknown) in which this TPT was included to broadcast a surrender appeal. On the broadcast of the surrender appeal, the residents of the house (approximately 19 women and children and 3 men) immediately surrendered to us. When the residents were clear, a Bradley fighting vehicle then opened fire on the house for approximately 1 minute, at which point the house burst into flames right in front of the weeping and distraught families. To this team's knowledge, none of the detainees from this raid proved to be criminals of any sort, or have any knowledge of anti-coalition forces.

In actuality, few of the raids and detentions executed by Task Force Iron Gunner have resulted in the capture of any anti-coalition members or the seizure of illegal weapons. It has, however, resulted in the detention of hundreds of Iraqi nationals who are eventually released for lack of evidence of any wrongdoing. These raids are again based often on [REDACTED] 'feelings' instead of the active or passive gathering of information, in effect; the actual Intel seems to be an afterthought. This observation is from the attendance of the plans meetings held every evening where this team has witnessed the colonel initiate these events.

In another raid executed approximately 1 1/2 months ago by Task Force Gunner that this TPT was not a part of, 4 nationals, including a 12 year old boy were shot and killed. The K.I.A. were brought back to Taji Airfield and buried there. When the father of the 12-year old boy came to the airfield to claim his son's body, he was put off for a day while they tried to figure out what should be done. At one point they even considered detaining the boy's father to see if he had any intelligence value. When he was finally allowed in to claim his son's body, he was made to dig it up himself because 'our soldiers don't do that.' Members of Task Force Gunner stood around and watched while he dug. (This account is from the CA, CI, and Task Force Gunner's S-2 relating of the facts and monitoring of radio traffic concerning the incident.)

The [REDACTED] has also made it very clear on every occasion that shooting and killing an Iraqi national for running on task force members is acceptable and even required.

When this team first assessed the village of Tarmiah, the initial reception was that of fear and trepidation; the citizens did not wave but gazed and shied away from the convoy. When this TPT approached some the shop owners and town elders with PSYOP product with a friendly demeanor, citizens wanting our product and asking questions swarmed us. The reoccurring theme in our conversations (through an interpreter [REDACTED] was that we (Coalition Forces in that area) were as bad as the old regime, we kicked down their doors, took their weapons from homes and businesses, arrested them for no reason, and killed those who got in the way. It should be noted that at this time the village of Tarmiah was in Task Force Gunner's AO, and had been the scene of their raids.

[REDACTED]

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 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 DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030720	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS
[REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I am [REDACTED] of TF2-20 FA. We are the primary maneuver force for TF Gunner. I do not believe there to be a written policy letter for detaining Iraqi Nationals at this time. We detain persons for having fire arms, persons threatening U.S. troops, or persons involved in crimes ie: looting or rape. We no longer detain a person for having a large amount of money unless we obtain permission from higher on specific occasions. The criteria put out to identify a person for detaining comes from the Plans meeting at 1930 or is expressed during commanders updates from Iron Gunner 6 [REDACTED]. It is also clarified through command channels with personnel on the ground. We must have positive identification of a person who has fired upon us to return fire. During the raids that I conduct I report back to Gunner 6 every 15 minutes if situation requires it. I capture units have the Coalition Capture form (CPA) and the DA 4137 filled out. Gunner 6 doesn't come with us. I was not physically present for operation Knight Rider, but I gave guidance over the net. ///End of statement///

[Handwritten signature] [REDACTED]

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

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 _____ DATED _____

9. STATEMENT (Continued)

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 26 day of July, 03 at FOB Gunner

[REDACTED SIGNATURE]

(Signature of Person Administering Oath)

[REDACTED NAME]

(Typed Name of Person Administering Oath)

[REDACTED AUTHORITY]

(Authority) to Administer Oaths

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001106

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 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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030720
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 2-20 FIELD ARTILLERY DIVISION, TAJI, IRAQ

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I am the [redacted] and have been with TF Gunner operations since May. One of my responsibilities as the [redacted] is to assist the S-2 OIC when analyzing intelligence that comes in. I then assist the S-2 OIC in putting together package folders to present to [redacted] in the nightly Plans meeting which occurs at 1930. Around 1600 I meet with the S-2, CA, Psyops, and CI to share and access the information obtained from that day. The staff gives our operational recommendation to [redacted] in the Plans meeting. We talk about about who we might target as part of the raids. [redacted] does not give specific guidance, regarding detainees, it's situationally dependent. The staff provides a recommendation, then COL [redacted] gives his guidance regarding the raid- either execute or no execute until further intel is received. To my knowledge there is no specific policy on the apprehension of Iraqi Nationals. [redacted] is not directly involved in the detaining of Iraqi Nationals. The commander on the scene is given control of the situation. [redacted] is only directly involved when the commander on the scene radios him and asks for his guidance.

The operation during which the Bradley fired on the house bunker was called Operation Knight Rider. My personal knowledge of operation Knight Rider is based on what I heard on the radio. I have a packet for you on the operation. [redacted] commanded by [redacted] requested permission to destroy a bunker on top of a house after all the civilians had cleared the house. 2-20 Field Artillery runs the majority of our maneuver operations. ///End of Statement///

Nothing Follows [redacted]

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

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

001107

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 _____ DATED _____

9. STATEMENT (Continued)

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

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

Act 136(a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT	PAGE	OF	PAGES
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001109

b(6), b(3)

SWORN STATEMENT

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

LOCATION DIVARTY TOC, TAJI, IRAQ	DATE 26 Jul 03	TIME 1227 hr	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED], TAJI, IRAQ			

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

I have been assigned as the [REDACTED] since the beginning of the deployment. At the beginning I wasn't here at DIVARTY headquarters. I was at the DTAC. [REDACTED] was here. I moved down here a few weeks ago. As the [REDACTED] I collect intelligence from S-5, CI, CA, and G-2. We hold a huddle around 1700 daily to compare information obtained throughout the day. I then try to validate the information given to us from human sources if time permits by using another informant. The S-3 and I put together a packet using ground and aerial recons to present to [REDACTED] at the 1930 Plans meeting. I give my opinion during the meeting, but it is ultimately [REDACTED] call on which mission is to take place. [REDACTED] does not usually go out on missions. He has been out only two times when things have happened. What role does [REDACTED] play with detainees? I know he is the only one that can release them.

Out of about 600 detainees we have held, about 20-25% have intelligence value for the mission. The reason for not taking petty criminals to civilian jail is because they don't have the capacity to hold them over night. The jails are ill equipped. They have no food or running water. The interpreters aren't always able to be on raids to clarify situations so suspicious personnel are brought in for an initial screening.

I don't remember anything about asking [REDACTED] to reveal the name of an informant. You need to ask [REDACTED] who was here then.

To my knowledge we have never detained people for just having money. If they were held having less than \$100 they had weapons too. The person apprehended with \$34,000 was screened on site and thought to be suspicious and detained. /// End of statement///

nothing follows

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

001110

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 (Continued)

[Faint, mostly illegible text from the statement section]

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 INDUCEMENTS.

[redacted signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of July, 2003 at F.B. Gunner

[redacted signature]
(Signature of Person Administering Oath)

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

At 136(a) Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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 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 DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 290307200	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ			

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

I participated in the preparation for burial, burial, and the exhumation of the 4 bodies that were buried on Task Force Gunner complex. On day one the KIAs were brought back to the complex. There was no identification for the bodies. With advice from the Lay Muslim cleric the bodies were washed in preparation for a proper Muslim burial. The graves were dug and the bodies were placed in body bags in 6 foot graves facing mecca after the prayer rituals were said. The families came that next day to claim the body killed during the raid. They were told to come back the next day so the coordinations could be made. One member was detained for questioning and the rest were told to come back the next day. On the second morning the family came to claim the body of one of the KIAs. Four family members and one interpreter were allowed to be led into the camp blind folded to the burial site. Per request of the family they were allowed to remove one body. That same evening the family for the other 3 KIAs came to claim their bodies. They were detained for questioning and upon release they were told to come back the next morning. They returned on the 4th day and were told only 4 people could enter to dig up the bodies. They too were blind folded and led to the burial site. The engineering equipment was broke so they had to dig up the bodies by hand. They were given shovels to dig, water to drink, and a place to rest while they took breaks. U.S. soldiers were there to secure the area. I stayed with the soldiers mostly to ensure the stability of the soldiers emotions. After they dug the bodies up another body bag was provided as well as some Muslims death shrouds that [REDACTED] the interpreter, had found. The family used ropes to hoist up the bodies from the graves. The bodies were then taken to the front gate and taken away by the vehicles the families had brought. None of the U.S. soldiers were disrespectful.///End of statement///

Nothing Follows [REDACTED]

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

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 _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB-Gunner

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Art 136 (a), Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(5)

SWORN STATEMENT

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

LOCATION DIVARTY TOC, TAJI, IRAQ	DATE 20030720	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS

ORGANIZATION OR ADDRESS
4TH INFANTRY DIVISON, TAJI, IRAQ

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I am in charge of the transportation team that transports detainees from one of the Divarty gates to the jail. The transportation team for the protection of Task Force Gunner by limiting the amount of area shown to a detainee. We are notified over the net of when and where the detainees will arrive. A team is dispatched and they go to the specified gate to pick up the detainees from the capture unit. The detainees are already blindfolded and cuffed. At the time of pick up the capture unit is supposed to have the proper paperwork, Coalition Capture form and a DA 3147, already completely filled out. If the paperwork is not filled out then the capture unit is supposed to return with the details capture within 4 hours. About 75% of the time the Coalition Capture form is properly filled out by the capture unit. When the Coalition Capture form is not filled out by the capture unit the form is filled out at the jail during the interrogation process. The detainees possessions come from the capture unit already seperated from the person. If the proper paperwork, DA 4137, is not already filled out then the form is also filled out at Gunner Jail. The transportation unit then takes it to the jail with the detainees where it is logged in. Weapons that are confiscated are kept seperately. I know of one person who is a repeat offender who has been at the jail 3 times.///End of statement///

Nothing Follows

[REDACTED]

EXHIBIT F	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	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.

001116

b(6), b(3)

STATEMENT (Continued)

[Faint, mostly illegible text from the statement section]

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 26 day of July 2003 at Rob Conner

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136(a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001117

0(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 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 DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030726	3. TIME 1240	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS
DIVARTY ASSISTANT S-2, 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I assist in making target folders for [REDACTED] from the intelligence that is gathered throughout the day. The personnel who are detained during the raids are determined by the commander who is present at the raids. The unit bringing in the detainees are supposed to fill out the appropriate forms, Coalition Provisional Authority form and DA 4137, at the time of drop off, but due to mission requirements or constraints that doesn't always happen. Sometimes it has taken anywhere from 24 hours to 48 hours after the detainees have been dropped off to our unit to receive the appropriate forms from the capturing unit. Any unit can bring in a detainee, but [REDACTED] is the only one authorized to release the detainees. Regarding [REDACTED] assertion that someone in the S2 shop asked him to reveal a source of intelligence information to a civilian detainee, I remember it being mentioned one time in a meeting. The question was asked if we could tell the detainee who the informant was. After that meeting [REDACTED] and I discussed it in my shop, others were present, but I can not recall who was there besides myself, [REDACTED] and [REDACTED]. [REDACTED] recommendation was that we should not do it. I agreed with his recommendation. I did not tell him to do it. Together we decided that we shouldn't. To the best of my knowledge that act was never executed. It has not been mentioned to me again until now. ///End of statement///

Nothing Follows [REDACTED]

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

001118

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

001119

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Art 136 (a), Judge Advocate

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF 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 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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 07 26
3. TIME: 1240
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I have been assigned to DIVARTY for over a year and have been in this job as the [redacted] since we began the deployment.
How do we determine who to target during our raids? There is no policy on the apprehension of Iraqi civilians. Based on our intelligence sources, we will make a determination of what to follow up. PSYOPS and CA teams give us passive intel and then CI confirms it. Only three or four times have we gotten good intelligence that results in action from the detainees. The intelligence that I receive I review with Psyops, CI, and S-5 in a meeting between 1700-1800. The S-2 and S-3 then get together to pre-brief before the nightly 1930 planning meeting with Gunner 6, [redacted]. We get guidance at our nightly plans meeting for Priority Intelligence Report for all teams. If there is a specific target we are going after, [redacted] will note it at the meeting. There is no written SOP for who we look to detain. I think there should be. It should all come out during the operational AAR.

When persons are detained their personal property is placed in a ziplock bag and tracked on a DA 4137, seizure record. The Coalition Capture Form is also filled out when they get to the jail. Only COL [redacted] is authorize to release a detainee.

[redacted] asked during one Plans meeting if it was possible to give out the name of an informant to a detainee. I didn't know the answer so I went to speak with [redacted] from the Counter Intelligence, and [redacted] told me absolutely not to do it. Afterward [redacted] ask why we had not done it yet, [redacted] then explain that the regulation stated it was not allowed. To my knowledge this was the end of that specific topic. ///End of statement///

NOTHING FOLLOWS [redacted]

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

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

described and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

ORGANIZATION OR ADDRESS

(Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Art 136 (a), Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030726	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS
[REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I have been assigned to TF Gunner as part of the CI Tactical HUMINT Team supporting detainee interrogations and overt intelligence collection. We work with an interrogator [REDACTED] a DOD contractor. I have been with the TF since April. I wrote a statement about 2 weeks ago concerning the situation as I saw it at the request of [REDACTED]. I think he came to me out a sense of professional respect among NCOs. I don't work with [REDACTED] normally. I may see him on a mission occasionally. All of the events in my statement have been submitted to G-2, CI [REDACTED] previously.

I stated that the TF continually detains locals on a whim based upon my review of the Coalition Capture Form information we receive as we begin interrogations. Some have no statement of why an individual was detained. Literally some forms had written on them was "Gunner 6 said to detain the individual." Of more than 600 detainee forms I have seen, I'd estimate I have seen that annotation about 20 times. I have no personal knowledge as to whether Gunner 6/COL Stramara actually said to detain the person. I only know what is on the form. None of the 20 individuals where that annotation was the case did the individuals have intelligence value. The Coalition Capture Form (CCF) is a form with information pertaining to the suspect's capture and is meant to help the interrogators when questioning the suspects. The CCF is to be filled out by the capture unit, but is not always filled out before they bring the suspects to the transportation unit. Subsequently the jail ends up filling the form out. Without the form properly filled out detailing the events surrounding the capture of an individual, it is difficult for the interrogators to question the individuals effectively. Out of 600 Iraqi personnel processed at the jail only about 35% have any intel value. That percentage is about the same as it was in Kosovo. It seems about right.

In the beginning there were some problems with the property accountability procedures for handling detainee personnel effects. It has gotten a lot better and doesn't seem to be a problem now.

The S-2 specifically tried to get me to share confidential information to a suspect. As the [REDACTED] I am responsible for deciding the security classification of an informant and his information and to reveal that to an uncleared Iraqi detainee was wrong. I wouldn't do it. It hasn't come up again.

Big problem we have is S5 information being used to trigger raids and actions were not vetted with G2/CI resulting in raids that net detainees where only 1% have intelligence value. The team chief participates in the planning meeting when not out on a mission. As a counter intelligence agent I have had 20 years of experience working from the J-2 level on down. Its my overall assessment is that the procedure is not being established and therefore cannot be followed.///End of statement///

NOTHING FOLLOWS [REDACTED]

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

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 _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 (a), Judge Advocate

(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 DIVARTY TOC 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS C BTRY, 2-20 FA, 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I was called to Taji around 1 May to help Divarty as an [redacted] because of my language skill. I did everything in the beginning, the raids, the gate, and various other places I was needed. I worked with any unit needing my assistance to include [redacted]. My title is Division Artillery Commander [redacted] so whenever [redacted] went out I was with him. I was never with [redacted] when detainees were taken. On one occasion a soldier was shot, I was with COL [redacted] when we began questioning some Iraqi Nationals at the scene. While I was questioning him [redacted] thought he was lying and so did I. After that [redacted] told us to take him to the ground and question him further. Upon finding no incriminating evidence we released him on the spot. I don't believe COL [redacted] has detained anyone for no reason. He is an aggressive commander, because he cares about the safety of the soldiers. [redacted] thinks that detaining and questioning four suspicious people from a house instead of just detaining and questioning two from that house to help stop them from shooting at us then he will do it and I agree.///End of Statement///

No Tillah follows

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(7)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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 26 day of July, 03 at FOB Gunner

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

001129

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20080720
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: Psyops 1683

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

I have been with the Task Force Iron Gunner since early May. On 4 July 03 I prepared a statement about my concerns with some things about detainee operations in the Task Force and forwarded it to [redacted] of the PSYOPS team. I have read the statement provided to me as Exhibit B and confirm that it is my statement.
The issue of [redacted] "unorthodox method" of picking detainees was reported to me by two interpreters who had worked/riden with him [redacted] and [redacted]. They reported that he would sometimes pick detainees depending on whether they waved to him or not. I have no more information from the interpreters to validate if this was a one time or regular occurrence. I have not seen that myself. I don't personally know if [redacted] or anyone else in the command uses this type of criteria. I have not travelled with [redacted] on missions and don't know when he goes out. I do have personal knowledge of [redacted] using his feelings about a situation to direct action. I used to attend the 1930 daily planning meeting as an observer and during one, after the S2/S5 brief about a village [redacted] would say he had a bad feeling about it and directed a raid or other action. The staff actions at the 1930 meeting don't really form a hard recommendation for action so things are left up to [redacted] "feelings." I question [redacted] "bad feeling" judgement about these cases because the result is we usually end up releasing the detainees and it has a negative impact on the people. I haven't attended a meeting for the last two weeks because I have other duties. In answer to your question I am not aware of the TF "Green, Amber, and Red" criteria for intelligence validation for missions.
Concerning the incident when the Iraqi father had to dig up his son's remains I was not present but heard about it from others and heard some things on the radio. I don't know anything about how they were killed or what specifically happened when the family did come to reclaim the body but I know it didn't seem right. Likewise I am not aware why the Bradleys had to fire at the house after the people came out.
My overall feeling of the treatment of the civilian population is negative. I go out to the civilian community about 3 times a week to communicate with the Iraqi population to get an overall assessment of how the people see us. Through interpretation the Iraqi people ask us why we are so unfair to them. We need to focus our operations more sharply, based on hard intelligence, to avoid apprehension of innocents and the worsening of how we are perceived by the population. ///End of statement///

NOTHING FOLLOWS [redacted]

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

001131

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)
Art. (3)(6)(a) Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 07 26
3. TIME: 14:40
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 4TH INFANTRY DIVISION, TAJI, IRAQ

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I have worked at the Division Plummer Work site as interpreter support. I worked at the Gunner Jail, [redacted] EOD, 2-20 FAB, and units that needed me at that current time. In the beginning there were only two interpreters to start with. I worked on raids with Psyops and [redacted] and we visited many places around here. I never worked or saw [redacted] personally on raids although we both were there. I was there on the first raid Divarty ever did, it was a day raid. I have talked to Iraqi Nationals that we had detained on many raids. I was not sure on what role he [redacted] played on determining who was to be detained. If we had found weapons at the Iraqi Nationals homes then they would be detained and brought in for questioning. During the first few weeks we had a lot of Nationals who were detained for entering the post to gather wood. I haven't worked in the jail for approximately 60 days, but I have heard that they have had some very good intel lately. ///End of statement///

Nothing to follow [redacted]

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

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

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030726
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: DA CIVILIAN
8. ORGANIZATION OR ADDRESS

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

I do not work directly for [redacted] I work with [redacted] most of the time. I was present when the father came to pick up the bodies of the 3 Iraqi KIA that were buried on Task Force Gunner complex. The family was brought to the burial place on the back of the truck blind folded. The family was given shovels to dig up the bodies because the engineering equipment was not working. There were more than 15 soldiers around the Iraqi family digging and none offered to help. The father told me, " Look at these soldiers, they are sad. Tell them I am not sad, they did not come half way around the world to kill my children. It was God's will." Sometimes the detained Iraqi Nationals do not know why they are being detained and neither do I. Of the people that have been detained about 4 or 5 have intelligence value. I believe the unit was pushing to get targets and they were reacting to bad intelligence sources. When the detainees are release sometimes it takes up to 1 week for them to get their personal property. [redacted] is the claims officer.///End of statement///

Nothing follows [redacted]

10. EXHIBIT: N
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 PAGES

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

D(6), H(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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 26 day of July, 03 at FOB Gunner

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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.

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030720	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS DOD CIVILIAN	
8. ORGANIZATION OR ADDRESS [REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ			
9.			

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have been working with Task Force Gunner since about 1 JUN 03. I primarily work at the Gunner Jail with [REDACTED], and [REDACTED]. I also help translate at the gate and help with the screening of a contractor.

In my experience, detainees are being told why they aren't being detained. Only once was a detainee not told that I know of. This happened to a detainee who was being interrogated about the kidnapping of the two American soldiers. He wasn't told why because we were trying to find out how he knew.

We ask all detainees why they were captured. Often the young ones will admit. Most don't say anything. We then tell them.

Detainee personal property does sometimes get lost. Sometimes several people will get brought in and all of their belongings put in one bag. When one of them gets released, he gets the bag with everyone's belongings. This still happens today. There is a process to file a claim to get money for the things somebody loses while being detained. It takes a long time, sometimes people have to come back many times. For example, we had a group of people detained at one time and we found several million Dinar. We released 4 of the 5 people but held the vehicle driver and all of the money. One man has come back time and time again to get what he says is his money. Everyone says that the money belongs to the man but they haven't returned it to him.

I think that 80% of people we bring in are "at the wrong place at the wrong time". The 80% usually stay for ten to fourteen days. These people were at the site when the incident occurred but in the end were released because they have no intelligence value. The other 20% of the detainees at the Gunner Jail stay more than 35 days.

Nothing Follows

10. EXHIBIT <input type="radio"/>	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.		

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Art 13(a) Judge Advocate
(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

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030818
3. TIME: 131247S
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: TAJI, IRAQ

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

- 1.) Did you give any reporting guidance concerning specific things that had to be reported or cleared through you before actions were taken during operation Knight Rider II? If so what?
a.) [redacted] and I cross-talk throughout every operation (during planning, preparation and execution). We habitually discuss operational concerns on the TF Gunner command net. Every operation is different.
2.) What reporting procedures were used during operation Knight Rider regarding the use of crew serve or heavy weapons?
a.) Use of current ROE. No specific reporting requirements were issued for this operation or any other operation in the TF Gunner AOR regarding the use of crew served or heavy weapons. Situational awareness is maintained by monitoring the command net and receipt of frequent SITREPs during the operation.
3.) Did you specifically direct or approve firing of a M2 Bradley chain gun or coax machine gun against the house, bunker or related structures during operation Knight Rider?
a.) The attack on the bunker was discussed during the mission rehearsal. I did monitor the commanders decision to engage the bunker during the operation and concurred with his decision.
4.) Who specifically authorized or ordered the M2 Bradley to fire at the bunker identified on top of the house?
a.) Ultimately I did as I monitored the decision on the command net.
5.) Have you ever ordered anyone detained because they did not wave at you or in response to your greeting or wave?
a.) No.
6.) What specific criteria have you used in determining who should be detained?
a.) Detainee criteria are based on three typical situations: 1). Targets based on informant intelligence. 2). Noncompliant forces or individuals. 3). Individuals identified on site by informants as noncompliant or hostile forces. Regarding women and children, if the commander on the ground has reason to believe women and/or children have intelligence value then he would ask me for permission to detain and question the individuals. TFIH would be informed of this activity, per Division FRAGO.

10. EXHIBIT: Q
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 BE INDICATED.

001140

9. STATEMENT (Continued)

7.) To your knowledge, has the Task Force ever taken the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"

a.) If they attack a TF soldier they are to be engaged. There are no standing orders in TF Gunner to shoot an Iraqi running away, but according to ROE if the person has just performed a hostile act then TF members are to engage. All acts are according to ROE. Running away from US Forces does not necessarily constitute a reason to use deadly force.

8.) What do you understand the ROE regarding the use of deadly force against individuals not directly engaging US Forces?

a.) If a soldier feels threatened or his fellow soldiers are threatened then he/she has every right to defend themselves.

9.) Is there anything else you would like to add?

a.) No.

NOTHING FOLLOWS

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 18 day of August, 2003 at FOB Gunner

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ART 136(a) Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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.

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 18 Aug 03
3. TIME: 181000 hrs Aug 03
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: TAJI, IRAQ

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

Questions for LTC West:

- 1.) How long have you been conducting operations with Task Force Gunner?
a.) I have been operating here since arriving approximately 27 April.
2.) What are your principal responsibilities?
a.) [redacted] In charge of internal and external security for Taji specifically at the ACP east and west, Gunner Gate, armed counter recon patrol and QRF.
3.) What are the procedures used by DIVARTY to identify Iraqi nationals for detention?
a.) Several criteria, someone who has an illegal weapon at checkpoint, on a raid in a house someone who has more weapons than permitted, persons suspected to support anti-military activity as reported through intel sources, and someone who has engaged U.S. troops i.e. IED, shooting at soldiers, RPG.
4.) Has [redacted] ever arbitrarily detained someone?
a.) Whenever I recommend guidance on a mission, he has supported me. I will say no, he has not arbitrarily detained someone.
5.) Has [redacted] ever directed someone detained because they failed to wave to him? Task Force Gunner ever had people detained for not waving back?
a.) No
6.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) I have never heard that quote. If someone comes on this installation with a weapon we are to engage them.
7.) What do you understand to be the ROE for the use of deadly force against individuals who are not directly engaging US Forces? Against property or structures?
a.) If an individual comes on FOB Gunner, and if they pose a threat to soldiers, equipment, or the FOB then they can be engaged. If we see people looting we give verbal warning, then warning shot and detain if possible. Outside the gate persons having arms and fleeing a scene with a weapon. It is a graduated response, first a verbal warning, second a warning shot, and third detain as situation allows.

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

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

001142

9. STATEMENT (Continued)

8.) With regards to Operation Knight Rider II:

a) Why was the decision made to open fire with the Bradley?

-With regard to Operation Knight Rider I armed counter recon patrol they noticed to motorcycle being pushed in courtyard, they reported in and went to investigate. The were engaged with RPG and returned with co-axial fire. They employed dismounts to clear compound. Two Iraqis fired at dismounts striking one on the U.S. troops in the head. The Iraqis were engaged and killed. Dismounts withdrew, observed there was a fighting position on top of the house and therefore my planning was to destroy the fighting position. It was briefed to higher the next day. I personally briefed [redacted] This was a house where the engagement was initiated by the Iraqis and was deemed hostile. I decided beforehand that a Bradley would be used to destroy the bunker since we didn't not know the caliber of weapon that was in the bunker.

b) Did the on-site commander confer with [redacted] or yourself regarding this decision? If so, what specific instructions or guidance was given?

- As we went through the Operation I had already recieved approval to destroy the bunker and I conveyed to my on site commander to engage and destroy the bunker. This is outlined in exhibit T.

c) Were or are there reporting procedures established by Task Force Gunner for situations like this?

- No, it is mission dependent and is part of our mission analysis.

d) Did [redacted] establish any specific reporting procedures for use during Operation Knight Rider related to specific things that had to be reported before actions taken?

- No. As per the concept of the operation, we reported my nomral 15 min ute SITREP. There was no CCIR that he gave me before we went out other than the normal standard.

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 13 day of August, 2003 at FOB Gunner

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ART 136(a), Judge Advocate

(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 ODCSOPS

b(6), b(3)

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION DIVARY TOC, TAJI, IRAQ 2. DATE (YYYYMMDD) 7003 0818 3. TIME 1130 4. FILE NUMBER

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

8. ORGANIZATION OR ADDRESS TAJI, IRAQ

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

- 1.) How long have you been conducting operations with Task Force Gunner?
a.) April 5 to July 15 I was the S5 for Divarty.
2.) What were your pincipal responsibilities?
a.) I was responsible for cilival military operations, Interfacing with the local Iraqis. The CA team had parallel responsibilities with me, but we worked in different areas of the TF Gunner AO. CI and Psyops went out with me, on occasion, but they didn't work for me.
3.) How does the Task Force identify Iraqi natioals for detention?
a.) There is no published criteria that I am aware of for detention of Iraqis. If they attack coalition forces and were captured they were detained. I was with [redacted] when they detained several Iraqis for committing an armed robbery/casrjacking. We detained the three criminals who committed the crime.
4.) Have you ever seen an Iraqi national detained arbitrarily by [redacted]
a.) I have not been on a patrol with [redacted] so I'm not qualified to assess those detained by [redacted]
5.) Have you ever witnessed an individual detained for failing to wave?
a.) No.
6.) What procedures are used by DIVARTY to identify Iraqi nationals for detention?
a.) I am not aware of any published procedures.
7.) What was your role as the [redacted] when comes to intelligence gathering and its use in operations? How is it shared with the S2 and CI?
a.) As I went out to do my civil military operations, I began to notice that locals would give me intelligence that could be useful for the Task Force. My standard routine was to give any intelligence to the S2. My role evolved from an informal one to a somewhat formal one in collecting intelligence. I was still going out to do my civil military operations, but [redacted] also directed me to collect intel and information on possible targets. I think that the Task Force is limited with how many people can go out and collect intel, and that when civilians see the CI team, they know right away that they are collecting. Msany times during the evening staff planning meeting, I would elaborate on the specifics of targetting and collection I performed in Al Asriya. I never acted on the intelligence. I only reported it and provided it for operations to detain suspected terrorists.
8.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) I have never heard [redacted] give this statement. But I can see how some remarks heard might get twisted into this

10. EXHIBIT S 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 BE INDICATED.

001144

STATEMENT OF

[REDACTED]

TAKEN AT b(6), b(3)
CAJI INAR

DATED 2003 08 18

9. STATEMENT (Continued)

8.) Have you ever heard [REDACTED] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"

a.) I have never heard [REDACTED] give this statement. But I can see how some remarks heard might get twisted into this perception. My perception of the guidance given, is that if there is a hostile exchange and TF members had to run down the Iraqis then coalition forces could use force to kill fleeing armed Iraqis.

Nothing follows
[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 07. 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 18 day of August, 2003 at Fob Gunner

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136(a) Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 08 18
3. TIME: 0844 hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: OIC, TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of COL [redacted] detaining someone because the individual failed to waive at him?
a.) No
2.) Are you aware of any specific or written guidance that [redacted] may have given on who should be detained?
a.) Yes, those who fired at us on raids. If they didn't die then they were detained. The guidances given was verbal outside of the categorizes of detainees.
3.) What methods did [redacted] use to choose detainees?
a.) He was usually not there on the raids. As raids were conducted we brought detainees in and then they were interrogated. He did not decide who would be detained. He would receive CI interrogation reports and the resulting categorization of the detainee usually within 24 hours. This would decide time in jail, transfer or release proceduresb.
4.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) No
5.) What procedures are used by Divarty to identify Iraqi nationals for detention?
a.) It is not a random act. If the Iraqi is armed or part of a combat mission, also we use sources to identify the Iraqi.
6.) Have you discussed detention procedures or operations with Task Force Iron G2, CI?
a.) I personally have never spoken with the G2 [redacted] on the detention procedures at TF Gunner Detention Facility. My CI team has almost daily contact with [redacted] at Division.
7.) Is there anything else you would like to add?
a.) No

Nothing Follows [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 BE INDICATED.

001146

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

9. STATEMENT (Continued)

b(6), b(3)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS 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 18 day of August, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS _____

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

ART 136(a), Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

001148

SWORN STATEMENT

b(6), b(3)

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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 08 18
3. TIME: 1010
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of [redacted] detaining someone because the individual failed to waive at him?
a.) No
2.) Are you aware of any specific or written guidance that [redacted] may have given on who should be detained?
a.) There is a Task Force Gunner frago #21 that came out. It entailed persons with weapons on person or in vehicle, when were first came we detained individuals with large amounts of money. The frago also gave guidance on transporting detainees. This frago came out in May and a revision is being worked on and is not approved yet, verbal changes have been made since the original frago that came out. Recently the amount of money we detain individuals for is based on the amount of money is the going rate for killing a U.S. soldier.
3.) What methods did [redacted] use to choose detainees?
a.) Persons who conducted missions against U.S. soldiers, persons prohibiting soliders to accomplish their mission, and armed Iraqis. The methods used were based on the Divarty frago that came out.
4.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) No
5.) What procedures are used by Divarty to identify Iraqi nationals for detention?
a.) Iraqis with illegal weapons, tinted windows, driving motorcycles only at night, Iraqis violating the temporaty weapons card, Iraqis conducting terrorist activities against U.S. troops, identified by direct contact or by informants.
6.) Have you discussed detention procedures or operations with Task Force Iron G2, CI?
a.) We asked questions when we first got here, but me personally I don't recall speaking to them personally.
7.) Is there anything else you would like to add?
a.) I may have called at one time or another up to Division to ask a question, but I really don't remember at this time.

Nothing [redacted]

10. EXHIBIT: U
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 BE INDICATED.

001149

STATEMENT OF _____

TAKEN AT _____

b(6), b(3) DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of August, 2003 at FOB Gunner

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(a), Judge Advocate

(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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 03 08 18
3. TIME: 1010
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of COL [redacted] detaining someone because the individual failed to waive at him?
a.) No
2.) Are you aware of any specific or written guidance that COL [redacted] may have given on who should be detained?
a.) Based on the intel gathered if a specific target then we detained them. Anyone who came on the compound we detained them, also anyone who broke the law. There was a Division frago that came out concerning detainees and that was about it.
3.) What methods did COL [redacted] use to choose detainees?
a.) We detained Iraqis based on info from informants or if we saw Iraqis breaking the law we detained them.
4.) Have you ever heard COL [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) No
5.) What procedures are used by Divarty to identify Iraqi nationals for detention?
a.) Not a specific thing, anything out of the ordinary. Iraqis shooting at us or persons looting, and specific targets determined from intel gathered. Those are the Iraqis we go after.
6.) Have you discussed detention procedures or operations with Task Force Iron G2, CI?
a.) Not directly. We send them our detainees and that is about it.
7.) Is there anything else you would like to add?
a.) We have called CID several times and that is about it.

Nothing Follows

10. EXHIBIT: V
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.

001151

STATEMENT OF _____

TAKEN AT _____

b(6), b(3)
DATED _____

9. STATEMENT (Continued)

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, _____

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

_____ to before me, a person authorized by law to administer oaths, this 18 day of August, 2003 at FoB Gunner

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136(a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS _____

ORGANIZATION OR ADDRESS _____

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 2 OF 2 PAGES

001152

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: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030818
3. TIME: 0900
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: DIVARTY, TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of [REDACTED] detaining someone because the individual failed to waive at him?
a) I haven't been on a raid in two months, but I've never seen that happen. He always has a just cause or reason., usually through informants. We follow up with what they say. Sometimes it is true, sometimes it is not, but usually it is. I've heard this rumor but have not personally seen it.
2.) Are you aware of any specific or written guidance that [REDACTED] may have given concerning who should be detained?
a) I'm not aware of any of that. Everything is just hearsay. What he has us do we do.
3.) What methods did [REDACTED] use to choose detainees?
a) Sometimes when they had weapons. Sometimes they didn't. Sometimes we detained people just because they were in the wrong place at the wrong time during an incident and we detained everyone on site. I'm not really given the reasons for detaining an Iraqi national, I just do as I'm told.
4.) Have you ever heard [REDACTED] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a) He is very gun-ho. Whatever he does outside this post has made us all much safer. He might take that position, but whatever he does to defend us here it is worth it. But no, I have not specifically put out this guidance in those words.
5.) Is there anything else you would like to add?
a) He talks to everyone soldier-wise every once in a while, but you never forget what he says. He says that if any Iraqi national looks at you the wrong way or makes you feel threatened in any way, then you have the right to take action and he will always back you up.

NOTHING FOLLOWS [REDACTED]

10. EXHIBIT: W
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 BE INDICATED.

STATEMENT OF _____

TAKEN AT _____

b(6), b(3)
DATED

9. STATEMENT (Continued)

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 10th day of AUGUST, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

[REDACTED]
Signature of Person Administering Oath

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136(a), Judge Advocate
(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 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 FOB Gunner	2. DATE (YYYYMMDD) 2003/08/19	3. TIME 1330	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]
8. ORGANIZATION OR ADDRESS PSYOP Company			

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

1. In your first statement you said "The Colonel has also made it very clear on every occasion that shooting and killing and Iraqi national for running on Task Force Members is acceptable and even required." Did you personally hear COL [REDACTED] make that statement?

A- Maybe not a direct quote, but things to that effect, yes. Almost a direct quote.

2. What were the circumstances under which you heard this statement?

A- One of the circumstances was at a ROC Drill, I can't remember which operation. The context was in the situation that if a large group of Iraqi nationals were gathered in the street, you should shoot your way through it, because if anyone was out at that hour in the morning, it was for no good. Some of the statements were made at the 1930 plans meetings.

3. When and where was the statement made?

A- Approximately 2 1/2 months ago, I can't remember the operation. The ROC drill where he said it was outside of the 2-20 TOC here at Taji airfield.

4. Who else would have heard this statement?

A- Members of the DIVARTY staff at the time. I can provide corroboration if necessary, but I would rather not name names until I talk to those individuals.

5. Anything else you would like to add?

A- There is understandably a great reluctance, especially in the staff, to corroborate these statements. Some have made it a point to tell me after the initial inquiry that they did not want to cause themselves any trouble, that they would rather just do their time here and go home. It should also be noted that a large number of personnel who have knowledge of these events have left this task force.

6. Are you prepared to provide any names for corroboration at this time?

A- No, not unless it is necessary.

NOTHING FOLLOWS [REDACTED]

10. EXHIBIT X	11. 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 _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001155

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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 19 day of August, 2003 at F.O.B. Gunner

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES 001156

b(6), b(3)

SWORN STATEMENT

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

LOCATION DMAIN, TIKRIT, IRAQ	DATE 12 AUG 03	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED] 4TH INFANTRY DIVISION, TIKRIT, IRAQ			

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

I fall under the [REDACTED] battalion and have been assigned to the 4th Infantry division as the [REDACTED] since the beginning of this campaign. Around 15 May I had a visit with [REDACTED] a member of the THT in Gunner. She raised some concerns about children being detainee during raids when everyone at a site was being detained. The concerns raised were at the beginning of the operation and are no longer a problem anymore. Within the last 20 days communication between the Divarty THT and I have increased to 1 phone call every other day or email depending on connectivity which is important for me to provide functional oversight of the teams. I have read the concerns SSC [REDACTED] has made in his statement. The statement was given to me by [REDACTED] from CYOPS after I saw it I took it to [REDACTED] the [REDACTED] and we both walked it down to [REDACTED] the [REDACTED]. I gave her a copy of the statement and kept the original. I did not talk to [REDACTED] specifically about his statement although I did inform his Company commander and First Sergeant. I let them read the statement and told them that I had forwarded it to SJA. I do not have any first hand knowledge of the concerns brought forth from [REDACTED] statement. I do not know if TF Gunner was keeping money that was being apprehended by solders, that issue was never reported to me by the team at TF Gunner. I know that there were problems with money coming up missing in the first 30-60 days from the Division, but the situation has greatly improved since. I have had other reports from across the Division of soldiers taking money for personal use, but all of this is second hand knowledge and nothing has been substantiated. Addressing the situation of detainees not knowing why they are being held, detainees that happen to be in the area of suspicious acivity are detained to determine their criminal intent. The THT team is supposed to try to determine their intel value and was sometimes not aware of the criminal activity involved surrounding a persons detainment. This was the case for the first 70 days and has since improved. The problem with detainees not knowing why they are being detained is not an issue any longer. Regarding the S-5 running their own show is more of a lack of time to act fast in situations to save lives and therefore intel cannot be verified and reverified. This is across the Division and is not case specific to TF Gunner. I was not aware of the situation when [REDACTED] says he was to reveal classified information to a detainee. I would not personally reveal a source to a detainee.

EXHIBIT Y	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF [REDACTED] 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)

NOT

[REDACTED]

USED

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

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

[REDACTED]

PAGE 2 OF 2 PAGES

001158



b(6), b(3)

Headquarters 2nd Battalion, 20th Field Artillery Regiment
4th Infantry Division (Mechanized)
Ft Hood, Texas 76544-5200



16 June 2003

MEMORANDUM FOR COMMANDER, 4TH INFANTRY DIVISION ARTILLERY, TAJI AIRFIELD, IRAQ.

SUBJECT: Task Force Payback After Action Review

1. Purpose. To identify issues both positive and negative for the Task Force Payback Mission conducted 15 June 03. This memorandum identifies issues for improvement for increased success in future operations.
2. Applicability: The comments are focused on the actions taken during Actions on the Objective.

3. Point of contact for this action is [REDACTED]

2 Encls

1. AAR for TF Payback II Mission
2. TF Payback Cartoon Sketch

001159



b(6), b(3)



Headquarters 2nd Battalion, 20th Field Artillery Regiment
4th Infantry Division (Mechanized)
Ft Hood, Texas 76544-5200

[REDACTED]

09 June 2003

MEMORANDUM FOR COMMANDER, 4TH INFANTRY DIVISION ARTILLERY, TAJI AIRFIELD, IRAQ.

SUBJECT: Task Force Payback After Action Review

1. Purpose. To identify issues both positive and negative for the Task Force Payback Mission conducted 08 June 03. This memorandum identifies issues for improvement for increased success in future operations.
2. Applicability: The comments are focused on the actions taken from planning of the mission to the execution.

3. Point of contact for this action is [REDACTED]

2 Encls

1. AAR for TF Payback Mission
2. Captured Weapons Inventory
3. TF Payback Cartoon Sketch

[REDACTED]

001160

Captured Weapons, Ammunition and Equipment

<u>ITEMS</u>	<u>QUANTITY</u>
25MM APDS-T/M791 ROUNDS	3
AK-47 ASSAULT RIFLE	3
BAYONETS	3
REVOLVERS/2 BARRELS/1 DRUM	3
RPG-7	3
AK-47 MAGAZINES WITH 30 RDS EACH	5
7MM RPG ROUNDS	99
RPG CHARGES	72
60MM MORTAR ROUNDS	283
M60P1 ANTI TANK GRENADES	16
120MM MORTAR	1
HAND GRENADES (F-1 FRAGMENTATION)	40
9MM PISTOL	1
M60 AT HEAT ROUNDS	68
SIGHTING DEVICES	2
12.72 MM ROUNDS	36,200
LONG CHARGES FOR RPG	10
7.62 BLANK RDS	900
NBC MASK	1
PISTOL BELTS	3
IRAQI DINARS	D104,555
BRIEFCASE WITH PAPERS	1
GYM BAG	1

001161

b(6), b(3)

[REDACTED]

5. Victims were cleansed in accordance with traditional Muslim culture and buried with the head facing southwest toward Mecca. Each site was marked with a 24" stake at the head of each victim.

4. The POC for this memorandum is the undersigned at [REDACTED]

Encl.

- 1. KIA pictures
- 2. MEMO FOR RECORD

[REDACTED]

[REDACTED]

MEMORANDUM FOR RECORD

8 JUNE 03

SUBJECT: Burial of Local Nationals

1. On this day, I [REDACTED] 5th BN 3D FA, participated in the burial of four local nationals. Around 0900 this morning [REDACTED] requested through the First Round TOC that I assist in paying the proper respects to four Iraqi Nationals that were deceased as a result of their participation in an unprovoked attack on an American convoy around 0220 in the morning. The chain of command of 2-20 FA and [REDACTED] wanted to ensure that within the constraints of mission requirements and the sensitivities between American Forces and the local population, burial rites were adhered to as closely as possible.
2. Not wanting to delay burial until the deceased's families could be found, which could be days, and respecting the Islamic practice of burial prior to sundown of the day death occurred, I was informed the deceased would be buried on TAJI. [REDACTED] and I went out to the chosen site, where the engineers had dug out four graves aligned as closely as possible towards Mecca in Saudi Arabia (in TAJI this is generally in a South - South Westerly direction). The 2-20 FA Mortuary Affairs Team arrived with the bodies and conducted their mission in a respectful and professional manner. Once they were finished, I proceeded to cleanse the bodies as best I could under given mission constraints. I washed down the bodies as best I could from head to toe right to left, preparing them as best I could to be in a state of ritual purity prior to burial. Upon completion of the cleansing I read the Fatiha (Opening Verse of the Quran) and read some supplications relevant to burial. Last, we laid the bodies to rest in the graves with the heads facing Mecca and I said some further supplications and the engineers covered the graves.
3. POC for this memorandum is the undersigned.

/original signed/

[REDACTED]

001163 1117

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 (Major General David Petracus) Commander, 101st Airborne Division (Air Assault)
 (Appointing authority)

on 20 December 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at DREAR, Mosul, Airfield

on 19 December 2003 (Date) (Place) _____ at _____ 0930 (Time)

(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 _____ 1700 (Time) on _____ 30 December 2003 (Date)

and completed findings and recommendations at _____ 1700 (Time) on _____ 31 December 2003 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO	N/A
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?			
	b. Copy of notice to respondent, if any? (See item 9, below)			
	c. Other correspondence with respondent or counsel, if any?	X		
	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?	X		
	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.

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		YES	NO	N/A
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
	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)?			
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.

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

b(6), b(3)

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

This is a summary of the findings. For the complete detailed of findings, see enclosed.

1. [REDACTED] was injured at approximately 0545 hours on 11 December 2003 while he was being detained in the 2nd BCT brigade holding area. He sustained a fractured mandible, or broken lower jaw.
2. Mr. [REDACTED] injury was the result of intentional acts by coalition forces. He claims that he was struck by a US soldier and the US personnel involved claim that he fell, most likely the result of exhaustion from performing exercises. There is no direct evidence that anyone saw the injury take place. [REDACTED] was closest to [REDACTED] when the incident occurred. He claimed in his first statement he was helping Mr. [REDACTED] get up when he lost his balance and fell. In later statements [REDACTED] recanted this earlier statement and testified that he did not see Mr. [REDACTED] fall. The greater weight of the evidence suggests that [REDACTED] claim is the most plausible. There is no direct evidence to the contrary.

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

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

See enclosed

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

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 VI below, indicate the reason in the space where his signature should appear.)

EX 6, 3
03216

[Redacted Signature]

(Recorder)

(Member)

(Member)

(Investigating Officer) (President) CPT

(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.)

EX 6
03216

(*DA*)
DAVID H. PETRAEUS

MG, USA
Commanding
JAN 10 2003

001167

b(1), b(3)

FACTS:

1. Detainee [redacted] was either struck or fell at about 110530DEC03, and broke his jaw.
2. The BHA was under the supervision of [redacted] at this time.
3. There were soldiers from 1/502, 3/327, 2/44, and 311 MI at the BUA at this time, serving as either guards or in other MI roles.
4. The detainees were being systematically and intentionally mistreated (heavy metal music, bullhorn, hit with water bottles, forced to perform repetitive physical exercises until they could not stand, having cold water thrown on them, deprived of sleep, and roughly grabbed off the floor when they could no longer stand).
5. The detainees had sand bags on their heads with "IED" written on them, the infantry soldiers stated they felt this was done to make them angry at the detainees, and it had exactly this effect.
6. The IO could not determine if [redacted] was hit or simply fell to the ground.
7. The IO could not determine who might have struck [redacted] if he was struck.
8. The 3d & 4th Geneva Conventions were violated in regard to the treatment afforded to these detainees.
9. The IO made no recommendation as to potential disciplinary action.
10. All deficiencies at the Strike BHA have been corrected.

RECOMMENDATION: That [redacted] be issued a GOMOR.

SYNOPSIS OF WITNESS STATEMENTS:

[redacted] 1/502: We "always harassed the hell out of the detainees." They always told us to "smoke the detainees, but to not physically harm them."

I saw the Chief throw them down, put his knee in his neck and back and grind them into the floor. He would use a bull-horn and yell at them in Arabic and play heavy metal music extremely loud, they got so scared they would urinate on themselves. He was very aggressive and rough with the detainees

We were told to only feed them crackers & water (may have been because of late hour)

[redacted] 1/502: They were setting it up to make the infantry guys angry by writing IED on the sand bags over their heads.

[redacted] (of Guard Detail) 3/327: We would force them to stay awake, by banging on metal doors, playing loud music, screaming at them all night - those were our instructions. We were told to not strike them.

[redacted] & [redacted] 3/327: Our instructions were to keep them awake, smoke them, yell at them, but to not hurt them.

Ex 6, 3
C3.2.1.6

b(6), b(7)

Ex 13
C3.2.1.6

[REDACTED] 2/44: We "hazed" the detainees - we had a lot fall and hurt themselves

Ex 13
C3.2.1.6

[REDACTED] 1/502: [REDACTED] had IED on the sandbag over his head, the guards were all over him, screaming at him things like "you like to use IED's motherfucker), and smoking him extra. They were smoking him really hard when I heard him cry in pain (he could have been hit or fell).

Ex 13
C3.2.1.6

[REDACTED] 3/327: A lot of detainees had IED written on their bags. I was near [REDACTED] when he fell and I helped him up. Interpreters (ICDC) blew cigarette smoke up their sand bag hoods. They also poured water on them to get them up, after the were exhausted from being smoked.

Ex 13
C3.2.1.6

[REDACTED] 3/327: "We were yelling in a bullhorn at the detainees, making them do PT, things like flutter kicks, ups and downs, stuff like that." We knew we were supposed to do these things because MI was already doing this stuff when we got there. He did not say it was part of the SOP. He stated, "we were briefed to keep them awake, do not let them talk, and to not hurt them." I had seen "detainees collapse before because of the intensive physical training."

b(6)

SWORN STATEMENT

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

LOCATION 21st Combat Support Hospital	DATE 4 Jan 04	TIME 2000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER Iraqi Citizen	GRADE/STATUS	
ORGANIZATION OR ADDRESS			

E16
3.2.1.6

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

Q: Tell me, did you give a statement about what happened?
 A: Yes, to a Dr. I don't know what his name was, but he was a Mosul Dr. who was in Baghdad.

Q: Tell me what happened.
 A: I was studying in the morning because I am a student. It was around 0500. It was a Wednesday. There was a knock at my door so I answered it. American Soldiers came in and took me outside and arrested me. They told me they were there for my father. They also arrested my brother and my father. I complained because ~~my~~ father is old and ~~my~~ brother is sick. My brother has many physical problems. My mother was crying.

Q: What happened after the arrest?
 A: They put me in a truck, covered my face w/my shirt, took me somewhere and took pictures and then took me to another place.

Q: How long from where they took pictures to where he got out?
 A: 15 minutes.

Q: Anyone else in the truck with you?
 A: Soldiers, my father, my brother, an interpreter, and that is all.

Q: When they took you to the place after the pictures, what was that like?
 A: It was a room where I heard people shouting and crying.

Q: How long were you in that room?
 A: 2 days.

Q: Did they tell you why you were arrested?
 A: ~~Yes~~ NO, they said they came for my father.

Q: When did your father become a LT in the Fedayeen?
 A: He is not a CPT, ~~at first yes~~, he was a LT but he is not now.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>3</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.

001170

b(6)

b(6)

STATEMENT (Continued) Statement of [REDACTED] Taken at 21st CSH on 4 Jan 04

Q: How long?

A: He became a member of the army about 5 yrs ago but he is not a member now. He just stays at home.

Q: How old is your father?

A: He was born in 1954 or 1959, I forget.

Q: How old are you? A: 20.

Q: Still in high school?

A: Yes. I failed 3 yrs because I had to work. We are a poor family.

Q: Since the arrest, have you had contact with your father or brother?

A: No.

Q: How did your jaw get broken?

A: A soldier hit me.

Q: How do you know that if you had a bag over your head?

A: Not sure if it was a soldier but someone hit me.

Q: Then what?

A: The soldiers, one soldier, took the bag off my head, gave me water and told ^{me} to say I had fallen.

Q: What did he look like?

A: He was white, had a mustache, was handsome, young, had short hair, blonde, was about as high as me (5' 7" ish), not slender.

Q: Did you throw up or anything when they took the bag off your head?

A: No, just blood.

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.~~

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 _____ day of _____, 19 _____ at _____

 (Signature of Person Administering Oath)

 (Typed Name of Person Administering Oath)

 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b(6) [REDACTED]

b(6)

b(6), b(3)

STATEMENT (Continued) Statement of [redacted] Taken at 21st CSH on 4 Jan 04

Q: Tell me what was happening in the room before your jaw broke?

A: At night they were throwing water on us and making us stand and squat. From the night to the next day, from wed. to Thursday, they were beating us. I was hit on Thursday. Then they gave me water but I couldn't really drink any. They then took me to a place for an X-ray. we walked there. Then they brought me back, I sat for a while and told me I was going to Baghdad for surgery. I came here (21st CSH) and took another X-Ray, then a helicopter took me to Baghdad.

Q: What was happening one hour before you got hit?

A: They were hitting me.

Q: Where?

A: Stomach, neck, back.

Q: With what?

A: With hands and boots.

Q: Were people talking to you in Arabic?

A: Yes

Q: What did he/they say?

A: One man said that I was crying. He asked me why I was crying like a woman.

Q: Before going to the room for your jaw, had you been taken there before?

A: No. It was the first time.

Q: Anything else?

A: I forgive the soldiers who hit me. That is all.

AFFIDAVIT

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

[Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of January, 2004 at 21st CSH, Mosul Iraq

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3.2.1.6

b(6) b(3)

[redacted]

[redacted] Ex 6

ORGANIZATION OR ADDRESS

[Signature] (Signature of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted]



DEPARTMENT OF THE ARMY
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ
MOSUL, IRAQ APO AE 09325

REPLY TO
ATTENTION OF

AFZB-JA

15 January 2004

MEMORANDUM FOR

ADC(O), 101st ABN DIV (AASLT) Mosul, Iraq
Staff Judge Advocate, 101st ABN DIV (AASLT) Mosul, Iraq
Commander, 311th MI BN, 101st ABN DIV (AASLT) Mosul, Iraq

SUBJECT: Recommendation concerning [REDACTED]

b(6), b(3)

16 JAN 04
I read thru this and agree w/ your assessment. Please add this to our copy of the 15-6 Rpt. That our COPT should go back to FFCH w/ [REDACTED]

EX 6
3.2.1.6, 3

1. Recommendation. I recommend that no punitive action be taken with respect to [REDACTED] Commander, B Company, 311th MI BN, 101st ABN DIV (AASLT) as a result of the injury to detainee [REDACTED] that occurred on or about 10 December 2003 in the 2BCT detainee holding area.

EX 6

EX 6
3.2.1.6, 3

2. Background. On the evening of 13 Jan 04 I was appointed by the SJA by direction of the ADC(O) to interview [REDACTED] concerning the incident that occurred on or about 10 Dec 03 resulting in injury to a detainee at the 2BCT holding area. On 14 Jan 04 I advised [REDACTED] of his rights, interviewed him for approximately 3 hours and obtained a sworn statement from him. The rights waiver and sworn statement are attached to this memorandum as enclosures one and two. This memorandum is not a summary of the contents of the sworn statement.

EX 6
3.2.1.6, 3

3. The primary purpose of the interview with [REDACTED] was to determine if he failed to exercise the appropriate level of supervision and leadership with respect to the operations of the 2BCT holding area. I conclude that he did. More could have been done, as is the case with any Commander in any position, but [REDACTED] actions satisfied the minimum standards for supervision and leadership given the circumstances in this instance.

EX 6
3.2.1.6, 3

4. The AR 15-6 investigating officer, [REDACTED], concluded that [REDACTED] jaw was broken by an intentional act, but was unable to determine the actual injury-causing event. [REDACTED] jaw was broken either as a result of a fall or from a blow administered likely by [REDACTED]

EX 6
3.2.1.6, 3

5. [REDACTED] states that he checked on the 2BCT holding area 3-4 times per week and, on average, all of these checks but one per week would be unannounced. He states that he requested that 2BCT provide blankets, heaters, an entrance gate, latrines, running water and a shower and offered to provide a copy of the briefing he gave to Strike 5 and 3 making these requests. He states that when he requested heaters as the cooler weather moved in he was told by either Strike

b(6), b(3)

AFZB-JA

SUBJECT: Recommendation concerning [REDACTED]

Ex 6
3.2.1.6, 3

5 or 3 "fuck 'em, they can freeze." [REDACTED] and his soldiers paid for the lighting, wiring, and some other items out of his and their personal funds to attempt to make the holding area meet what they believed to be minimum standards. Since he was attached to 2nd BCT, [REDACTED] believed he was required to go to 2BCT for fiscal and logistical support. He had prior experience as a field ordering officer. This briefing was provided after 9 Nov 03 when the BHA moved from a temporary facility to one in which the detainees would be kept overnight and for longer periods.

Ex 6
3.2.1.6

6. [REDACTED] states that he never saw detainees with bags on their heads that had certain offenses listed on them and that he never saw any soldier strike a detainee with any object except, on one occasion, a soldier tapped a detainee on the top of the head with an empty water bottle and told him to "look at me" but the manner in which this was done was not inappropriate. Further, he believed that his ISG prepared a guard briefing and ensured that all guards were always briefed concerning their obligations and rules relating to the detainees before they were allowed to be a guard. This briefing included a statement that they were not allowed to strike a detainee and that their job was to PT the detainees and keep them moving. This is reflected in most of the statements in the report of investigation. [REDACTED] believed that the detainees were fed three times per day and that they were allowed to sleep between approximately 2300 and 0700 each evening (if interrogated during this time period he stated the detainees would be allowed to rest during the day).

Ex 6
3.2.1.6

7. It is worth noting that [REDACTED] unit was responsible for a number of missions including GSS support to top gun, talon, BSA LLVI, Ears over Mosul, THT19, running source operations, ACT drafting, link diagrams and analysis at Strike Main, two prophets and seven prophet hammers as well as normal supply and administrative operations of a fifty-two soldier company with additional interpreter support. This is not to mention [REDACTED] reading every interrogation report on every detainee processed. Further, it is against doctrine to have interrogators or MI units to operate a BHA, this is an MP function. MI officers and enlisted receive no such training and the first time [REDACTED] had ever even read the Geneva Conventions applicable to prisoners was when he read the interrogation manual on his own initiative.

Ex 6
3.2.1.6

8. This is not to say that [REDACTED] is relieved of his obligation to supervise those soldiers in his charge. He is not. However, if what [REDACTED] states is accurate, the Division and certainly the Brigade (until, notably, just after this incident) utterly failed to provide either logistical or personnel support to operate a proper Brigade Holding Area. Military intelligence assets were used in a fashion they were never trained to do, did not understand, and with neither the logistical or personnel support to perform this rather important mission. This combined with the increased aggressiveness (note seizures based on sole source reporting began in Nov 03) on the part of the Division following a number of CF casualties in November resulted, not surprisingly, in the incident under investigation.

Ex 6
3.2.1.6

b(6), b(3)

AFZB-JA

SUBJECT: Recommendation concerning [REDACTED]

EX 6
03.2.1.6

9. Under the circumstances, the actions of [REDACTED] with respect to the matter under investigation do not warrant punitive or adverse administrative action against him.

EX 6
23.2.1.6

10. POC is the undersigned at 581-0710. EX 6
[REDACTED]

2 Encls

1. DA-3881

2. DA-2823

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 DMAIN PALACE MOSUL IRAQ		2. DATE 14 JAN 04	3. TIME 1715	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]		8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]		

46
211
286
321

Ex 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 101st ABN DIV AASLT and wanted to question me about the following offense(s) of which I am suspected: derelection of duty and, generally, supervisory responsibility for detainee abuse

246
3-2-1

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.

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.

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3-2-1-6

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

Ex 6
132

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

b(6), b(2)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION DMAIN Palace, Mosul, Iraq	2. DATE (YYYYMMDD) 2004/01/14	3. TIME 1715	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS A 0-31 AD	
8. ORGANIZATION OR ADDRESS [REDACTED] BN 101ST ABN DIV AASLT			

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

What is your full name: [REDACTED]

What is your duty position and present unit of assignment: [REDACTED] Held since 1 Dec 03

How old are you: 30 yrs. Took command in Aug 03. Yes.

Are you married; do you have children: Yes; No.

How many years have you been in the military: 7 1/2 yrs.

Describe your civilian education: B.S. in Pol. Science from Florida State Univ.

Describe your military education and include all schools you have been to: ABN, AASLT, MIOBC, MIO CPT's Career Course, CAS 3 Maint. Officer Course, Force Pro Level II.

Tell me what duty positions you have held in the military: Asst S-2, [REDACTED]

How long have you been deployed here to Iraq: Since Feb 03

When else have you been deployed; if you have been deployed before OIF1 describe your duties/responsibilities then: Afghanistan - BN S-2 for SF BN; Kosovo - ACE BTL CPT; Bosnia - Asst S-2, Estimated total

Tell me about your current duty position: Direct support MI company to 2BCT. Here I'm mos deployed = 16- have 52 persons that work for me plus 7 CAT 2 Linguists. Deployed.

What are your top responsibilities (top 3, top 5, however you see it) as a Commander: Here - "getting all my guys home safely."

Have those always been the same; if not, how have they changed and when: here - No, 2BCT

What responsibility do you have with respect to the Brigade Holding Areas: since 18 DEC 03 money has been invested in the facility, but since 9-11 it became a 24 ops facility as it is now.

What personnel assigned to you are assigned to the 2BCT holding area: [REDACTED] Sr HUMINT Tech, [REDACTED] VCOCIC 9

Describe the jobs of those personnel assigned to you that worked in the Brigade Holding Areas: [REDACTED] 978, and until 1 week ago [REDACTED] 973, [REDACTED]

What training do each of those personnel receive: Sr Humint Tech - in charge of cage and Senior interrogator, supervises all personnel. They've moved to strike main. Additionally 2 CAT 2 Linguists work there under my supervision.

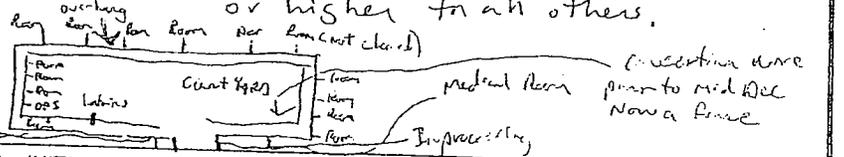
When does that occur: [REDACTED] level of [REDACTED]

What supervision do you provide with respect to each of those positions: 1st line for [REDACTED], second or higher for all others.

Describe the layout of the 2BCT holding area: [REDACTED]

Is it the same now that it was then: [REDACTED]

Do you speak Arabic? No.



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

001177

EX 6
3.2.1.6
JTW

Highlights of duties

b(6), b(3)

[Redacted]

- Sr. Humint Tech + OIC
- in charge of case
- Sr. interrogator
- supervised all MI personnel
- suggested \neq TIP for interrogations
- coordinated for all logistics and support to include transport

Note - 97Bs who are counterintelligence were used as interrogators b/c the Division is short of interrogators. But none do intena. by himself unless he has shown he can do but they ~~all~~ interrogators sometimes interpret for them to allow switching of interrogator. Sometimes the 97Bs need the CAT II linguists after briefing the WO1 on how the interrogat will be conducted.

- writes SIRs and edits and reviews the interrogator reports
- 97Bs - are used as interrogators now.
- The NCOIC who is off 97B does no interrogations handles logistics under direction of [Redacted] or

EX 6
3.2.1.6

- [Redacted] - 97B did day-shift Database mgt and this means detainee inprocessing
- [Redacted] did Document Exploitation. This is where he us a CAT 2 linguist (~~also~~ tagged all property and wpns, render and ammo secure) to review all documents since he sp no Arabic nor reads it.
- The interrogators - [Redacted] + [Redacted] both speak Arabic - assist inprocessing, conduct interrogat and assist in DOCEx, produce and assist in managing the dat

Note 2 96R worked in the ZBCT HA from 11 Nov to 15 DEC and their main function was to help [Redacted] account for property.

inprocessing, conduct interrogat and assist in DOCEx, produce and assist in managing the dat

EX 6
3.2.1.6

[Redacted] - helps in interrogations, inprocessing and outprocessing, driving and logistics. Interpreters - interpret for snafus, ~~not~~ for 97Bs used as inteno. and interrogators when detainee claims they can't understand.

also red with case
- serviced/generater
ed detainees that were moving out of the case,

raised the infantry guys and explained to them the process

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 14 JAN 04

9. STATEMENT (Continued)

Why or why not do you think the improvements were made ~ 17-18 DEC 03 - Because of the guy getting his jaw broken and because of [redacted] recommendation.

Tell me more about the limits of physical discomfort used as part of the interrogation process. During an interrogation the use [are not placed in discomfort.

What role does physical discomfort play in obtaining information from a detainee/interrogee while at the holding area or not during interrogation? "If makes them tired and when you're tired you slip up."

How does that work -> If you have something to hide and you're tired it is easier to be caught.

Is it fair to say that administering punishment and rewards to detainees who are being interrogated is part of the process used in the 2BCT holding area to obtain information from them. Overall an interrogator would not direct a guard to

PT a guy who was being a pain in the ass more than other interogees, but it may have rarely occurred. Give me examples of both punishment and rewards that can be provided detainees in an effort to obtain information from them.

Cigarette vs. no cigarette; Reward - not put in general population there fine no PT, no guards. Are there hard and fast rules about how far you can go either way with punishment or rewards.

Who set the limits on the amount of PT that the guards make the detainees do? Why "I'd say it would be chief b/c he was out there more than I was."

What are they What PT guidance did you tell the guards - "use stand up / sit down. Tell me about the SOP? 9-11 NOV Chief made an SOP all the guards signed.

Describe them Did the guards change? Yes all guards were briefed 2x by my 1SG and I think all, including the ones for Reinforce Games signed off. If a little discomfort is useful in obtaining information, why not apply more discomfort even to the point of what we'd call torture.

Tell me why or why not -

Is it ever okay to strike detainees with water bottles # "To strike, no." What about to threaten to strike them w/ a water bottle? I don't think so, but don't know for sure. Not know if a

When and how far can you go: physical threat with water bottle is permitted, but not think so.

Is it ever okay to scream at them with a bullhorn or loudspeaker? Sure, with 70 people in a cage how are they going to hear you. So scare the detainees or communicate? Both.

When and describe how far you can go.

What about sleep deprivation. Sleep deprivation is keeping someone up more than 24 hours straight. This not used because they're allowed to sleep 6 over 24 hours. What if they're

How long can you force someone awake in an effort to obtain information detained at 2300? Once in case they're on a set schedule. The sleep time begin at 2300 and ends at 0700 but I need to look it up give or take an hr.

What about food deprivation - Not used, 3 meals a day since full time in Nov 03. He must have refused food provided to him.

What about physical exercise? If you wake them up during that time they get sleep during the day.

What about combinations of the above? Could you put an unloaded weapon to an interogees head and threaten to kill him if he doesn't provide information. Threatening someone w/ a pistol - is that allowed to obtain information.

Is that in any way against the rules - ~~yes~~ Even if unloaded - ~~yes~~ "Correct"

If so, which rules -> The rules of human nature. Unwritten rules of detention facilities.

Why "Just not something you do." Ever read the Geneva Conventions or the Tort of You do not point a weapon at somebody unless you're a prisoner - Excerpts in the interrogation manual.

What is your personal opinion about the limits on physical pain that can be imposed on an interrogee during the interrogation process Not useful. Think it is proven that torture is not work.

Do you reduce the amounts of discomfort administered for each technique if you use the above discomfort methods in combinations.

If so, why -

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 OF 5 PAGES

001179

out in front of ~~if~~ them. What distinguishes the water bottle exercise from a stress position? ~~Could be considered~~ stress positions, but not what was used at ~~SEI~~ ~~SEI~~ ~~consideration~~ SEI

- You mentioned stress positions. What is that and how is it used? ←
- They are not used, but it is placing a person in a position that causes them ~~to~~ physical discomfort.
- Is that used by any of your personnel on detainees from the time they arrive at the BHA until they leave? No. They are made to do PT. If you consider that stressful, okay, but stress positions are not used unless you consider the position they're placed in to be searched to be a stress position.
- How is PT used? It is used ~~to~~ when detainees are in the Main Holding Room/General Population by the Guards. This ended when the guy got his jaw broken I told everyone "no more PT."
- Who had told the guards to make the detainees to perform PT when in general population? "Myself and Chief."
- This was pre-18 Dec? Correct. Roughly that time.
- What was the purpose of doing PT? To make them concentrate on things other than their story, to make it uncomfortable for them. We wanted to take advantage of the shock of capture. To continue their nervousness we did not want it to be a nice, peaceful place. The detainees will want to get out of the environment they're in and the unwillingness to talk to us is reduced.
- The purpose of the PT is to prevent them from relaxing.
- Are you trained to use PT on interogee pre interogation ~~is~~ in any way you've received from the military? No but when I was a Lieutenant I went thru 1st ~~and~~ IDs SEER school and that is what they did.
- ~~Does~~ ^{Has the} MI officer training you've rec'd ~~teach~~ ^{taught} you anything about interogations? No. First interogation I ever saw was around July 2003.

was I was in my own initiative or were you taught it? Never taught it. Read it in the past week or so.

SEI

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 14 JAN 04

9. STATEMENT (Continued)

When detainees are waiting to be screened or interrogated at the 2BCT IIA who supervises or monitors them - in general pop that
The guards tasked from B 2/44 ADA. What about Op Reindeer games - same unit until
How many detainees normally are waiting to be interviewed at a time we had 100+ people and HHC 3/327 1/502
since 9 Nov 03 - from 40-70.
Was the volume of detainees in the 2BCT HA higher on the night of 10 Dec and morning of 11 Dec higher than normal due to
Operation Reindeer Games YES.

What training do the non-interrogator guards receive before they begin guarding detainees in the BHA -> The briefing - the
one they're supposed to sign. Did you ever see the written "rules" by 10 DEC
What training did they receive on 10 Dec 03 "Correct yes I did." Did the rules change off
10 DEC 03. Yes the rules changed because
eliminated PT.

What, if anything has changed -> There is no training any more of guards since it is the
Who conducts that training; now versus then -> same guards. Any refresher
training? No.

What is the current SOP for the non-interrogator supervisors/guards
When did MPs take over - around 18 DEC 03.
What was the SOP on 10 Dec 03.

What changes, if any, have been made to the procedures for guarding or interrogating detainees who are in the 2BCT BHA since
10 Dec 03 and today. I am not in charge of the cage any more.
Who suggested those changes The PMO as far as I know.
Who implemented those changes Sgt 503 MP BN and my guys that work out at the killing area

How did [redacted] jaw get broken I don't know.
Who is responsible for his jaw being broken No, I do not. What do you think happened? Infantry
Do you believe there was anything you should have done to prevent the broken jaw incident from having occurred more likely
guys say he fell. He says he was hit. Which do you think is

Are you aware of any detainees dying or receiving fractures while in the custody of 101st soldiers
If so, describe what you know - "I think it could
be either one."
Want to believe the
infantry men

Why did [redacted] have a bag over his head that said "IED" on it I don't know. Not
know he had one that said IED on it
What was the purpose of having bags with certain offenses written on them on the heads of detainees pre-interrogation
I do not know that. I think w/ 70-100 people I guess it was for identification for guards
What relationship did the offense on the bag have to the person on whom the bag was placed. I never told anyone to
write offenses on bags and don't know anyone who did.
What effect do you think the offense information had on the guards who were watching the detainees
Not think it would have any effect. That's what I think.
Do you think it was a good idea to write offense information on the bags and place them on the heads of people who were not
even necessarily suspected of having committed that offense - were detainees? No.

Did you know that was going on back on 10-11 Dec 03 - No, I did not.
Why not aware of that? Because I didn't see it.

Were any of the detainees apprehended and taken to the 2BCT HA hit with water bottles as far as you know, I know I
saw a guard tap him on the head with an empty water bottle and say "look at me".
When did you become aware of the detainees being hit with water bottles with water in them? 11 DEC 03.
I've been told that since

What efforts did you take to ensure misconduct by the guards and interrogators did not take place Tell them the rules
and tell them no physical harm. I was out there 3-4 x's / week for from 11h00 to 12h00.
What would you do differently now, if anything, if you knew what you know now back on 10 Dec 03
I would have made it more of a prison setting. No PT, just sit there and don't talk.

EX4
C3216

001181

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 14 JAN 04

9. STATEMENT (Continued)

Anything else you'd like to add?

We got backed up b/c it was a requirement that an SIR must be done by release, DCCP, or IZ Police. Unless an SIR was done they were not allowed to move. I told BDE from day one I couldn't hold more than 30 people in that cage. I was told to interrogate faster.

How would more guards help with interrogation rate? There would have to be more guys to do the multiple logistical coordinations that have to be done every time a detainee has some kind of problem like being sick instead of pulling an interrogator the entire time or a linguist to help the coordination. Now all my guys do is interrogate and this is the way it should be done.

Did you do anything to [REDACTED] after this incident with the broken jaw? I orally counselled him. What did he say?
Not used.

AFFIDAVIT

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

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JAN 04 at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

(Typed Name of Person Administering Oath)

10 USC 1044g

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

001183

5/12
What he specifically said I do not remember, but he agreed with me that we should have made the holdy, and (once it became permanent) more like a prison setting, we should not have focused on the shock of capture, and as the Hornet tech he gave me bad advice.

001184

2/16

The following is an exact transcription of the statement of [REDACTED]

By the Name of God, the Most Merciful and Gracious,

My name is [REDACTED] a student in high school. On Wednesday 10/12/2003, me and my family were sleeping at home when we heard a knocking at door. Then, soldiers from coalition forces entered the house and commenced searching our house. (It was 5 in the morning). After that, they tied my brother and father and my hands and took us to their quarters. There, they put bags on our heads and took us to a room which contains a vocal device (so big recorders) and rised its voice so loudly and started torturing us with many kinds of torture like stand and sit down, pour cold water on our bodies at night and beat us during the day and didn't give us food and even water except one time for two days. (The period of our torture).

During the time of torture, the bag was on my head, when one of the soldiers drew me till I came near the wall, then he kicked me a very strong kick on my face even my teeth were broken. Also my down jaw brake (several fractures). After I are injured, they took me to another room and told me to say that I've fallen down and no one beated me. Then, they transferred me from Mosul to Baghdad without treatment of my wounds.

Now, for eight day, I am in the hospital for remedy. I am from a poor family. I have two brothers, one is a child and the other is 25 years old, but he is very sick. He suffers from three disease that are kidney, stomach, and windpipe. He is incapable to work. I also have 5 sisters. I used to work as a carrier of pebbles and sand after my duration in school. My father is an old man. The coalition forces took him with my brother and I don't know where are they, or in which detaition they are. I hope to release so I can go to my school because it's my last year in high school. Also, to work and help survive my family (my mother and sisters).

Be so kind to review my case

[REDACTED]
18/12/2003

001185



HEADQUARTERS, DEPARTMENT OF THE ARMY
1ST AIRBORNE DIVISION (AIR ASSAULT) AND FO... CAMPBELL
FORT CAMPBELL, KENTUCKY 42223-5000

REPLY TO
ATTENTION OF

AFZB-CG

SEP 16 2004

MEMORANDUM FOR RECORD

SUBJECT: Courts-Martial Panel Adoption

1. I hereby adopt the present courts-martial panels convened by Court-Martial Convening Order Number 1 (General) and Court-Martial Convening Order Number 2 (Special), and the process by which alternates are detailed as set forth by Major General (Petraeus) on 13 April 2004 and 16 April 2004.

2. I have made these decisions based on the criteria set forth in Article 25, Uniform Code of Military Justice (UCMJ). Specifically, I considered the adopted members best qualified to serve as court members by reason of age, education, training, experience, length of service, and judicial temperament.

EX 6
C3.2.1.6


MICHAEL L. OATES
Brigadier General, USA
Commanding

APPELLATE EXHIBIT I

001186

b(6) A 2

By the name of God, the most merciful and gracious.

Innam My name is [redacted] a student in high school. On Monday ~~10/12/2003~~ 10/12/2003 me and my family were sleeping at home when we heard knocking at door. Then, soldiers from Coalition forces entered the house and commenced searching our house (It was 5 in the morning). After that, they tied my brother and father and my hands and took us to their quarters. There, they put bags on our heads and took us to a room which contains a vocal device (recorder) and raised its voice so loudly and started torturing us with many kinds of torture like stand and sit down, Pour cold water on our bodies at night and beat us ~~in~~ during the day and didn't give us food and even water except one time for two days. (The period of our torture -

During the time of torture, the bag was on my head, when ~~he~~ one of the soldiers drew me till I came near the wall, then he kicked me a very strong kick on my face even my teeth were broken ~~and~~. Also, my down jaw broke (several fractures). After I've injured, they took me to another room and told me to say that 'I've fallen down and no one beat me. Then, they transferred me from Mosul to Baghdad without treatment of my wounds -

Now, for eight day, ~~from~~ ~~because~~ I am in the hospital for ~~treatment~~ (remedy) - I am from poor family, I have two brothers, one is a child and the other is 25 years old, but he is very sick, He suffers from three disease that are kidney, stomach and wind pipe. He is incapable to work. I also have 5 sisters. I used to work as a carrier of pebbles and sand after my duration in school. My father is an old man. ~~The~~ coalition forces took him with my brother and I don't know where are they, or in which detention they are. I hope to release so I can go to my school because it's my last year in high school, Also to work and help or survive my family (My mother and sisters)

Be so kind to ~~to~~ review my case

[redacted]

10/12/2003

b(6)

A-4

Target Name	Status of Target	Target#	Targeting Packet	CAPTAG#	Detaining Unit
[REDACTED]	Detained	W6	N	672822	WQ
[REDACTED]	additional	W6A	N	672751	WQ
[REDACTED]	additional	W6B	N	672753	WQ

Feedback/Comments	DTG In	Recommend	Result	DTG Out	SIR
	100730LDEC03	CORPS	CORPS	100930LDEC03	
	100730LDEC03				
Broken jaw	100730LDEC03	DCCP		11LDEC03	

Target Name	Status of Target	Additional	Target#	Tag #	BRA Status	Feedback/Comments	DTG In	Recommend	Result	DTG Out	SIR	SIR Spent	Equipment
[REDACTED]	Detained	0	T1			[REDACTED]							
[REDACTED]	Detained	1	T2			Killed during detention							
[REDACTED]	Detained	4	T3	672999		At Corps							
[REDACTED]	Detained		T3a			At Cage							
[REDACTED]	Detained		T3b			At Cage							
[REDACTED]	Detained		T3c			At Cage							
[REDACTED]	Detained	2	T4	671998		At Corps							
[REDACTED]	Detained	1	T5			At Corps. Locals led to target Locals led to target							
[REDACTED]	Detained	1	F1			At Corps							
[REDACTED]	Detained	2	F2	672830		At Corps							
[REDACTED]	Detained	1	F3										
[REDACTED]	Detained	0	F4	671514									
[REDACTED]	Detained	3	W1										
[REDACTED]	Detained	0	W2	671544		At Corps							
[REDACTED]	Detained	3	W3	671545		At Corps							
[REDACTED]	Detained	0	W4										
[REDACTED]	Detained	0	W5	672818		At Corps							
[REDACTED]	Detained	0	W6	672822		At Corps							
[REDACTED]	Detained	1	W7	671543		At Corps. Possible Inman							
[REDACTED]	Detained	0	W8	672821		At Corps							
[REDACTED]	Detained	0	W9										
[REDACTED]	Detained	0	W10	672791		At Corps							
[REDACTED]	Detained	3	W11	672829		At Corps							
[REDACTED]	Detained	4	W12	672825		At Corps							
[REDACTED]	Detained		W12a			At Cage							
[REDACTED]	Detained		W12b			At Cage							
[REDACTED]	Detained		W12c			At Cage							
[REDACTED]	Detained		W12d			At Cage							
[REDACTED]	Detained	0	W13										
[REDACTED]	Detained	0	W14										
[REDACTED]	Detained	0	W15	671546		At Corps							
[REDACTED]	Detained	0	W16	672829		At Corps							Computer
[REDACTED]	Detained	2	B1	672827		At Corps							
[REDACTED]	Detained	5	B2	672820		At Corps							
[REDACTED]	Detained	0	B3										
[REDACTED]	Detained	0	B4										
[REDACTED]	Detained	0	B5										
[REDACTED]	Detained	0	B6										
[REDACTED]	Detained	2	B7	672819		At Corps							
[REDACTED]	Detained	0	B8	672826		At Corps							
[REDACTED]	Detained	2	B9	672754		At Corps							

2nd BCT Detachment
Roster for 11 Dec

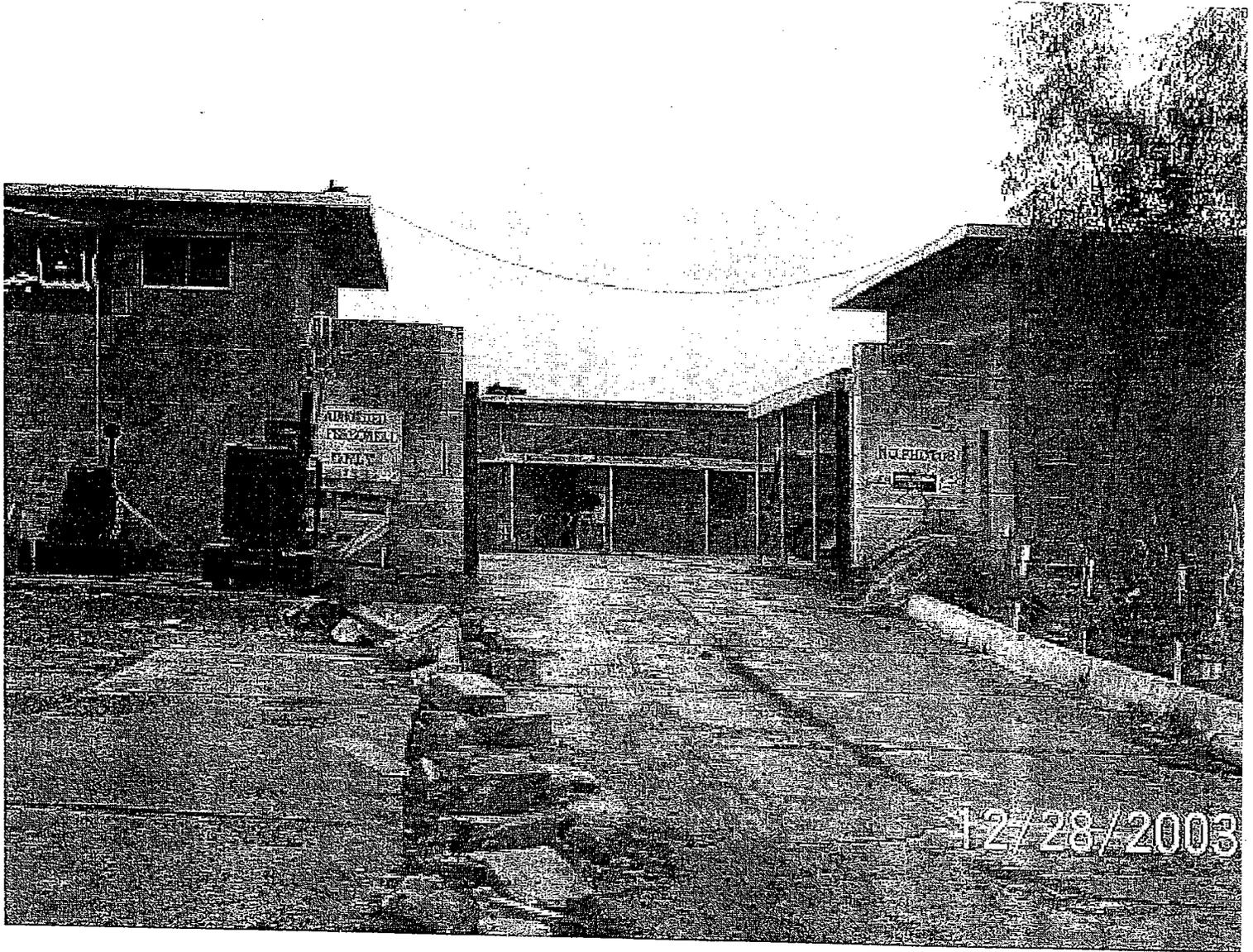
No indication of
being returned

b(6)

A-4

Entrance to the BHIA

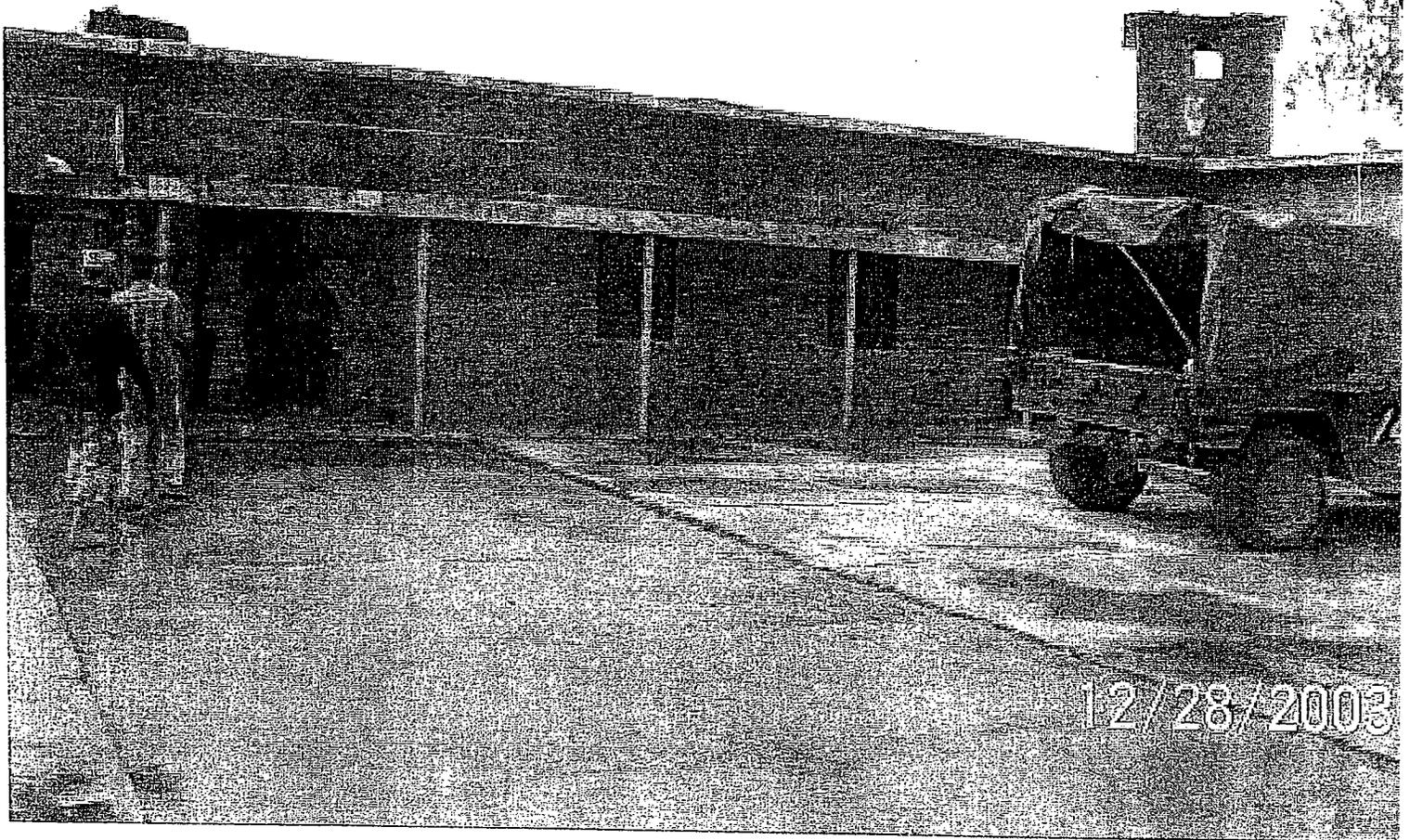
B-1



001191

Looking across the courtyard
to the main detention room

B-2



1192
001102

Looking to the left of the
main detention room, approaching
from across the courtyard

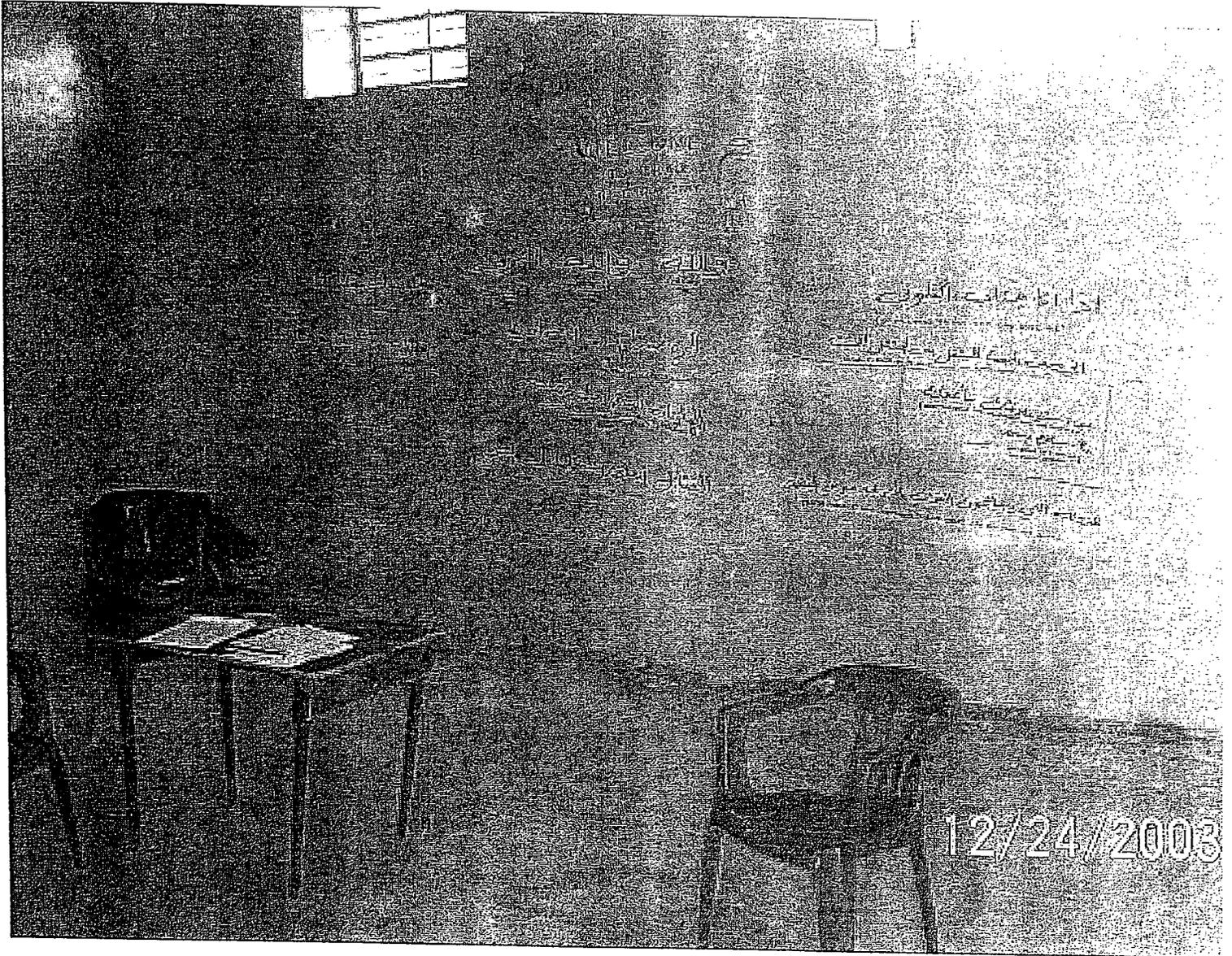
B-3



001193

Interrogation Room
with typical and most common
responses to questions written
on the wall in Arabic

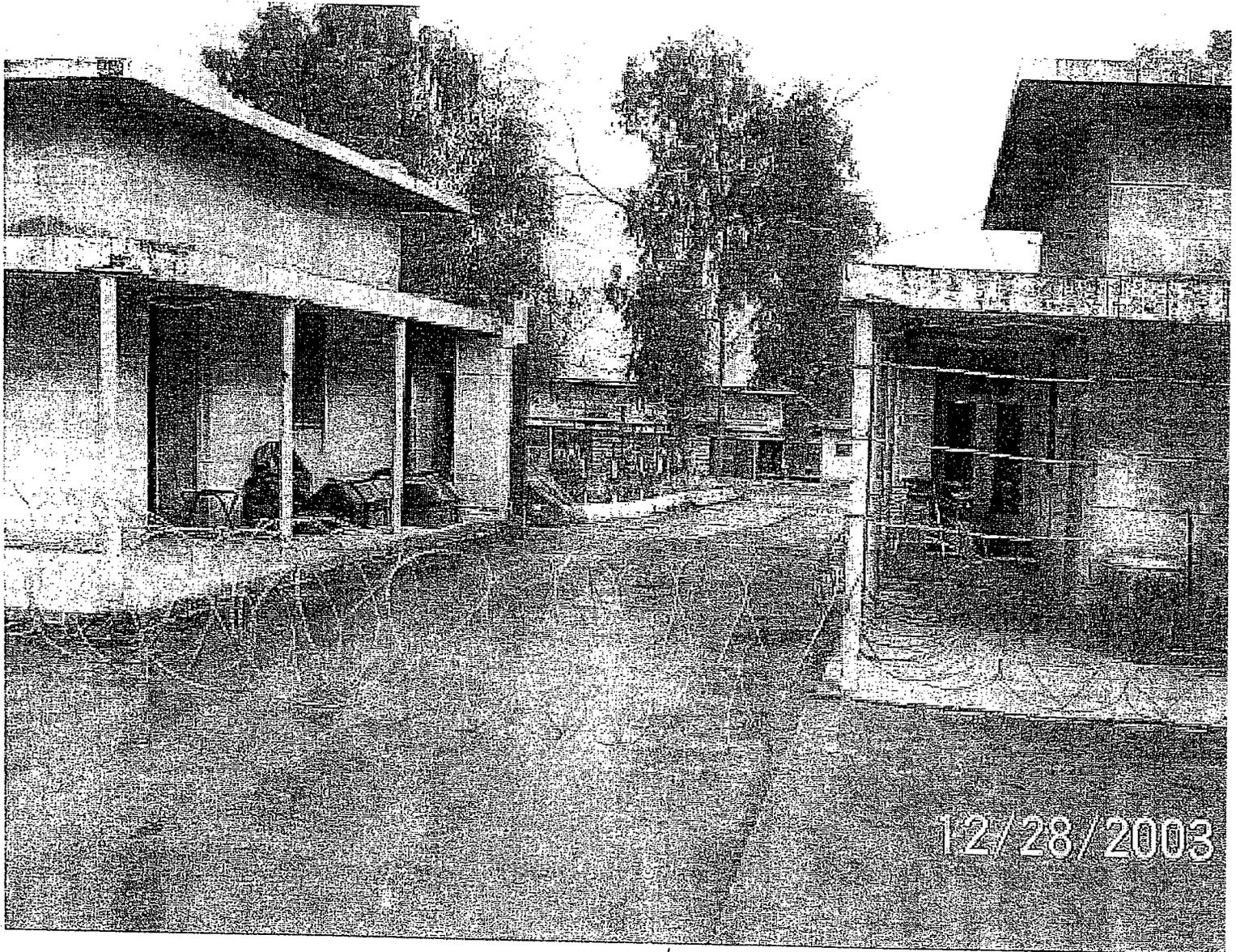
D-1



001194

Exiting the BHA
In-processing room is just to the
left, out of sight

B-8



001195



DEPARTMENT OF THE ARMY
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ
MOSUL, IRAQ APO AE 09325

b(6), b(2)

REPLY TO
ATTENTION OF

AFZB-CG

20 December 2003

MEMORANDUM FOR ██████████ HHC, 101st ABN DIV (AASLT)

SUBJECT: Appointment as AR 15-6 Investigating Officer

- 8/16
3.2.16
1. You are appointed to conduct an informal investigation of the following incident: On or about 10 December 2003, ██████████ an Iraqi national, claims he was struck in the face by a soldier from the 101st ABN DIV (AASLT). ██████████ was being detained in the 2BCT detention facility at the time of the incident.
 2. You will make specific findings of fact regarding the following matters:
 - a. Was ██████████ injured?
 - b. If he was injured, did it occur as the result of an accident or the intentional acts of Coalition Forces?
 - c. What were the events leading up to the incident?
 - d. Was there evidence of any misconduct on the part of Coalition Forces?
 - e. What were ██████████ actions while he was detained?
 - f. What is the SOP at 2BCT for processing detainees?
 - g. Was the SOP followed during ██████████ detainment (approximately 10 to 12 December 2003)?
 - h. Did the failure to follow any policies or procedures contribute to the alleged incident?
 3. You will make recommendations, based on your findings, for any changes in the current policies and procedures. You will obtain and preserve all available evidence for future reference as necessary.
 4. You will conduct your investigation using the informal procedures of Chapter 4, AR 15-6. You may consult with subject matter experts as you deem appropriate. All witness statements, if feasible, will be sworn. If, during the course of your investigation, you determine that it is

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AFZB-CG

SUBJECT: Appointment as AR 15-6 Investigating Officer

b(6), b(3)

relevant and necessary to inquire into the conduct of an individual senior in rank to you, you will report this matter to me through the Staff Judge Advocate and obtain direction from me before proceeding with your investigation.

5. You should consult [REDACTED] or [REDACTED] SJA, DNVT 581-0975, prior to beginning your investigation and for any legal advice you may need during the course of this investigation. Ex 6

6. You will submit your report using a DA Form 1574 to SJA personnel at the DMAIN or DREAR for legal review NLT 31 December 2003. Requests for extension of this suspense will be submitted to me through the Staff Judge Advocate at the DMAIN.


DAVID H. PETRAEUS
Major General, USA
Commanding

Ex 6
C3.2.1.6

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b(6)

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
MOSUL, IRAQ APO AE 09325

REPLY TO
ATTENTION OF

AFZB-JA-CAL

31 December 2003

MEMORANDUM FOR RECORD

SUBJECT: AR15-6 Investigation Into the Broken Jaw Injury of [REDACTED]

1. On 19 December 2003, at 0900 hours I was notified that I would soon be appointed as the investigating officer in an AR15-6 investigation into the broken jaw injury of a detainee named [REDACTED] detainee #0672753, to determine the cause of his injury while in the custody of the 2nd BCT holding facility. My instructions were to determine if the injury was the result of intentional acts by coalition forces and to develop all the factors surrounding the injury.
2. The exact cause of the broken jaw injury to [REDACTED] is blunt trauma to his lower mandible. How exactly he sustained this blunt trauma is uncertain. Two explanations that have been offered by the parties involved are that he either fell directly onto his face while trying to get up, or he was struck by a US soldier while he was bent over, see Findings for a complete discussion.
3. What factors contributed to his injury?
 - A. Safety of the detainees was not a priority.
 1. [REDACTED] was harassed and exercised without stopping for at least three hours, while he was flex-cuffed and while he had a sand bag over his head.
 2. The guards who were on duty were infantry enlisted personnel that were either told to keep the prisoners awake, silent, and moving, or were not given any guidance at all and just followed the lead of the guards they were joining or replacing.
 3. All the guards on duty at the brigade holding area (BHA) were yelling at the detainees and were making them do flutter kicks and knee benders.
 4. Some BHA personnel were striking the detainees with water bottles.
 5. There is evidence that suggests the 311th MI personnel and/or translators engaged in physical torture of the detainees.

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B. The atmosphere in the detainee holding room was tense, emotional, and encouraged the guards to engage in abusive, out of control behavior.

1. The guards who were guarding the detainees in the holding room were not properly briefed or properly trained on handling detainees, and were shown abusive behavior toward the detainees by the MI personnel and the interpreters.

2. The noise level was tremendous. A stereo with approximately three-foot floor speakers was blasting music. The guards were encouraged to yell at the detainees and they beat against metal doors and probably empty ammunition cans.

3. The detainees had sand bags over their heads that were marked with different crimes, leading the guards to believe that the particular detainee committed that particular crime. [REDACTED] bag was labeled "IED", a particularly hated crime by infantry soldiers patrolling the streets.

4. The MI personnel were abusive to the detainees and these personnel set the example for the inexperienced guards.

C. There were not enough US personnel on duty.

1. There were too few personnel on duty from 311th MI when the detainees arrived, resulting in [REDACTED] not being interrogated prior to the incident.

2. [REDACTED] was one of approximately seventy detainees brought in that night as a result of Operation Reindeer Games. If he had been interrogated it would have been determined that he was not the target and should have been released after questioning.

3. Many of the guards made statements to the effect that they did not know what the other guards in the room were doing or where they were when the incident occurred. More guards would have allowed the guards to supervise each other.

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Chronological History of the Investigation Into the Broken Jaw Incident of [REDACTED]

19 December 2003

EX6
03.2.1.6
At approximately 0900 hours [REDACTED] of OSJA informed me that I was to be appointed as an AR 15-6 investigating officer involving an incident that occurred in the 2nd BCT holding area. I first contacted 2nd BCT trial counsel [REDACTED] to get a brief synopsis of what had occurred. I was informed that a commander's inquiry had already been completed and that a brigade 15-6 investigation was underway. I was told that the point of contact for the brigade 15-6 was [REDACTED] of 327th infantry regiment. I attempted to contact [REDACTED] but was unable to reach him by DNVF. I telephone the DMAIN in an attempt to get a signed appointment memo.

20 December 2003

EX6
03.2.1.6
Made several attempts to contact [REDACTED] in order to obtain a copy of the commander's inquiry information that he was given and to see if had any new evidence to add from his investigation. Left several messages. Was unable to make contact.

21 December 2003

EX6
03.2.1.6
Telephoned 2nd BCT trial counsel and spoke at length about the background on this incident. I learned from [REDACTED] that a detainee had died in that same holding area just 2 days prior to the incident I was investigating. I was given the name of the IO for the death incident and attempted to make contact to see if he had any information that might assist me. Also made several attempts to contact [REDACTED]. No success with either contact attempt. Contacted DMAIN about getting a signed appointment memo and was told it would be forth coming later in the evening.

22 December 2003

EX6
03.2.1.6
I interviewed [REDACTED], the company commander of 108th MP Company. I obtained information about what types of changes her company made to the brigade holding area (BHA) since they took over operating it.

23 December 2003

EX6
03.2.1.6
I visited the BHA for the first time. Viewed the facility, spoke with [REDACTED] the B Company, 311th MI company commander, and spoke with [REDACTED]. Got the background information about the events of 10-11 December, the circumstances surrounding the incident, and about the procedures they had in place at the time of the incident. While here, [REDACTED] arrived to conduct his investigation. We spoke and I obtained the information contained in the file from the commander's inquiry. Went back to the 108th MP Company to see if there were any diagrams of the facility. Obtained a copy of the signed appointment memo from the DMAIN.

b(6), b(3)

24 December 2003

Obtained a list from the BHA of the guards that were purported to be on duty the night of the incident and who had signed an acknowledgement of understanding of what they were to do. Asked MI personnel if they knew who was on duty at the exact time of the incident and was told no.

25 December 2003

Christmas Day. No investigation.

26 December 2003

Went back to the BHA with a camera and took pictures. Went to the 21st CSH and interviewed [redacted]. Obtained a copy of the x-ray of [redacted].

EX6
C3.2.1.6

27 December 2003

Went to AO Glory. Interviewed [redacted] at approximately 1000 hours. Interviewed [redacted] at approximately 1100 hours. Interviewed [redacted] and [redacted] who were the replacement guards for [redacted] and [redacted]. Also interviewed [redacted]. Returned to the airfield to type the statements.

EX6
C3.2.1.6

28 December 2003

Interviewed [redacted]. Had [redacted] and [redacted] sign their statements. Visited the BHA and talked off the record with [redacted] the [redacted] from 108th MP Company. Went to [redacted] Company, 2-44 ADA to interview the guards that were present on 10-11 December at the BHA. They were unavailable but I spoke with their [redacted] and set up an interview appointment for later that night at the DREA for 1830 hours. Returned to the DREAR. At 1830 waited for the ADA guards to arrive. They never came.

EX6
3.2.1.6

EX6

29 December 2003

Went to 1/502nd CP at AO Glory and interviewed [redacted], [redacted], [redacted], and several other 502nd soldiers who were thought to have relevant information but in fact did not. Went to the BHA and obtained a written MFR from [redacted].

EX6
3.2.1.6

30 December 2003

Returned to 1/502nd CP to have [redacted], [redacted], [redacted], and [redacted] sign their statements. Interviewed [redacted] one more time.

EX6
3.2.1.6

31 December 2003

From 0830 to approximately 1500 wrote this report

Factual Summary

b(6), b(3)

1. [REDACTED] was detained and removed from his house along with his 25 year old brother and his father as a result of Operation Reindeer Games sometime late 10 December 2003. His father, [REDACTED] was the person targeted in their house. He is suspected to be an officer in the Fedayeen. [REDACTED] and his brother were captured as sub-targets. Sub-targets are male Iraqi citizens found inside a target's home.
2. All three detainees were brought with approximately seventy other detainees to the 2nd BCT Holding Area. This holding area is a prison like facility located on AO Glory and operated by B Company, 311th MI battalion.
3. Upon arrival at the BHA, all detainees were made to stand in formation in the courtyard in the center of the compound and await in-processing. The detainees were flex-cuffed, and some had bags over their heads.
4. [REDACTED] was in-processed by the MI personnel. He was given a detainee number (#0672753), and had a bag placed over his head that had "IED" written on it. He was then placed in a large detention room with the other detainees.
5. In the detention room [REDACTED] was made to perform excessive amounts of exercises like flutter kicks and knee benders for a period ranging in length from three to four hours. Loud music was blasting in this room. [REDACTED] was yelled at and was subjected to bullhorns in his face and cold water being poured on him. The guards in the room were roaming among the detainees pounding on metal doors, shouting at the detainees to perform exercises, and physically grabbing detainees up if they were slow getting to their feet. If the detainees attempted to lift the bags over their heads, the guards pulled the bags back down and spent extra time in front of that detainee making them do exercises.
6. The guards that were guarding the detainees changed at various times depending on what unit they were from. There were guards from 1/502nd, 3/327th, and several interpreters from the 311th MI personnel that guarded this group of detainees. The group of detainees that were already being held in the BHA prior to the arrival of the detainees from Operation Reindeer Games had been moved to a different room and they were being guarded by 2-44 ADA guards. Those detainees were told to sleep. Several of the infantry guards guarding the detainees from Operation Reindeer Games were on this detail for the first time.
7. Only three guards were positively identified as being in the room at the time of the incident. They were [REDACTED] from [REDACTED], [REDACTED] from [REDACTED], and [REDACTED] of [REDACTED]. Both [REDACTED] and [REDACTED] have stated that they never saw what happened to [REDACTED]. In his very first statement, [REDACTED] claimed to have been assisting [REDACTED] get up when he suddenly fell. In every statement thereafter he denies seeing [REDACTED] fall.

EX6
2.1.6

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8. At approximately 0545 hours, [REDACTED] began crying and bleeding from under his bag. [REDACTED] and [REDACTED] approached [REDACTED] and both were present when either an interpreter or an MI soldier removed his bag. He was bleeding from his mouth.

9. [REDACTED] was taken to an interrogation room where he was asked what had happened. The first person to ask him what had happened was an Arabic speaking US soldier, [REDACTED]. He translated that [REDACTED] said he fell down.

10. When the Arabic translator, [REDACTED], asked [REDACTED] what had happened, he claims [REDACTED] told him he was punched or something similar.

11. [REDACTED] was returned to the detention room and the guards were told to leave him alone. He was subsequently examined and x-rayed by [REDACTED] from [REDACTED]. She found he sustained a fractured lower jaw and recommended he be sent to the 21st CSH.

12. [REDACTED] arrived at the 21st CSH at approximately 1450 hours. He was again x-rayed and was examined by [REDACTED] Dr. [REDACTED] found that [REDACTED] sustained a fractured lower jaw and malocclusion. He arranged for [REDACTED] to be sent to the 28th CSH in Baghdad for treatment. Eventually [REDACTED] was transferred to the 28th CSH and is still there as of the date of this AR 15-6.

EX6
C3.2.1.6

EX6
C3.2.1.6

EX6
C3.2.1.6

EX6
C3.2.1.6

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FINDINGS

1. Was [redacted] injured?

Finding: Yes, [redacted] was injured. He was not injured when he came in to the BHA. There are no indications that he had any injuries when he was in-processed. He was injured and bleeding from his mouth when he left the BHA. He suffered a mandible fracture, or broken lower jaw. [redacted], the first medical person to thoroughly examine [redacted] ordered x-rays taken of his jaw and found a clear mandible fracture to the lower jaw. (Exhibit G-3) Dr. [redacted] ordered his own x-rays taken of [redacted] at the 21st CSH and determined that [redacted] sustained a fractured lower jaw as well as malocclusion (teeth not lining up). (Exhibits C-1, C-2) I attempted to locate [redacted] and was told by [redacted] of the Division Provost Marshall's Office that he was still at the 28th CSH in Baghdad because his mouth was wired shut and he needs to be fed through a straw.

Ex 6
C3.2.1.1

2. Was the broken jaw injury of [redacted] the result of an accident or intentional acts by coalition forces?

Finding: [redacted] injury was the result of intentional acts. After examining the evidence, I am unable to definitively determine the actual injury-causing event. Every single guard I interviewed on duty in the room where the incident occurred that night testified that they did not see the injury occur. (Exhibits D-5, E-5, F-1) [redacted] is the guard most consistently placed close to [redacted] at or around the time the injury occurred. He has two inconsistent statements. In his first statement taken just hours after the incident, he states that he was helping to pick up [redacted] from a laying down position when he fell. In every statement thereafter he states that he did not actually see [redacted] fall. It is my opinion that [redacted] was somehow involved in [redacted] injury, but I do not have conclusive evidence to prove this. [redacted] claim that [redacted] fell is neither plausible nor credible.

Ex 6
C3.2.1.1

Regardless of whether the injury was the result of a blow by a US soldier or was the result of a collapse due to muscle fatigue or muscle failure, it was an intentional act that led to the injury. If we accept the explanation that [redacted] fell face down while trying to get up, the evidence undeniably shows that he was intentionally, excessively exercised by US soldiers for at least three hours prior in such a way that would have resulted in complete leg-muscle fatigue and failure. If his injury was the result of an unassisted fall and not a blow, in order to fall completely on his face while his hands were cuffed in front of him, and with enough force to completely fracture his jaw, the fall would have had to have been the result of a complete collapse. [redacted] stated that the lack of abrasions to [redacted]s face, and the contusions on his body, suggest that his testimony of being beaten is more likely the truth of what happened, but excessively exercising the detainees to the point of complete muscle failure is still the result of an intentional act by US soldiers.

Ex 6
C3.2.1.4

3. What were the events leading up to the incident?

Finding: [redacted] had been brought into the BHA at approximately 0100 hours on 11 December 2003, as the result of a large target operation called Operation Reindeer Games. He

b/e

was among approximately 70 detainees brought in at this time. They were all flex-cuffed at this time. He was downloaded from the vehicle that brought him in, lined up in a formation in the courtyard of the BHA, and awaited in-processing. He was eventually in-processed where he was given a target number, was briefly questioned about background information, and had a bag placed over his head whereon was written a suspected offense. He was taken to the large detainee holding room along with the other detainees from the operation, and was subject to very loud music from a stereo. He was exercised without stopping for approximately three hours, was made to do flutter kicks and up-downs, and was subject to being hit by water bottles. He had cold water poured on him and was yelled at repeatedly by roving guards. The evidence suggests that he was harassed more than most of the other detainees. At some point approximately 0545 hours, the guards were told that a certain detainee was requested for interrogation. The guards began organizing the detainees in formation. At some point during that attempt [REDACTED] began crying and bleeding from his face, under the bag.

4. Was there evidence of any misconduct on the part of coalition forces?

Finding: Yes. Supervision and training of the guards was almost non-existent at the Brigade Holding Area (BHA) under B Company, 311th MI control. Abuse of the detainees in some form or other was an acceptable practice and was demonstrated to the inexperienced infantry guards almost as guidance. Evidence clearly indicates that detainees were excessively exercised to the point of complete muscle failure and collapse (Exhibits D-3, D-5, E-3, F-1, H-4, J-1, K-1), that detainees were struck with half-filled water bottles (Exhibits D-5, J-1, J-2), that detainees had cold water poured on them while in the stone-walled detention room where there was no heat (Exhibits K-1), and were subject at times to direct physical abuse (Exhibits K-1).

In addition, at the time the detainees were brought into the BHA there were not enough MI staff on duty to conduct the interrogations. As a result, even during in-processing, the detainees waited for a long time. When MI personnel started conducting interviews, the fact that there were not many personnel on hand resulted in longer periods of exercise for the detainees before they could break to be interrogated. It also meant that sub-targets were not readily segregated out of the target population and had to endure the harassment for many hours. There were also too few guards. There were approximately 5 guards tasked with guarding approximately 70 detainees and tasked with keeping the detainees awake, silent, and moving. In addition, the detainees were marked with suspected offenses on the bags that covered their heads, and there is no indication that there was a rational basis for this labeling. Since the detainees were not interrogated and since many were sub-targets, the markings of suspected offenses seem to be arbitrary. The detainees were marked in such a way as to illicit anger from the poorly briefed and minimally trained infantryman-turned-guards.

5. What were [REDACTED] actions while he was detained?

Finding: There is little evidence that addresses this question directly. To many of the guards, the detainees were indistinguishable. Evidence shows that [REDACTED] was arrested as a sub-target in the capture of [REDACTED] (Exhibit A-4). He was in-processed in accordance with B Company, 311th MI procedures. His picture was taken (Exhibit A-1) and he was assigned a detainee target number (Exhibit A-4). According to B Company, 311th MI personnel, the biographical information taken at the in-processing interview was sent with [REDACTED] to the

b(6)

21st CSI and is not kept at the BHA. [redacted] was kept with in the large holding room with the general population of detainees from Operation Reindeer games prior to his injury and was not individually interrogated. He stayed in this large holding room almost the entire time he was at the BHA except for the time spent outside in the courtyard waiting to be in-processed. He participated in exercising along with the other detainees and may have been more than most. His hands were cuffed in front of him the whole time, and the detention bag that was placed over his head was labeled "IED", indicating his suspected offense. For this reason he may have drawn more attention from the infantry guards than most of the other detainees.

6. What is the SOP at 2nd BCT for processing detainees?

Finding: The standard operating procedure for processing detainees is that when a detainee is captured, the capturing unit completes a CPA in-take form, the detainee is entered into the BDE target database if they are not released to the local police, and they are processed by the BHA. Processing by the BHA means that B Company, 311th MI is responsible for collecting biographical information from an in-process interview and his belongings are tagged and kept in an evidence room. If the detainee is not the target, he is released shortly after the interview.

7. Was the SOP followed during [redacted] detainment (approximately 10 to 12 December 2003)?

Finding: No. There are no records on [redacted] except for the front of an OCPA detention form. He does not appear in the detainee log for 2nd BCT under the primary target number, as he should, and he does not have a completed initial intake form from the BHA. He was not a primary target and should not have been there in the first place. Since he was detained, he should have been released shortly after the in-process interview but was not.

8. Did the failure to follow any policies or procedures contribute to the alleged incident?

Finding: Yes. If the policy had been followed of quickly in-processing detainees and releasing those who were detained incident to the specified target but were not actually targeted, then [redacted] may very well have been released prior to the injury. In addition, if B Company, 311th MI had observed proper detention procedures of not allowing abuse of detainees, he certainly would not have sustained a fractured jaw. Did the failure to follow the documentation procedures contribute to [redacted] injury? The answer to that question is no.

Recommendations:

1. Remove control of the BHA from 311th MI and replace that unit with an MP unit.
 - MP units are better trained and better equipped for the task of processing, managing, and handling detainees. They have been trained to identify and address critical elements in this process and have experience doing it.
 - This recommendation has already been implemented.
2. Institute a safeguard that will allow detainees who are not targets to be released much sooner in the process or not detained at all.
 - This recommendation will require more precise seizure operations, but it may eliminate the large percentage of incidental detainees, thus reducing the overcrowding in the detention facility and allow for greater supervision of the detainees.
3. Eliminate all physical harassment of detainees.
 - This will have the effect of eliminating the possibility that the harassment might become criminal or injurious to the detainees.
 - This recommendation has already been implemented.
4. Increase the number of guards.
 - The guard-to-detainee ratio should be greater.
 - At critical times when larger numbers of detainees are present at the BHA, the number of guards on duty to guard them should be increased.
 - This recommendation has already been implemented.
5. The Company Commander for B Company, 311th MI should be disciplined for allowing abuse of detainees as standard operating procedure, as well as anyone else that was involved in the decision to allow the abusive behavior to be SOP for the BHA.
6. The BHA facility should be repaired, heat should be added to the detention rooms, and better lighting should be installed for the rooms and for the courtyard.
 - The detainees have been kept in extremely cold conditions, which could lead to their inability to react or to cooperate quickly with guard demands. Heat will help them stay warm, stay healthier, and keep them safe during their detainment.
 - Better lighting would help guards keep better visibility of detainees and help deter misconduct of the guards themselves. It will help the guards keep better visibility of each other.
 - This recommendation has already been implemented.
7. Ensure that all guards are well trained and are familiar with proper procedures for handling detainees.
 - This recommendation is already being implemented.
8. Establish set schedules for when detainees are allowed to eat, what they can eat, what they are allowed to do while being detained, and ensure that all guards are aware of this information.
 - This will allow the feeding of detainees to better monitored so that it is not overlooked
 - This will also help reduce any abusive behavior in the future.

b(6)

-This recommendation has already been implemented.

9. [REDACTED] should be compensated for his injury and for his suffering.

-According to his statement, his family is impoverished and he is the only male that can work.

-He is a fulltime high school student and is missing valuable class time that may affect his ability to graduate on time.

b(6), b(3)

EX6
C3.2.1.6

Index of Exhibits

- Chapter A..... [redacted] (pictures of [redacted] his statements, the x-ray taken of his jaw, his detainee and capture number, 2nd Brigade detention/arrest roster)
- Chapter B..... Brigade Holding Area pictures
- Chapter C..... [redacted] statement and 21st CSH diagnosis report
- Chapter D..... [redacted] (guard in the room on duty at the time incident occurred)
- Chapter E..... [redacted] (guard in the room on duty at the time incident occurred)
- Chapter F..... [redacted] (guard in the room on duty at the time incident occurred)
- Chapter G..... [redacted] (Medic that first responded to [redacted] injury)
- Chapter H..... Guards on duty at the time of the incident that were not in the room
- Chapter I..... Guards relieving the guards on duty at the time the incident occurred.
- Chapter J..... Guards who were at the BHA shortly before or after the incident
- Chapter K..... [redacted] (guard on duty sometime during 11 December 2003, but who had experience with BHA guard duty and saw excessive abuse)
- Chapter L..... [redacted] (The new [redacted] of the BHA from 108th MP Company)
- Chapter M..... Signatures of guards acknowledging receipt of MOI brief
- Chapter..... My notes taken during the outset of the investigation

b(6), b(3)

C-1

DEPARTMENT OF THE ARMY
Bravo Company, 311th Military Intelligence Battalion
101st Airborne Division (Air Assault)
Mosul, Iraq 09325

AFZB-KL-B

17 December 2003

MEMORANDUM FOR RECORD

SUBJECT: Telephone interview with [REDACTED]

EX 6
C3.2.1.6

1. At 161130LDEC03, the undersigned conducted a telephonic interview with [REDACTED] from 21st Combat Support Hospital concerning the injury to [REDACTED] at detainee at the Brigade Holding Area (BHA). The following is a summary of the conversation.

EX 6
C3.2.1.6

2. The investigating officer asked what the final diagnosis of the patient was. [REDACTED] responded that he had a broken mandible (jaw). When asked how the jaw was broken, [REDACTED] said the detainee stated that he was hit, but it is possible that the detainee was injured from a fall. However, [REDACTED] stated that even though he was not a wound pattern expert, but he did not believe that the abrasions were consistent with a fall. [REDACTED] also stated that he did not disagree with a 15-6 to determine what occurred on 11 DEC 03.

3. POC for this action is [REDACTED] at 581-9343. Ex 6

EX 6
C3.2.1.6

[REDACTED]

SWORN STATEMENT

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

b(6), b(7) - 2

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 LSA DIAMONDBACK	2. DATE (YYYYMMDD) 2003/12/26	3. TIME 14:27	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]			

3.2.16

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

1. When was the first time you had contact with [REDACTED] spent about 4 hours here at the CSH 1450 hours 11 December 2003. He was transferred @ 1900 hours to 28th CSH in Baghdad, getting ready for transfer. He

2. What were your initial impressions of his injury? 20 yr old I2. Sustained blunt trauma to his mandible + his teeth were not lining up (malocclusion). X-ray shows mandible fracture.

3.2.14

3. Did you have an interpreter with you? Yes. If yes, what did [REDACTED] say about his injury? He said he was beaten. The interpreter was from the 21st CSH. I did not ask how he was beaten or when. He said he was knocked unconscious for a short period. The injury was sustained within the last 24 hours.

3.2.16

4. Who brought [REDACTED] to the 21st CSH? [REDACTED] Pan 2 BDE HA

5. What can you tell me about the nature and severity of the injury [REDACTED] sustained? (fall injury, likely not, any other signs of bruises, etc. that may shed light on how it happened?) People who fall usually do not do so right on their face. The absence of abrasions is not consistent with a fall. He had scattered minor contusions across his chest which could be consistent with the claim of being beaten.

6. Anything to add?
A: NO. That's it.

3.2.16

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 OF [REDACTED] TAKEN AT [REDACTED] DATED 26 Dec 03
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

[Redacted Name]

TAKEN AT

[Redacted Location]

LSA-Diamondbrick

DATED

26 December 2003

9. STATEMENT (Continued)

[Large Xed-out area for statement content]

[Handwritten signature]

AFFIDAVIT

I, [Redacted Name]

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE two (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]

(Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of December, 2003

at [Redacted Location]

[Redacted Signature]

(Signature of Person Administering Oath)

[Redacted Name]

(Typed Name of Person Administering Oath)

OSJA

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

EXL 3.2.1.6

EXL 3.2.1.6

EXL 3.2.1.6

EXL 3.2.1.6

SWORN STATEMENT

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

b(6), b(3)

D

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 MOSUL, IRAQ	2. DATE (YYYYMMDD) 20031211 RLV	3. TIME 0717 RLV	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

ON 11 DEC 03, AROUND OR ABOUT 0530, I LEFT TO GO AND WAKE UP MY OTHER 2 GUYS FOR THE DETAINEE GUARD. WHEN WE CAME BACK, THE OTHER GUYS WAS PUTTING THEM (DETAINEES) IN A FORMATION I HELPED LINE A FEW DETAINEES UP AND A FEW MOMENTS LATER I SAW A COUPLE OF SOLDIERS PICK A DETAINEE UP FROM OFF OF THE FLOOR. END OF STATEMENT RLV

10. EXHIBIT D	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.

b(6), b(3)

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

[Large area crossed out with a large X, containing a small blacked-out redaction]

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 11th day of December, 2001 at SHA, [redacted] Egypt

[redacted] (Signature of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

Act 136 (b)(4) USA (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PA

US

001216

246
3.2.06
246
3.2.16

b(6), b(3)

SWORN STATEMENT

For use of this form, see AF 180-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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

LOCATION BHA	2. DATE (YYYYMMDD) 20031216	3. TIME 1900	4. FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

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

ON DEC 11, 2003, at USBA, I left to go get my relief and returned about 0550. At that time the guys was putting the detainees in a formation. I help a little and I looked up and saw them picking one up. Today I answered the following questions relating to the incident:

- Q: On 11 DEC 03, what time did you start working at the BHA?
 A: 0400
- Q: What time did your shift end?
 A: 0800
- Q: Who was with you at time of the incident?
 A: [REDACTED] from [REDACTED] and a few other guys who I didn't know.
- Q: What did the detainee do to bring attention to himself?
 A: Nothing unusual.
- Q: What were the other detainees around him doing?
 A: Lining up for formation.
- Q: Did any of the detainees give you any problems, including [REDACTED]?
 A: No.
- Q: Where was the detainee at the time of the incident?
 A: In the big holding room, standing against the wall.
- Q: Did you see him fall?
 A: No.
- Q: Did anyone else see him fall?
 A: Davis might have seen him fall or maybe one of the 502d guys.
- Q: Do you know what contributed to his fall?

10. EXHIBIT D	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.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT MOSUL, IRAQ DATED 16 DEC 03

STATEMENT (Continued)

- NO [REDACTED]
- Do you have any reason to believe anyone else in the room struck the detainee at any time?
- NO. It also didn't seem like anyone was angry? [REDACTED]
- 1. Did anyone else come in the room after the incident?
- I don't recall. [REDACTED]
- 2. Did anyone move the detainee after the fall?
- Someone moved him, but I am not sure who? [REDACTED]
- Do you have anything you would like to add about this incident?
- NO. [REDACTED]

AFFIDAVIT

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

[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 December, 2003 at MOSUL, IRAQ

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

001218

PRINCIPAL

To provide commanders and law enforcement officials with means by which information may be accurately identified. b(6), b(7)(C)

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 HMC/3-327 IN CP	2. DATE (YYYYMMDD) 20031224	3. TIME 1034	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]			

246
3.2.11
246
3.2.11
246
3.2.11
16
3.2.11

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

Q: [REDACTED]
A: [REDACTED]

Q: WAS YOUR SHIFT A 2-HOUR SHIFT OR 4-HOUR SHIFT?
A: MYSELF along with [REDACTED] pulled 2 out of a 4hr shift

Q: HAVE YOU PULLED GUARD AT THE BHA BEFORE? HOW MANY TIMES?
A: YES, twice before [REDACTED]

Q: HAVE YOU EVER SEEN A DETAINEE COLLAPSE AFTER DOING PHYSICAL CORRECTIVE TRAINING?
A: YES [REDACTED]

Q: WERE THERE ANY BLUNT OBJECTS IN THE DETAINEES ROOM (i.e. boxes)?
A: NOT IN THE AREA OF THE INCIDENT [REDACTED]

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.

001219

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Mosul, IRAQ DATED 24 DEC 03

9. STATEMENT (Continued)

Q: WAS ANYONE BESIDES [REDACTED] IN THE ROOM AT THE TIME OF THE INCIDENT? DO YOU KNOW WHO THEY WERE?

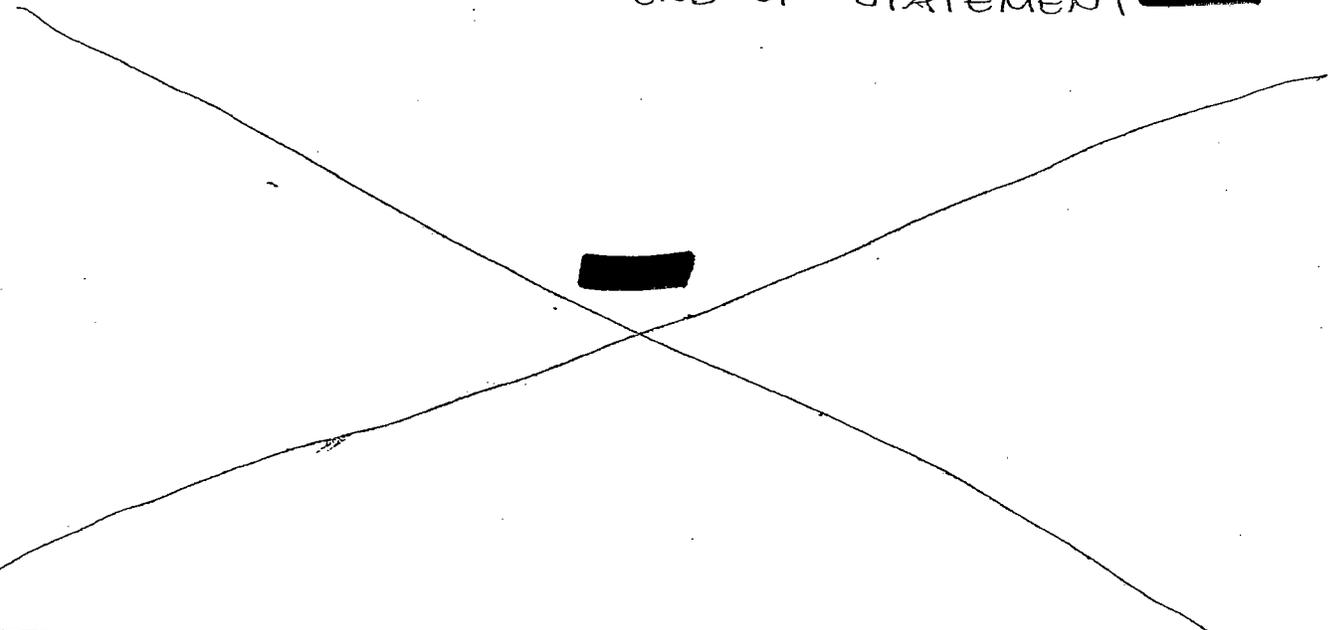
A: NOT SURE AT THE TIME OF THE INCIDENT, [REDACTED] AFTER THE INCIDENT, I BELIEVE THEY WERE ADA GUYS PICKING UP THE DETAINEE. [REDACTED] END OF STATEMENT [REDACTED]

Ext 6
3.2.14

Ext 6
3.2.14

Ext 6
3.2.14

Ext 6
3.2.14



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 24th day of December, 2003 at MOSUL, Iraq.

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

001220

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>3/327^M CP, AOC Glory</u>	2. DATE <u>2003/12/27</u>	3. TIME <u>1010</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED] <u>EX 6</u>		
6. SSN <u>J</u>	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, Office of the Staff Judge Advocate and wanted to question me about the following offense(s) of which I am suspected/accused: injury inflicted to an Iraqi Detainee in the BIA area about 10-11 Dec 03

- 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 <u>SJA</u>
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

6163513

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION 3rd/ 327th CP, AO Glory	2. DATE (YYYYMMDD) 2003/12/27	3. TIME 1010	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 10-11 December, 2003, I came on duty around 0400 hours. There were four of us from our unit so we split the shift- 2 hours on and 2 hours off. When we got there, they were lining up the detainees.

Questions: [REDACTED]
Answers: [REDACTED]

Q1: Who was lining up the guys?
A: Different guards on the detail. There were other guards there. In total there were about 5 or 6 guys guarding the detainees.

Q2: What happened?
A: Around 0530 I went to get our relief, [REDACTED] and [REDACTED]. When I came back to the room with the detainees, I noticed that back in the last row, in the far corner, they were picking up a detainee. The detainees were lined up in rows and there were about 3 or 4 rows. He was in the last row.

Q3: Where was [REDACTED] Was he in the group helping lift the man?
A: Not sure where [REDACTED] was at that time.

Q4: What else did you see?
A: The guy (detainee) was bleeding from his mouth and they had tissue on it.

Q5: Anything else?
A: No.

Q6: OK, tell me about what the room was like, what was going on, who was there, what you guys were doing to the detainees, etc.
A: MI guys would come and go throughout the night. They did not have names or ranks. One guy that I remember was a white guy, short hair, and did not wear glasses. Interpreter was coming and going from the room as well. We were yelling in a bullhorn at the detainees, making them do PT, things like flutter kicks, up-downs, stuff like that. There were about 5 or 6 guards in the room during my shift, and detainees were coming and going with the guards to the latrine. Some MI guys were taking the detainees to the interrogation room for questioning.

Q7: How did you know that you were supposed to exercise the detainees? Was it part of a brief or SOP?
A: MI was already doing it when we got there. We just sort of did the same thing. We were briefed before we started our shift that we were to keep the detainees awake, keep them from talking to each other, and to not strike or hurt them physically. We were allowed to keep them listening to music and keep them tired so that MI could mess with their heads.

Q8: What kind of music was playing?
A: American. Just to sort of mess with them.

Q9: Were you and [REDACTED] together?
A: No, we were sort of working the detainees so we got separated in the room. We were all walking around, yelling at the detainees and making them do PT.

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

001222

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

b(1), b(3)

206
3.2.12

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] AO Glory DATED 2003/12/27

9. STATEMENT (Continued)

Q10: When you came back and saw the other guys picking up the injured detainee, what did you see?
A: He was kind of laying on his shoulder, kind of sideways, at an angle. Then, I noticed that he was bleeding from his mouth.

Q11: What other things did you use on the detainees besides just PT?
A: Well, the MI guys were using empty water bottles to hit the detainees.

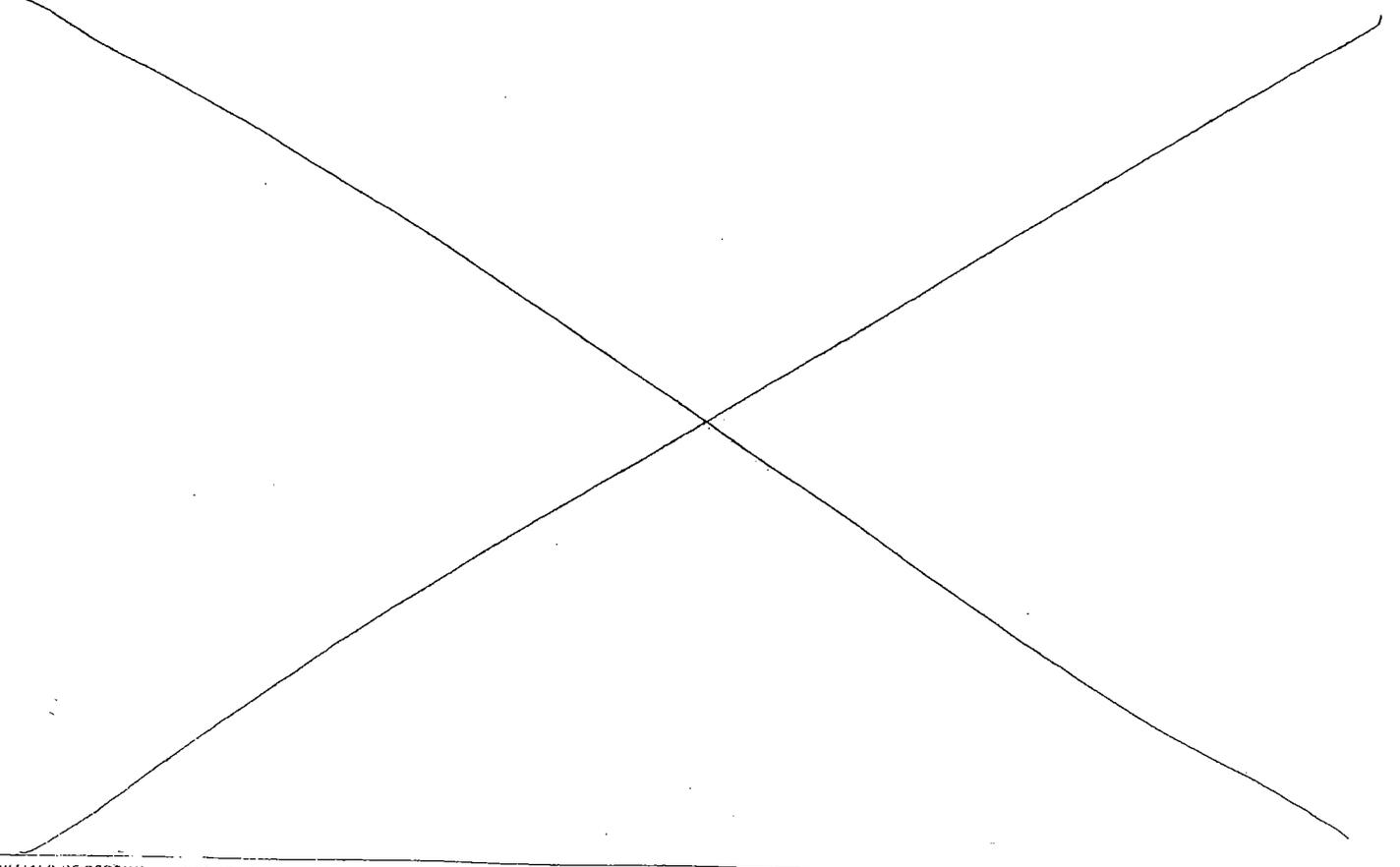
Q12: What was your reaction to all this? I mean, this was your first time pulling this duty. What did you think when you arrived?
A: I thought, whoa, this is strange. It was kind of weird.

Q13: Who were the other guards that were there with you? Any 2-44 ADA guys?
A: I don't know but I am pretty sure that some of the ADA guys were in there with us.

Q14: The Dr. at the CSH said that the detainee had contusions on his body. What was being done that could have caused this?
A: We physically snatched people up off the floor if they could not get back up or were slow doing it. Maybe that was what caused it. That or hitting them with the empty water bottles.

Q15: When did you make your first statement? Did anyone give you a brief on what happened so you would know what to say?
A: No, we went home and came back later that morning to make our statements. There was an MP there who wrote sworn statements. The MP told us that he had a broken jaw.

Q16: Anything to add?
A: When they were walking the injured detainee out with tissue on his mouth, there were no conversations, I did not see where he went exactly. There were no questions or comments about what had happened, but people that were there in the room sort of looked different. I mean there was no hostility or anything but they just had these expressions on their faces like they had gone too far.



206
3.2.12

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

001223

STATEMENT OF

[REDACTED]

TAKEN AT

[REDACTED]

P AO

DATED

2003/12/27

b(6), b(7)(C)

9. STATEMENT (Continued)
Nothing follows.

46
3.2.16

AFFIDAVIT

[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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of December, 2003 at 3rd/327th CP, AO Glory

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

OSJA

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

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3.2.16

46
3.2.16

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 identified.
PERMITTED USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
CLOSURE: Disclosure of your social security number is voluntary.

LOCATION Mosul Iraq	2. DATE (YYYYMMDD) 20031211 NLA	3. TIME 0717-01D	4. FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] O.K.	6. SSN [REDACTED]	EX6	7. GRADE/STATUS E-3
ORGANIZATION OR ADDRESS [REDACTED]			

46
3.2.1.6

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

was gathering up prisoners in a line up to identify a number of a prisoner they was looking for. I had been making a group of prisoners do flutter kicks and getting up and down and different leg raises the prisoner while I was trying to get him up from a laying down position and try to get him to line up fell down on the ground face first after losing his balance. I left him down cause my relief was there. However I saw him bleeding I thought he had busted his nose or something [REDACTED]

46
3.2.1.6

End of Statement

10. EXHIBIT D	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.

STATEMENT OF _____

TAKEN AT _____

DATED _____

b(6), b(3)

9. STATEMENT (Continued)

~~_____~~

EX 3.2.1.6

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 _____ OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT _____ FORWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL _____

X6 3.2.1.6

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of December, 2003 at BHA Mesa Mesa

X6 3.2.1.6

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136(5)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 2 OF 2 PAGES

b(6), b(3)

F-10

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: 526th FSB TOC
2. DATE (YYYYMMDD): 20031216
3. TIME: 2035
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: Exp
8. ORGANIZATION OR ADDRESS
9.

2.1.6

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I WAS AT the BHA when [redacted] WAS injured. Today I answered the following questions concerning the incident.

Q. when did you start working at the BHA the day of the incident?

A. I started shift at 0400 on 11 DEC 03.

2.1.6

Q. who was with you at the time of the incident?

A. I don't know everyone who was there, but [redacted] from my unit was present.

3.2.1.6

Q. what did the detainee do to bring attention to himself?

A. He was talking and continually receiving corrective training, like flutter kicks, arm raises and ups and downs. Many people were violating rules, so he was not the only one receiving corrective training.

Q. what was the detainee doing prior to the incident?

A. We were putting everyone in a formation and he was standing near a wall.

Q. were there other detainees around him prior to the incident.

A. Yes

Q. what were the other detainees doing?

10. EXHIBIT: D
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF ___ 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

001227

b(6), b(3)

A. They were all trying to talk. [redacted]

Q. Did you see the detainee fall?

A. No. But, I turned around and saw he was bleeding. Then my relief came.

Q. Did anyone else see him fall?

A. I don't know. I had my back to him. [redacted]

Q. Was any other US person near him when he fell.

A. I am not sure because my back was to him. [redacted]

Q. Is anything else you would like to add?

A. No. [redacted]

3.2.1.6

3.2.1.6

3.2.1.6

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART. 136 (UCMJ)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

PRINCIPAL

ROUTINE USES:

DISCLOSURE:

To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

b(6) b(7)(C)

1. LOCATION HHC/3-327 IN CP	2. DATE (YYYYMMDD) 20031224	3. TIME 1007	4. FILE NUMBER
--------------------------------	--------------------------------	-----------------	----------------

5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] EX 6	7. GRADE/STATUS E-3
---	---------------------------	------------------------

8. ORGANIZATION OR ADDRESS
MOSUL IRAQ EX 6

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

Q: [REDACTED]
A: [REDACTED]

Q: HAVE YOU EVER SEEN A DETAINEE COLLAPSE AFTER DOING PHYSICAL CORRECTIVE TRAINING SIMPLY DUE TO THEIR POOR PHYSICAL CONDITION?

A: YES

Q: WAS THE DETAINEE LYING FACE DOWN?

A: The Detainee was kinda lying on a Diagonal

Q: WERE THERE ANY OBJECTS (i.e. boxes) IN THE ROOM?

A: NO other than water bottles

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 BE INDICATED.

STATEMENT OF

TAKEN AT

MOSUL, IRAQ DATED 24 DEC 03

b(6), b(3)

9. STATEMENT (Continued)

Q: HOW LONG HAD YOU BEEN ON SHIFT, AND HOW LONG WOULD YOU STAY YOU HAD BEEN "EXERCISING" THE DETAINEES?

A: 2 Hours Exercising the entire two hours

Q: WAS [REDACTED] THE ONLY OTHER PERSON IN THE ROOM AT THE TIME OF THE INJURY?

A: I am NOT sure cause other people were taking my detainees to the latrine but I am not certain

Q: WERE YOU RELEASED AFTER [REDACTED] CONDUCTED INITIAL QUESTIONING, SINCE YOUR RELIEF WAS PRESENT?

A: I had left when my relief came initially and was called back for questioning

Q: HAD YOU NOTICED THE DETAINEE BEING IN A GENERALLY WEAK PHYSICAL STATE AT ANY POINT DURING YOUR SHIFT? -> (PRIOR TO HIS INJURY HAPPENING)

A: He MAY have been weak ~~some~~ acting but a lot of them was acting weak probably thinking that would create sympathy given toward them

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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR WITHOUT [REDACTED]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of December, 2003 at Mosul, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

EX 6
3.2.1.6

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 3/327th, AO Glory
2. DATE (YYYYMMDD) 2003/12/27
3. TIME 1200
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 that the detainee broke his jaw I was on guard duty in the room. It was about 0545 when it happened. The whole room was full of detainees. Me and the other guards were smoking them the whole time, and we were rotating them out to the latrines. MI came in and told us they needed a specific detainee number so we started lining them up to look for him. This was near the end of my shift. I was walking around when I noticed the detainee had fallen. My relief got there and so I just turned around and left.

Q: [redacted]
A: [redacted]

Q1: Who was your relief? I don't remember. They were from my unit but I don't remember.

Q2: When did you get briefed?
A: Right before the shift.

Q3: Did the detainee leave the room?
A: I don't remember, too many people to focus on one. Plus, they had bags over their heads.

Q4: Who else was in there?
A: I don't know their names but [redacted] was there, maybe four or five guys total.

Q5: Anybody from ADA in there?
A: Yes.

Q6: Were the ADA guys rough with the detainees?
A: I don't know what the units were.

Q7: Who was roughing up the detainees? Who was doing stuff to them that was over the line?
A: The interpreters were blowing cigarette smoke up into the sand bags that were over their heads. They were grabbing them up off the floor.

Q8: Who was hitting them with water bottles, you or them?
A: It wasn't us, it was the other infantry guys.

Q9: What else did the interpreters do?
A: That's pretty much it. They were rotating in and out.

Q10: What about pouring water on the detainees, who was doing that?
A: That was the interpreters. They were pouring cold water on the detainees from the water bottles. They were pouring on their heads. Some were acting like they were passed out and pouring water on them got them up again.

Q11: Who were the interpreters? American soldiers?
A: No. They looked like ICDC, they had uniforms on.

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 BE INDICATED.

Ex 6
3.2.1.6

Ex 6
3.2.1.6

Ex 6
3.2.1.6

Ex 6
3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Q12: Tell me how the detainee fell.

A: I didn't see him fall, but he was kind of flopped over at an angle.

Q13: Was this your first time on duty?

A: Yes.

Q14: Tell me about the room that night, what was it like?

A: It smelled bad. I saw one guy banging his head against the wall, all on his own. Guys were falling down from being smoke from doing flutter kicks and up-downs.

Q15: What if a detainee didn't do PT? What happened to him?

A: Nobody wasn't doing PT. They knew the commands and so they were all doing it.

Q16: Let's go back to the brief for a minute. This was your first time pulling this guard. What did they Q21 tell you in the brief?
A: We were told not to strike the detainees, and make sure we didn't do anything that would leave a bruise.

Q17: Tell me about when the Chief met with you.

A: He asked what did we see, who was there, did we have any weapons.

Q18: Who told you what to say?

A: Nobody.

Q19: Who pulled you together and told you what was happening?

A: Oh yeah, same Chief. I talked to him twice. Once that morning when they called me back, and then a couple of days later.

Q20: Right after it happened, what was the detainee doing?

A: He was just slumped over, not making any sounds that I could hear.

Q21: Anything to add?

A: 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 STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CHANGES CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of December, 2003 at 37327th, AO Glory

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001232

EX 6
3.2.1.6
EX 6
3.2.1.6

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	2. DATE 30 Dec 03	3. TIME 17:27	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, OSJA and wanted to question me about the following offense(s) of which I am suspected/accused: the incident where defendant broke his jaw

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]
1a. NAME (Type or Print) [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. SIGNATURE OF WITNESS [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

3.2.1.6

X6
3.2.1.6

b(6), b(3)

SWORN STATEMENT

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

LOCATION 3/327 CP, AO Glory	DATE 30 Dec 03	TIME 1145	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS			

Ex 6
3.2.1.6

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

I stand by my previous statements

Nothing to Add

EX 4
3.2.1.4

Q: [REDACTED]
A: [REDACTED]

Q1: You were present in the room when the detainee broke his jaw, correct?
A: Yes.

Q2: This particular detainee had IED written on his bag, correct?
A: A lot of them did.

Q3: were you briefed prior to shift or after? By whom?
A: prior, but it was an MI guy about all I know.

Q4: were you in the vicinity of detainees when the incident occurred?
A: I was in the middle portion of the room, not right there but in the middle.

Q5: you helped him up, right?
A: Roger

Ex 6
3.2.1.6

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.

b(6), b(3)

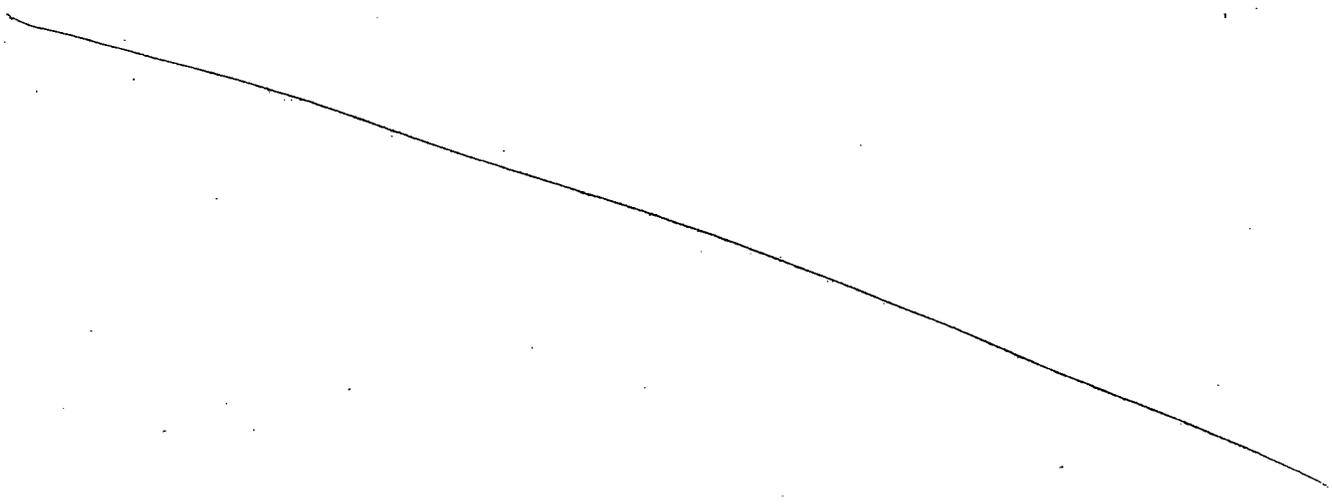
STATEMENT (Continued)

Q6: when did you stop contact with him?
 A: After I picked him up, I saw my relief so we left.

Q7: WAS anyone with you picking him up?
 A: No.

Q8. Were you first one on the scene, to that detainee?
 A: I guess.

Q9: Anything to add?
 A: 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 WITH [REDACTED] AND, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR [REDACTED]

[REDACTED]
 (Signature of Person Making Statement)

WITNESSES:

[REDACTED]
 [REDACTED]
 261.534
 ORGANIZATION OR ADDRESS

[REDACTED]
 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of December, 19 2005 at 3/3275 CP, AQ Glory OK O.K.

[REDACTED]
 (Signature of Person Administering Oath)

[REDACTED]
 (Typed Name of Person Administering Oath)

SJA
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
 [REDACTED]

EXL
 3016

EXL
 3216

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.

EX 6
3.2.1.6

1. LOCATION 1/502 CP, AO Glory	2. DATE (YYYYMMDD) 2003/12/29	3. TIME 11:50	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]			

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

I WAS ON GUARD WHEN THE GUY HAD HIS JAW BROKEN. THE WHAT I RECALL IS, WE WERE ASKED TO STAND THEM UP IN A FORMATION SO THEY COULD FIND ONE OF THE DETAINEES. A SOLDIER AND I WAS STANDING SOME UP ON ONE SIDE OF THE ROOM ALONG WITH 4 OR 5 OTHERS ON THE OTHER SIDE WHEN I HEARD ONE OF THE DETAINEES CRYING. SO I WENT TO SEE WHAT WAS WRONG. HE WAS CRYING AND HOLDING HIS HANDS TO HIS FACE WHEN THE SOLDIER WHO WAS WITH ME CAME OVER AND PULLED HIS MASK OFF. HIS FACE WAS FULL OF BLOOD. THEY THEN ASK ME TO TAKE HIM TO ANOTHER ROOM WHERE I WAS THEN ASKED TO GO AWAY AND GO.

Questions + Answers follow on next page (2/3). [REDACTED]

EX 6
3.2.1.6

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

STATEMENT OF [REDACTED] TAKEN AT [REDACTED], AO [REDACTED] DATED 2003/12/29

9. STATEMENT (Continued)

Q1: You were on duty the night the detainee got his jaw broken, correct?
A: Yes.

Q2: What was the scene like?
A: This was my first time pulling this duty.

Q3: Then tell me more about this particular detainee. What was he doing, what was being done to him?
A: He had IED written on the bag over his head so the other guys in there were really all over him, really yelling at him. They paid extra attention to him and yelled things like, "You like to use IEDs motherfucker?!" Stuff like that. They were smoking him extra. Him and a supposed [REDACTED] who was training kids to hate US soldiers.

Q4: How did you know this? Was it on the bags?
A: Yes, and each shift passed the information on.

Q5: Go on. Tell me about the two black soldiers in the room, what were they doing?
A: They were smoking the broken jaw guy pretty hard. They were really on him because he was the IED guy.

Q6: Where were you standing when you heard something was wrong?
A: All of a sudden he started crying. That was when I knew something was wrong. I was standing up near the front of the room, to the left of the stereo, facing the detainees. The guy with the broken jaw was sort of in the back near the middle.

[REDACTED] drew a map and [REDACTED] pointed to where he was and where the detainee was and indicated the features of the room- see below)

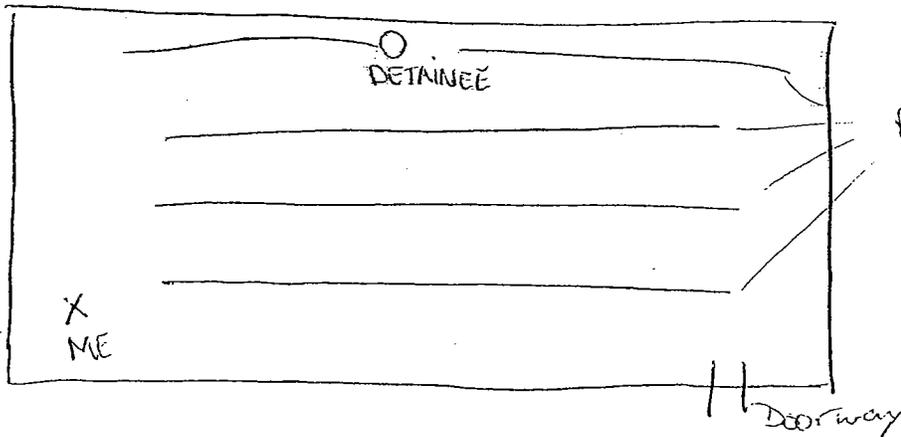
Q7: Did you see him fall or hear him fall?
A: No. There was no sound of him falling. All of a sudden he was just crying and he was bent over. When I got there I saw that he was bleeding.

Q8: Was he taken out at that point?
A: Yes. He was taken to another room, by me.

Q9: Did you hear anyone say what happened? Anybody say that he was hit or anything like that?
A: I went in to that room where he was taken and the black interpreter said he fell. That black interpreter was talking to the Iraqi interpreter and then they turned to me and asked me to leave. My relief came and I just left.

Q10: You were there, you saw what was going on and what people were saying and doing, what do you think happened to the guy?
A: I honestly don't know. I did not hear him fall. He may have been hit, it's possible.

Q11: Anything to add?
A: No.



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] AO Glory DATED 2003/12/29

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

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

[REDACTED] (Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of December, 2003 at 1/502 CP, AO Glory

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

001238

846
3.2.14

846
3.2.14

846
3.2.14

b(6), b(3) (1)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

5/16
3.2.1.6
EX 4
3.2.1.4

1. LOCATION	2. DATE (YYYYMMDD) 20031216	3. TIME 1100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS C @ 5200 FSB Ex 6			

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

4/6
2.1.6

1/6
2.1.4

On 11 Dec 03 @ 0630 I was called to the Brigade Holding to evaluate a detainee. [REDACTED]

Q. What did you see when you entered the main holding room?
A. They had already moved the detainee to the medical screening area and he was sitting in a chair. I came after [REDACTED] called me down to the BHA.

Q. What medical treatment had he received when you arrived?
A. Wounds were cleaned and he was being evaluated to see if he needed sutures [REDACTED]

Q. What was your overall assessment when you arrived?
A- Bleeding was under control and he was complaining about jaw pain

Q. Did he tell you what happened?
A. The guards said he fell. However, the detainee pointed to his chin and said his jaw was broken. That was interesting, because it may indicate that he had his jaw broken before. [REDACTED]

Q. If he had his jaw broken before, would it break easier a second time?
A. Yes. Especially if it wasn't fixed correctly. Which, I am sure it wasn't because he had no pins or anything in place; But, I am not sure it was broken before.

Q. Is there any information you would like to add to your statement?
A. NO [REDACTED]

10. EXHIBIT E

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.

STATEMENT OF

[REDACTED]

TAKEN AT

MOBUL, IRAQ

DATED

b(6), b(3)
16 DEC 03

9. STATEMENT (Continued)

NOT USED

EX 16
C3.2.1.6

[REDACTED]

AFFIDAVIT

I, [REDACTED], 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.

[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 December, 2003 at MOBUL, IRAQ

ORGANIZATION OR ADDRESS

[REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

10 USC 1044a

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE [REDACTED] OF 2 PAGES

001240

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

AUTHORITY:
PRINCIPAL
ROUTINE USES:
DISCLOSURE:

1. LOCATION HMC / 3-327 IN CP		2. DATE (YYYYMMDD) 20031224	3. TIME 1105	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN [REDACTED] Ex 6		7. GRADE/STATUS [REDACTED]
8. ORGANIZATION OR ADDRESS [REDACTED] Ex 6				
9. [REDACTED]				

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

[REDACTED]

Q: IN YOUR OPINION, COULD SOMEONE BREAK THEIR JAW IF THEY FELL FACE FIRST FROM A STANDING POSITION?

A: Yes

Q: WAS THE BLEEDING FROM AN OPEN WOUND ON THE OUTSIDE OF HIS FACE OR WAS IT FROM INSIDE HIS MOUTH?

A: Inside

Q: WERE THERE ANY MARKS THAT WOULD LEAD YOU TO BELIEVE THAT THE DETAINEE WAS STRUCK WITH AN OBJECT INSTEAD OF SIMPLY FALLING?

A: There were no marks on outside of face, & no bruising. Cannot say wounds inside mouth were caused by hit from someone.

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 INDICATED.		

b(6), b(3)

EX 6
3.2.1.6

STATEMENT OF [REDACTED] TAKEN AT AD obsry DATED 24 Dec 03

9. STATEMENT (Continued)

[REDACTED]

EX 6
3.2.1.4

AFFIDAVIT

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

[REDACTED]
[REDACTED] of Person Making Statement

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of December, 2003 at Mosul Iraq.

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

EX 6
3.2.1.6

SWORN STATEMENT

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

b(6), b(13)

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: Charlie Med, AO Glory
2. DATE (YYYYMMDD): 2003/12/28
3. TIME: 1420
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN: [REDACTED] EX6
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS

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

Q: [REDACTED]
A: [REDACTED]
Q1: When was the first time you had contact with [REDACTED]?
A: About 0630-0645 hours they called me to the BHA (Brigade Holding Area). My medic responded first and came and got me. He was the first one down there and called me to see if the injured detainee needed sutures.
Q2: What was your initial impression of the injury?
A: Probably a mandibular fracture with lacerations inside of this mouth. No external marks, scratches, nothing. The guard told me that he had fallen and got injured from the fall.
Q3: Did you have an interpreter with you?
A: Yes.
Q4: What did [REDACTED] say about his injury?
A: At first he said that he fell, then he turned to me and said he was hit and that his jaw was broken. I don't know how he knew that.
Q5: Who brought [REDACTED] to the 21st CSH?
A: MI evacuated him to the CSH. They said they were going down there anyway. Wait. I just remembered that I shot his X-Rays here at 0900. Must have been more like 0630 that I first saw him. Anyway, we took him into dental up here before we released him, and packed his jaw better.
Q6: What can you tell me about the nature and severity of the injury [REDACTED] sustained? (fall injury, likely not, any other signs of bruises, etc. that may shed some light on how it happened?)
A: He was still walking and talking. He had an interpreter with him but I don't know what was said. His range of motion was still good, that's my point. I have no experience with jaw fractures. Would I have thought it was broken right off the bat? Probably not, but I like to be safe, and good thing because it turns out it was broken. The bleeding was acute. They still had equipment in the room like a stereo and speakers. There was also soldier stuff lying around. Stuff like fleece tops, stuff like that. Nothing big. Like I said, I have no experience with mandibular fractures so I couldn't say how it happened. I did not see anything that made me question the story.
Q7: What about your impressions of how the cage was run? I mean, you are a medical officer, have you ever seen anything there that gave you pause?
A: It was loud, you could hear noise coming from there at different times. But nothing that was really out there.
Q8: Anything in retrospect that makes you think he did or did not fall?
A: No.
Q9: Any other injuries?
A: No.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT AO Glory DATED 28 Dec 03
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(7)

STATEMENT OF [REDACTED] TAKEN AT Charlie Med, AO DATED 2003/12/27

9. STATEMENT (Continued)

A: No. He was fully clothed and was asking for a coat actually.

Q11: Have you ever treated any other questionable injuries down there?

A: No, nothing that I have been called for. The majority of what I see are detainees that say they are taking medication for heart problems, stomach problems, etc. The guards are usually good about taking our recommendations. Like the detainee who had diabetes. He did not have shoes so we told them to keep his feet warm and they gave him another blanket and let him stay on it and keep his feet covered. We keep their dressings changed on any cuts they may have, stuff like that.

Q12: Have there been any major changes in the SOP and the facility since this incident?

A: Oh yes, many big changes since the MPs have taken over. Quality of life items are much better for the detainees. Now they have a latrine inside for them to use, they have heat, more blankets, now I hear that they even have cots they can sleep on. We have been told in the past by some detainees that they did not eat for days. They don't eat the MREs for cultural reasons. They would rather have bread type items so we told them just give them more of the bread items. The detainees are much better off now.

Q13: Anything to add?

A: No.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE two 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 28 day of December, 2003 at Charlie Med, AO Glory

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

SJA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001244

SWORN STATEMENT

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

b(6), b(7) /

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 Brigade Holding Area (2nd Bct, BSA)	2. DATE (YYYYMMDD) 2003 12 14	3. TIME 2300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS EXG	[REDACTED]
8. ORGANIZATION OR ADDRESS [REDACTED]	[REDACTED]		
9. [REDACTED]	EXG		

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

On 10 Dec 03 at 2300 hrs [REDACTED] and myself assumed duty at the BHA. The detainees we watch had been moved during the day shift to a [REDACTED] different room. The big room of the holding area was being used by another unit watching the detainees from "operation Raindeer Games". In the morning one of the 311th soldiers told us to keep our detainees bedded down and leave them alone because one of the detainees from the other room had gotten a broken jaw. At about [REDACTED] around the time I was told by [REDACTED] to stay down in our room. I had no interaction with the guards or detainees from "operation Raindeer Games".

Q. Do you know how the detainee broke his jaw?
A. No [REDACTED]

Q. Do you have anything else to add to this statement?
A. No [REDACTED]

/// End of Statement /// [REDACTED]

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

001245

9. STATEMENT (Continued)

b(6), b(3)

EX 6
3.2.1.6

EX 6
3.2.1.6

AFFIDAVIT

1. [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 14th day of December, 2003 at BHA Mesut Toca

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

Ad. 136(b)(4) vcmj

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

001246

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Holding case Mosul, Iraq	2. DATE (YYYYMMDD) 20030314 E.H	3. TIME 2345 E.H	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] Ex 6	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 2/44 ADA			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I came to duty 11:00AM and about 12:30 or 1:00 we put everyone to sleep, Around 1:15 we hear that something happen, But we had our room so we did nothing but make sure our room was a sleep. I don't know what happen out side that room besides what I was told and heard [REDACTED]

Q. [REDACTED]
A. [REDACTED]

Q. What was the DTG that this incident occurred?
A. 03 DEC 11 [REDACTED]

Q. Can you identify what had happened in the other detainee room?
A. Some came in a say one of them now had a broken jaw [REDACTED]

Q. Do you know how the detainee broke his jaw?
A. NO [REDACTED]

Q. Do you have anything else to add to this statement?
A. NO [REDACTED]

///End of Statement///

10. EXHIBIT C	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 [REDACTED] DATED [REDACTED]
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)

EXL
3.2.1.6

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of December, 2003 at BITA Mesul Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Act. 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

EXL
13.2.1.6

001248

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM).

To provide commanders and law enforcement officials with means by which information may be accurately identified.

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

Disclosure of your social security number is voluntary.

PRIORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

1. LOCATION

B H A

2. DATE (YYYYMMDD) JDD

14 Dec 03

3. TIME

JDD 2325

4. FILE NUMBER

5. LAST NAME FIRST NAME BRIDLE NAME

6. SSG

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of Dec 10th and my self were placed in a separate room then the Inf guys that were on duty. On that night ruffly around six in the morning came into our room and told us to go ahead and keep our guys beded down because one of the prisoners had fell and broke his jaw in the other room. I never went into the other room during the course of that and that's all the information that I have on the events of that night.

Q. [redacted]
A. [redacted]

Q. Do you know how the detainee broke his jaw?
A. No [redacted]

Q. Do you have anything else to add to this statement?
A. No [redacted]

///End of Statement///

10. EXHIBIT

C

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

2

PAGES

TAKEN AT

DATED

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 INDICATED.

9. STATEMENT (Continued)

b(6), b(3)

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE ____ I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 14th day of December, 2003 at DHA Mosul Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Asst. 136 (b)(4) UcmJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b(6), b(3)

H-

SWORN STATEMENT

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

LOCATION [REDACTED] AD Glary	DATE 30 Dec 03	TIME 1200	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			[REDACTED]

Ex 6
13.2.1.6

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

Ex 6
13.2.1.6

Q: [REDACTED]
A: [REDACTED]

Q1: Where were on duty that night?

A: Far room from the end. Big room is where the infantry guys were, we were in the room on the left.

Q2: Did you or any of your unit's soldiers go into the big room?

A: No, not to my knowledge, sir.

Q3: Was your room as loud and were you doing the same things to the detainees that the infantry guys were?

A: No sir, our guys were asleep (the detainees).

Q4: When did you become aware of the broken jaw incident?

A: When [REDACTED] from MI came in and informed us someone had broken their jaw in the other room. I'm not sure what time that was.

Ex 6
13.2.1.6

Q5: ~~Did~~ ^{you} have had briefs in the past?

A: Yes, from MI. Sometimes it read the papers some times they gave us a brief.

Q6: When was your shift?

A: 1100 at night to 1100 in the morning.

Q7: Ever hear anybody say that the big guy in the other room clobbered the detainee?

Ex 6
13.2.1.6

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.

001251

b(1), b(3)

A: No sir.

Q8: Were any of your guys going in and out of the big room?

A: No sir.

Q9: Had you ever participated in what the infantry guys were doing?

A: Roger, sir. If you want to call it hazing that's what was done with the new guys. Rules changed a lot before. Do things are way then changed it. We used to be able to make them do exercises & stuff but we had too many fall and hurt themselves so now they just sit there. From day one now they get a blanket & sit down.

Q10: What else can you tell me about how this guy could have broken his jaw?

A: I wasn't in the room so I don't know what could have happened. I have never worked with these guys before that were in the room.

Q11: Who else from your unit was on that night?

A: [redacted], who is already on [redacted], myself, and [redacted]

Q12: Anything to add?

A: No sir.

AFFIDAVIT

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

[redacted signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of December, 1980, at

[redacted]
ORGANIZATION OR ADDRESS

[redacted signature]
(Signature of Person Administering Oath)

[redacted]
ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)
SJA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

Ex 6
3.2.1.6

Ex 6
3.2.1.6

Ex 6
3.2.1.6

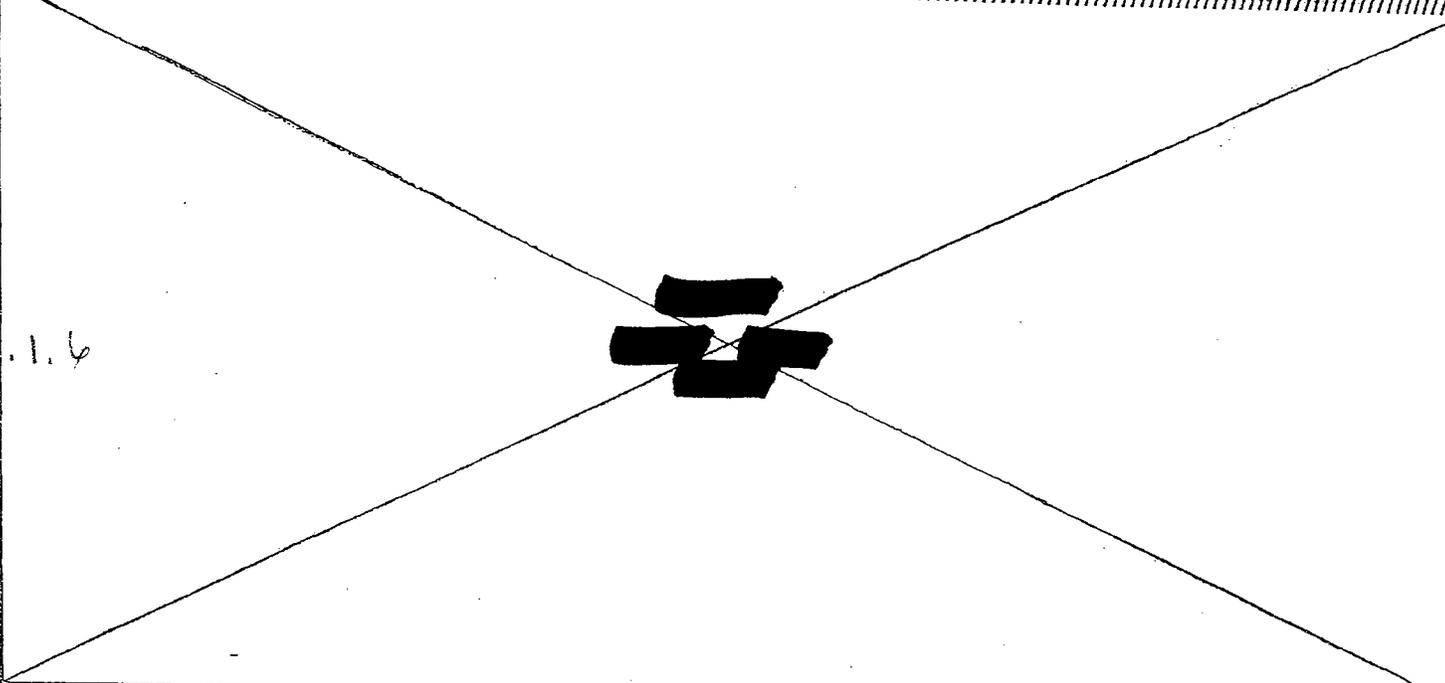
Ex 6
3.2.1.6

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951, E.O. 13526
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 BHA, Mosul, Iraq	2. DATE (YYYYMMDD) 2003/12/15	3. TIME 0430	4. FILE NUMBER 0162, 613
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:

At 0530 hours on 11 DEC 03, I was sitting in the operations office at the Brigade Holding Area when one of the guards came in and told me that one of the detainees was bleeding. I walked to the main holding room where the detainee was held. [REDACTED] moved him to one of the smaller rooms to talk to him. I entered the room, looked at the detainee and saw that he was bleeding from the mouth. [REDACTED] asked him what had happened, he responded and [REDACTED] translated that he said he had fallen down. I left the room and returned to the office to call the medics. After I finished speaking with the medic, I went to the main holding area, had the guards rotate out so that I could get speak with the two guards who were in the room with the detainee. I asked both [REDACTED] and [REDACTED] what had happened, they both expressed to me that the detainee had fallen down. I went back to the office and called my chain of command to notify them of the incident. Afterwards, I went to find the guards again, but they had finished their shift and had left the facility. I sent one of the NCOs to go find them and bring them back. It took about 45 minutes to locate them and have them come back to the BHA. Once they returned, I asked the MP on duty to take sworn statements from the two guards. At some point the medic came down and examined the detainee. [REDACTED] was the medic on call. After examination, she stated that the detainee may have a broken jaw. She recommended the detainee be sent to the CSH for further medical attention. Again, I contacted my chain of command and notified them of the situation. I made arrangements for the detainee to be transported to the CSH at the Airfield, DREAR. I released the detainee to the unit responsible for transportation at about 1300 hours. [REDACTED] THING FOLLOWS [REDACTED] END OF STATEMENT [REDACTED]



10. EXHIBIT B	11. 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 _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001253

b(6), b(3)

STATEMENT OF [REDACTED]

TAKEN AT BHA

DATED 2003/12/15

9. STATEMENT (Continued)

NOT USED

[REDACTED]

EX 6
13.2

EX 6
13.2.1.6

EX 6
3.2.1.6

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 15 day of DEC 2003

at BHA Mosul Iraq

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

Art 136 (b)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

EX 6

3.2.1.6

b(1), b(3)

H

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
OUTLINE 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 BIA / BSA	2. DATE (YYYYMMDD) 2003 12 14	3. TIME (MM) 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

On 11 0500L DEC 03 a guard entered my operations office to tell me a detainee fell. I went to the room to check on the detainee. Afterwards, I returned to my office to finish administrative duties. I returned with an interpreter to figure out what happened. The detainee said twice that he fell, then changed his story, saying he was hit with a box.

Q: [REDACTED]
 A: [REDACTED]
 Q: What detainee number was he?
 A: I do not know [REDACTED]
 Q: How bad was the injury?
 A: From what I saw, the lip was cut. The cut was bleeding and the detainee was able to tell us what happened. [REDACTED]
 Q: Is there anything else you would like to add to this statement?
 A: No [REDACTED]

/// End of Statement ///

EXHIBIT B	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

AT BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER (IF RE RE INDICATED)

EXB C3.2.1.4

b(6), b(3)

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of December, 2003 at BHA ZBCT

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

APT BC (b) (4) UCMJ
(Authority To Administer Oaths)

EX 6
3.2.1.6 ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

001256

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 identified.
OUTLINE 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 BHA	2. DATE (YYYYMMDD) 2003-12-15	3. TIME 5:35	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

Ex 6

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

On Dec 11th 2003 around 5:30 Am, I was at operation office
 One of infantry guard came in and said one of the detainees
 is bleeding from his face. I went to check on him - by the time
 I got there [REDACTED] was speaking with him in arabic languages
 he was saying that he fellied down. And when I talk to him in
 Arabic because I am the interpreter in Arabic languages and
 I asked him what happin, He told me that he think someone
 hit him and liddown to the floor and I stipt out for second
 and I ask him again, the same question he told me
 some punch me on my face. and I filled down on the floor.
 I wan't sure ^{which ps} to believe. because he did told me the same think
 he told [REDACTED] End Statment

Ex 6
3.2.1.6

Ex 6
3.2.1.6

10. EXHIBIT B	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 BE INDICATED.

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

STATEMENT (Continued)

EX 6
3.2.1.6

[REDACTED]

AFFIDAVIT

EX 6
3.2.1.6

_____, 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 administer oaths, this 15th day of DEC, 200 at BHA

EX 6
3.2.1.6

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

EX 6
3.2.1.6

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
10 USC 1044a
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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

3/327th CP, AO Glory

2. DATE (YYYYMMDD)

2003/12/27

3. TIME

1005

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED]

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9.

1. [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Tell me about that night, the night the detainee got the broken jaw.

A: I came on duty around 0600 on 11 Dec 03. We were pulling 2 on 2 off. We were relieving [REDACTED] [REDACTED] when I got there they were pulling the guy out. They were carrying him. His mouth was bleeding pretty heavy. It was coming down. I don't know who the soldiers were that were carrying him. They had their tops off.

2. What were your instructions?

A: we were told we should keep them awake. we could yell at them, smoke them, we just couldn't hurt ~~them~~ hit them or bruise them.

3. Was it loud in there?

A: Just music when I walked on.

4. Anything to add?

A: That's it, sir. That's all I saw.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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.

Ex 6
3.2.1.6

Ex 6
3.2.1.6

Ex 6
3.2.1.6

Ex 6
3.2.1.6

STATEMENT OF _____

TAKEN AT _____

DATE b(1), b(3)

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

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

Exb
3.2.1.6

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of December, 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 _____ OF _____ PAGES

001260

SWORN STATEMENT

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

b(6), b(7)(C)

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

3/327th CP

2. DATE (YYYYMMDD)

2003/12/27

3. TIME

10:45

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED]

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9.

[REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]
A: [REDACTED]

1. Tell me what happened.

A: (came on around 0545. This was the first night I pulled this guard detail. First thing we did was get briefed on what we were to do and how we were to avoid hurting the detainees. Then we went in and kept the detainees awake and silent.

2. Did you see the detainee who broke his jaw?

A: No, I never saw that guy. I just heard about some detainee got his jaw broken some how.

3. What else?

A: There were about 30 or 40 guys in there. (detainees).

4. Who else was on guard?

A: Some of the guys from 502, mixed. There were @ 6 guys on guard. I don't know who else but I know there were 502nd guys. They stay here at the BSA also.

5. Any ADA guys?

A: I don't really know.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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.

EX 6
3.2.1.6
EX 6
3.2.1.6

Ex 6
3.2.1.6

b(1), b(3)

STATEMENT OF

[Redacted]

TAKEN AT

[Redacted] P

DATED

27 Dec 03

9. STATEMENT (Continued)

6. What about MI guys: what were they doing?

A: They were conducting interrogations, coming in and out, making sure we were giving the detainees water - about every 20 minutes or so we didn't feed them on our shift but they did after us I think. The generator went out once so they brought us flashlights & checked on us.

7. Anything else to add?

A: Nope. That's about all we did

Ex 6
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 two (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 27th day of Dec, 03 at

ORGANIZATION OR ADDRESS

[Redacted Signature]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001262

Ex 6
3.2.1.6

SWORN STATEMENT

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

b(6), b(3) J

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: 3/327th CP, AO Glory
2. DATE (YYYYMMDD): 2003/12/27
3. TIME: 1115
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 was the [redacted] or the guard detail on the night the detainee broke his jaw. It was 10-11 December. I was not present for all the shifts. I came in on the second shift, when [redacted] and [redacted] were there. I noticed that the detainee we are talking about was gone. I first thought that he was being interrogated. When he was finally brought back to the room, we were told to leave him alone, let him lay down. I asked why, what had happened, and was told that he fell and broke his jaw.

Q: [redacted]
A: [redacted]

Q1: What was your job as a guard, what did they tell you they wanted you and your men to do?

A: We were briefed when we first got there. We were told that our job would be to guard the prisoners and make sure they did what they were told. They were not allowed to talk to each other, they were to remain silent, and we were to distract them and keep them awake. We increased the noise level, banged on the metal doors, yelled, stuff like that. We were told in our brief that there would be no strikes with the detainees. We were not allowed to strike them, no body slapping, no kicks, and no weapons of any kind or for any reason were allowed in the room. Empty water bottles were used to tap the detainees.

Q2: What do you think could have caused the injury, in your honest opinion?

A: There were two MRK19 Amo cans in the room. They were empty and primarily used for making noise. We would bang on them to create more of a ruckus. Anyway, I have been thinking about this and I think that maybe as he was coming down or going up during the knee bender exercise, he could have had his hands in the wrong place. As he went forward he hit the can before he could brake his fall on the floor with his cuffed hands. I did not actually see this happen, I didn't see the incident at all. I am just speculating as to what could have caused it based on what was in the room at the time.

Q3: Were you ever briefed by MI on what had happened or told what the facts were? Did they ever tell you or the guards what to say?

A: The next thing that happened about this was that we were brought together and told that the detainee with the broken jaw got to the 21 CSH and told them that he was beaten. We were told he was telling a lie but that we had to be careful because some heat might be coming and we did not need to send the wrong signals. We were told to keep PT to a minimum in order to prevent anyone from doubting us. They guy that told us that was short and bald. He told us to keep the detainees off the walls and make them stand and sit only. We were also told to drop the noise level because anyone near by could hear a lot of the ruckus and to them it might sound strange. Basically we further narrowed our ROE and the brief for conduct.

Q4: Anything else?

A: The amo cans just make more sense. Also, I know that some of the guards were from the 502nd, and some of the ADA guys just flowed in and out.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT AO Glory DATED 27 Dec 03.

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)

EX 6
3.2.1.6

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] AO Glory DATED 2003/12/27

9. STATEMENT (Continued)

[Large area crossed out with a large X]

EX 6
3.2.1.4

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of December, 2003 at 3/327th CP, AO Glory

EX 6
3.2.1.4

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Authority To Administer Oaths)

EX 6
3.2.1.6

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001264

SWORN STATEMENT

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

b(6), b(7)

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: 1/502nd CP, AO Glory
2. DATE (YYYYMMDD): 2003/12/29
3. TIME: 1000
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

2x6
3.2.1.6
3.2.1.6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q: [REDACTED]
A: [REDACTED]
Q1: [REDACTED], I want to ask you about the night that Operation Reindeer Games brought in lots of detainees to the BHA. Did you work that night?
A: I worked 0700 to 1100.
Q2: So you were the shift immediately after the shift when the detainee broke his jaw?
A: Yes.
Q3: When you came on were you first briefed about your duties? Do you remember signing this paper?
A: This was my first time ever doing this shift and it was my only time. When I got there I just went in and sort of blended in with the other guards and did what they were doing. At some point after I had been in there for a while a short white guy came and pulled us out and told us to sign this paper to cover ourselves. I never got a brief until then, after I had been on shift for a while. They told us there was going to be an investigation and we had to fill out these reports.
Q4: Can you tell me about the scene, what was going on, was there any rough stuff while you were in there?
A: When I came on shift some soldiers that had been there had lost their voices from yelling. The detainees had bags over their heads and on the bags was written what they supposed to have done. Things like IED, stuff like that. You know, you supposed to treat these guys with respect and they got these protections but they are out setting IEDs and shooting at us, it angered a few guys, there was a lot of frustration with that. You know? I think they kind of set it up to be like this, putting infantry guys in with the detainees that were out on the street shooting at them, you know, some guys are going to get rough. I saw some guys hitting the detainees in the head with water bottles that still had some water in them.
Q5: What about denying them food or water?
A: I went to an NCO and told him that these guys were hungry. They were acting hungry. It was morning, like around normal breakfast time. He said something like, "oh yeah, I guess we should feed these guys something."
Q6: Anything to add?
A: No, just that you know, I tell it like it is. They were setting it up for trouble by putting infantry guys in there with the detainees and they know by reading the bag on their head what they did.

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

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

001265

b1(6), b1(3)

STATEMENT OF

[REDACTED]

TAKEN AT

1/502 CP, AO Glory

DATED

2003/12/29

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (two) 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 29th day of December, 2003 at [REDACTED], AO Glory

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

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

SJA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED INITIALS]

PAGE 2 OF 2 PAGES

001266

2x6
3.2.1.6

2x6
3.2.1.6

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: 1/502nd CP; 2. DATE (YYYYMMDD): 2003/12/29; 3. TIME: 1030; 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 have worked as a guard at the BHA/MI cage several times prior to the night that the detainees were brought in for Operation Reindeer Games, and I was working that night/morning as well. I was working a 4 hour shift. When I came on it was after the detainee got his jaw broke. They were harassing the hell out of the detainees when I came on. That is pretty much what we always did. When I got there, I was told that a guy got his jaw broken a little earlier. There was an E-7 there, and a CPT and maybe another officer. They read us a brief that was a couple of pages long about what we can and can't do to the detainees. This was the first time they ever did this brief. Never before when I did this detail did they brief us. They told me that if anyone asked I had read the brief, had gotten it, and had signed it. Always before they just told us to smoke the detainees but to not physically harm them unless they were trying to escape.

I was half way through my shift when they brought the guy with the broken jaw back in to the detainee room. They told us to leave him alone and just let him sit there. I just left him alone.

Q: [redacted]
A: [redacted]

Q1: Have you ever seen anyone rough up a detainee, either that night or any other time?
A: Yes. One guy tried to run once. They grabbed him, hog tied him, you know, with his hands behind him and connected to his feet, and then kept grinding their knees into his back and neck. Once a detainee spit at a female soldier and he got it too. They threw him down and kept grinding their knees into his neck and back.

Q2: Did you actually see this?
A: Yes. It was mostly the [redacted] who did this. With one of those guys he said to the guy while he was grinding his knee into him, that if had the same job he had a few years ago he would have shot you by now. [redacted] then yelled at him in Arabic and got the guy pretty scared. Sometimes when [redacted] was yelling at them in Arabic the detainees would get so scared they would piss themselves. He would take a bull-horn and put it just a few inches from their face and put it on the jingle bell sound that is programed in to the horn. It was really loud.

Q3: Anything else? Ever see any other stuff like that, or other things they did to the detainees that struck you as over the line?
A: Yes. The guys that roamed in and out of the room would punch the detainees in the ribs and knee them in the legs, just sort of as they walked by. They poured cold water on them regularly, and they would blow smoke up into the bag on their heads. They would also hit them with water bottles that were half full of water. They would grab the detainees and throw them up against the walls, both in the large room and in the interrogation rooms. Once I noticed broken plastic chairs in the interrogation room. They were smashed to pieces. I don't know how they got broken but I have seen them throwing the detainees around. A lot of times when they were taking a detainee out of the room they would slam him up against the metal door on the way out. It was a steel, hadji-made door.

Q4: Did they do this hard?
A: It looked pretty painful to me. I mean some of these guys had their hands cuffed behind them and they just went face first into the door. Once, too, there was an older guy that they needed to take out and put on life support. They took him up to the medics and put him on nitro.

Q5: Do the medics help out the detainees regularly?
A: Once before the MPs took over, a guy gashed his toe. He was barefoot and he gashed open his toe. We called the medic and

10: EXHIBIT; INITIALS OF PERSON MAKING STATEMENT; PAGE 1 OF _____ 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.

001267

b(6), b(7)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] AO [REDACTED] DATED 2003/12/29

9. STATEMENT (Continued)

he said there was nothing he could do. He just told me to try to not get blood on me.

Q6: What about feeding them. Did you ever experience a time when a detainee went without food for an extended period of time?

A: We had always been told to feed them just crackers and water. Rarely did they allow us to give them a main meal from the MRE. We would just rat-fuck them for the crackers and give that to them.

Q7: And water?

A: We were told because of the PT to give them water every 15-20 minutes. We would take one bottle around and give them a few sips.

Q8: Talk to me about the injury to the guy with the broken jaw. Was anything said or did anyone tell you what had happened?

A: I heard from the guys talking about it that morning that a big, [REDACTED] a black guy, had just cold-cocked the detainee. I was told by some MI guy...

Q9: You don't know who he was?

A: Like I said, they did not have names on their tops.

Q10: What did he look like?

A: He was an NCO, had dirty blonde hair, about 6 foot, medium build....he said, "I don't know what happened, I'm not going to ask, but for all we know he fell down and hit the ground."

Q11: Who told you the big [REDACTED] cold-cocked the detainee?

A: I heard it from the guards that were there when I came on. I don't know who they are because they did not have their top shirts on or their name tapes were covered. The big guy that supposedly cold-cocked him, came back in on the later part of my shift. He seemed very aggressive toward the detainees.

Q12: Did he come back in to work guard?

A: No.

Q13: Anything to add?

A: [REDACTED] was really aggressive and physical with the detainees. He was rough with them. That's it.

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 [REDACTED] THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, COERCION, 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 29th day of December, 2003 at [REDACTED] AO Glory

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

INITIALS OF [REDACTED] STATEMENT

PAGE 2 OF 2 PAGES

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246
3.2.14

246
3.2.14

MEMORANDUM FOR RECORD:

b(6), b(3)

On 22 December 2003, I was informed by my company (108th MP Co ABN) that I was going to be assigned the BHA (Brigade Holding Area) as the [REDACTED] I came out the following day to do an analysis of the BHA and gave the recommendations to my company OPS CELL. Some of the recommendations from my analysis were giving the guard force class on how to handle detainees, adequate lighting, alternate means of communications, Force Protections measures, numbering system of detainees, evidence custodian procedures and ensure that Military Intelligence and Military Police were on the same operational procedures. Since taking over all of the above changes have been made with the exception of force protections measure, which are currently being work on. Guards are being given classes on detainees procedures, an OE-254 has been set of for alternate means of communication, lighting has been put in each room and the court yard of the facility, a tracking system that is universal to MI and the MP's has been set-up and the evidence custodian room is slowly but, surely coming along. I as the [REDACTED] of the facility oversee all operational procedures from ensuring that detainees have clean blankets to ensuring they are out-processed. I have a Sergeant of the Guard and two additional MP's to assist MI with searches, transporting detainees to the DCCP (Division Central Collection Point) and processing paper work. Overall, the BHA is coming along very well. MI, MP's and the guard force (ADA) have an outstanding working relationship and each element understands their role in working at the BHA. If there are any further questions contact me at dsn [REDACTED]

Exp C3.2.1.6

[REDACTED]

001269

SPC

11-12-03

[REDACTED]

Sgt

[REDACTED]

11-12-03

[REDACTED] Ex 6 [REDACTED]

Ex 6

b(6), b(3)

C3.2.1.6

b(6), b(3)

N

23
December 2003
1043 hours
2nd BCT Cage, 311th MI

Ex 6
C3.2.1.6

[REDACTED]

Date of the incident has been said to be 10 December 03, but maybe early on 11 Dec 03, around 0430-0530 hours.

[REDACTED] was detained incident to Operation Reindeer Games- 70 plus people in all -there were already 40 detainees prior to arrival of the ORG detainees at @ 0500hours on the 10th Dec.

-the 40 were segregated into a different holding room to make room for the ORG detainees

-ADA guards (who have the guard regularly) were guarding the previous 40

-the 70 were being guarded by [REDACTED] and [REDACTED] of [REDACTED]

Ex 6
C3.2.1.6

[REDACTED] told me several times that the ADA guards were not involved. He almost over-emphasized this. Suspicious.

The detainees were brought inside the compound and lined up. They had silk pillowcases placed over their heads and were flex-cuffed, "hands behind them". They are then brought into the intake room and questioned re: the intake form (exhibit).

Ex 6
C3.2.1.6

[REDACTED] and [REDACTED] said that a medic gives them a pre-screening to determine if they are suffering from anything and if they have any injuries. This is not what has been represented to me by [REDACTED] CoCommander and by [REDACTED]

Ex 6
C3.2.1.6

[REDACTED] briefed all the guards prior to their shift and got them to sign the MOI (exhibit) [REDACTED] and [REDACTED] signed

[REDACTED] told me that [REDACTED] informed him of [REDACTED] jaw first thing in the morning, not when it happened (sometime around 1000ish)

Ex 6
C3.2.1.6

At that time [REDACTED] got sworn statements and sent [REDACTED] to the 21st CSH where they determined he needed to go to 28th CSH in Baghdad for help.

[REDACTED]-C company, 526th looked at [REDACTED] first [REDACTED] looked him over and took him to the CSH

[REDACTED] had only had his initial screening. His bio-information was taken and the intake form filled out- he had been in the compound about 24 hours when the incident occurred.

QUESTION: HOW LONG BEFORE DETAINEES ARE INTEROGATED FROM THE TIME OF THEIR ARRIVAL? *As soon as we can get to them,*

b(6) b(3)

23 Dec 03
1130 hours

[REDACTED]

[REDACTED] says that because there were so many detainees, they had to wait outside longer for intake

Any remarks about whether [REDACTED] was cooperating would be noted on the intake form
-he said that they do put the detainees through corrective training like if they keep pushing the blind folds up they make them do squat benders or PT (later I heard someone say something about flutter kicks which [REDACTED] and [REDACTED] did not offer)

[REDACTED] said they were mostly flex-cuffed in front

-said they are given a Target number and it tells who he came in with

-they had 4 teams working that night-2 person teams doing intake-I spoke with [REDACTED]

[REDACTED] who did the intake of [REDACTED] and he does not remember much about it.

(Nov 12th was the week that the compound went full time, keeping the detainees there)

[REDACTED] was not a primary target; The primary target was [REDACTED]

[REDACTED] said some MPs were there that night from 108th (again, not what was represented to me by [REDACTED] from 10^{8th} and [REDACTED]) he said that it was just the 108th and not 65th that night

[REDACTED] was the translator the night of the incident. He said that someone told him that one of the detainees was bleeding (he said this matter of fact, sort of like it is almost common that he gets told when one detainee is messed up

-he was the first person to speak to [REDACTED] in Arabic

-he says that [REDACTED] told him he was punched, then he said that he thought he was hit with an object, then he told him he fell

[REDACTED] says that [REDACTED] was in the interrogation room when he went to talk to him (was he there already?)

[REDACTED] says that [REDACTED] was talking normal and he told him if his jaw was broken he would not be able to talk but [REDACTED] told him he could feel it was broken

-he said that [REDACTED] hands were cuffed in front

-said a [REDACTED] went in to talk Arabic to [REDACTED] and he was told by [REDACTED] that he fell

-when I asked [REDACTED] if he had an opinion as to what happened he hesitated and said not convincingly that he thought he probably fell, but he did not have a strong conviction about it

ISSUE: NOT CLEAR IF [REDACTED] OR [REDACTED] SAW [REDACTED] FIRST

There was heavy metal music playing loud in the detainee room

Answer: [REDACTED]

Ex 6
C3.2.1.6

Ex 6
C3.2.1.6

Ex 6
C3.2.1.6

Ex 6
C3.2.1.6

b(6), b(3)

Interview with [redacted]
1300 hours, 22 December 2003

[redacted] is the company [redacted] MP Company, who falls under 503rd
She put two SGTs in charge of the cage project:

1. [redacted]
2. [redacted]

Both of these SGTs operated the cage in Kandahar

Problems she saw when the MPs arrived

1. Evidence: Sitting around, undocumented, not properly accounted for, chain of custody was not properly kept - They dedicated a room to evidence and are getting it up to speed.
2. CPA Forms- not properly completed, bad hand-offs from the infantry guys. Just not getting done and therefore accountability was affected.
3. Security- not enough guards and it was weak. ADA had the security detail, MI was just hanging out in their rooms

She did note that MI did have good control over the prisoners- they were quiet, disciplined, standing without gagging.

When the MPs showed up they had something of a hands-off approach. They were just interested in looking at the facility and the procedures to see what needed to be done. They were not investigating or doing much other than assessing and preparing a plan of action.

Now, there is a Dr. who comes around 1200 hours most every day and is available for the prisoners. MI has a good relationship now with FSB for medic support so if needs be they could possible get to a medic there but clearly the ideal would be for a Dr. to be present every day 24/7.

With a Dr. present, there could be prescreening done on the detainees to document what ailments and lacerations and bruises they come in with for better confirmation of what goes on when they are in custody.

Facility and SOP Changes by 108th MPCo:

1. Better lighting is going in right now. Big flood-lights that shine down on the courtyard. ([redacted] bought the flood lights with his own money)
2. They are creating a temporary holding area for holding detainees prior to in-processing. They can see a medic at this point. That would be ideal.

Ex 6
C3.2.1.6

Ex 6
C3.2.1.6

b(6), b(3)

3. Previously they had no latrines inside the compound. They had three shitters outside. They had to walk all the way outside and now they are putting two inside (one for IZ and one for US)

4. They previously had a 5K generator, now they have a 60K going in. It is from HHC, 1/502nd

5. Contractor is up and working as we spoke. He is controlled by the S-4, [REDACTED]

No decision has been made re: heat b/c of cost and recent riot at the Trans jail involving heating wires, etc.

6. 108th is implementing a Guard Mount- a brief on ROE, shift reviews, etc. each shift will get briefed at the onset and each guard will sign a statement of the brief.

Exp
C3.2.1.6

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed Major General David (Petraeus) Commander, 101st Airborne Division (Air Assault)
 (Appointing authority)

on 9 Dec 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 N/A at N/A
 (Place) (Time)
 on N/A (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.)
N/A

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

The (investigating officer) (board) finished gathering/hearing evidence at N/A on N/A
 (Time) (Date)
 and completed findings and recommendations at N/A on N/A
 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

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

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

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.

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

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

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

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

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)

(Member)

(Member)

SEE MFR

(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.)

()
DAVID H. PETRAEUS
MAJOR GENERAL, USA
Commanding

JAN 04 2003



b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, DIVISION ARTILLERY
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP GLORY, MOSUL, IRAQ

REPLY TO
ATTENTION OF

AFZB-KB-MED

28 December 2003

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Into the Death of Abu Malik Kenami

1. On 21 Dec 03, at 1300 hours I was notified that I was appointed as the investigating officer in a AR 15-6 into the death of Abu Malik Kenami, detainee # 0672583 to determine the cause of his death in 2nd BCT's holding area. My mandate was to determine the cause and all the factors that contributed to his death.

2. What caused Abu Malik Kenami's death is undetermined at the present time because an autopsy was never performed. His death was probably due to natural causes with an acute myocardial infarction as the most probable of these; see Appendix C, page 1-4 for a full explanation.

3. What factors contributed to his death?

A. Only once was Abu Malik Kenami questioned about his medical history, which occurred on 5 Dec 03 at 2nd BCT's hold area by two military intelligence interrogators from the 311th MI.

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3.2.1.4
1) The interrogators, [REDACTED] and [REDACTED] were more focused on intelligence gathering during this interrogation session.

2) When the interrogators asked several questions pertaining to Kenami's medical condition, Kenami stated that he wasn't taking medications and had no medical problems at that time.

B. There was never a physical examination conducted on Kenami during his detainment from 5-9 Dec 03.

C. If Kenami had requested medical assistance on the morning of 9 Dec 03, his American guards were not fluent or knowledgeable in Arabic and never requested a translator for assistance.

4. During several investigations, the CIDs on 9 Dec 03 and my investigation into Kenami's death, we both found that there was never any criminal intent or intent by any person or persons

AFZB-KB-MED

SUBJECT: AR 15-6 Investigation Into the Death of Abu Malik Kenami

to harm Kenami. What is at fault is the lack of a medical provider fluent in Arabic to talk with the detainees during their in processing into 2nd BCT's holding area, see recommendations.

5. A chronological history of Kenami's detainment from 5 Dec 03 through 14 Dec 03 when his body was turned over to a local mortician can be found at Appendix A, pages 1-3.

6. Appendix D, pages 1-3 has a complete listing of witnesses and persons involved from Kenami's detainment on 5 Dec 03 to when his body was turned over to a local mortician on 14 Dec 03.

7. Recommendations:

A. That all detainees have some type of a physical exam, either abbreviated or long if there questions about their current health:

1) That all attempts are made to complete a physical within twenty-four hours of being detained.

2) That all attempts should be made to have a Iraq physician do the physicals on the detainees.

a) By having a Iraq physician contracted to do the physicals it would give the detainees the same continuity of care as the rest of their community.

b) It would decrease on the language problems between the detainee and the medical care system.

c) The Iraq physician can be the gate keeper into more definitive care if needed for the detainee (s).

d) It would decrease on the perception of our involvement or cover-up in events similar to this.

3) That U.S. military providers are used only as backed up to the contracted Iraq physician in order to decrease our involvement in their health care.

B. That a camcorder is placed into the general populations holding area and is monitored by an Iraqi speaker.

C. That there is a need to have a location within Mosul to perform autopsy on Iraqi citizens with suspicious or questionable deaths similar to Kenami's.

8. The POC for this memorandum is the undersigned at DNVT 581-5507 or *EX 6*

b(6), b(3)

AFZB-KB-MED

SUBJECT: AR 15-6 Investigation Into the Death of Abu Malik Kenami

Ex 6
03.2.1.4
[Redacted] Ex 6

[Redacted]

ATTACHMENTS:

- Appendix A, pages 1-3 Chronological History of Abu Malik Kenami
- Appendix B, slides 1-9 Slides of the BHA, sandbag hood, flex cuffs and blanket placed over Kenami's body
- Appendix C, pages 1-4 Possible Causes for the Death of Abu Malik Kenami
- Appendix D, pages 1-3 Witnesses and People Involved With Kenami's Death
- Appendix E, pages 1-2 Chronological History in the Investigation into the Death of Abu Malik Kenami
- Appendix F, page 1 POCs During the Investigation into the Death of Abu Malik Kenami
- Memorandum for an Extension on the Investiagation
- Packet from CID on their investigation on 9 Dec 03
- Packet with witnesses statements on 23 Dec 03 and other documents:

Ex 6
03.2.1.6

- [Redacted], 2 pages
- [Redacted], 2 pages
- [Redacted], 2 pages
- [Redacted], 3 pages
- [Redacted], 3 pages
- [Redacted], 3 pages
- [Redacted], 3 pages
- A Memorandum for Record, 1 page
- A Memorandum of Instruction (SOP) for the guard force, 3 pages
- A sign in sheet for the guards having read the SOP, 1 page
- [Redacted], 2 pages
- [Redacted], 2 pages
- [Redacted], 4 pages
- Summary Interrogation Report 051045LDEC03
- Death Certificate for Abu Malik Kenami, dated 9 Dec 03

b(6), b(3)

Chronological History of Abu Malik Kenami

1. Abdul Kareem Abdul Rutha, his tribal name is Abu Malik Kenami is detained by 2nd BCT on 5 December 2003, see 2 BCT's Summary Interrogation Report 051045LDEC03.

2. Abu Malik Kenami is then brought to 2nd BCT's holding area (BHA) at AO Glory on 5 Dec 03.

Ex 6
3.2.1.4 A. [REDACTED] and [REDACTED] interrogate Abu Malik Kenami on 5 Dec 03 within the BHA, outside of the general population holding area.

B. The interrogation is about twenty minutes:

1) During this time, Abu Malik Kenami gives no pertinent medical history or a history of taking medications.

2) This is the only time that Abu Malik Kenami is asked about his medical history or if he is taking medications.

C. Abu Malik Kenami is then photographed and given detainee # 0672583, see 2 BCT's Summary Interrogation Report 051045LDEC03.

D. He is also given the detainee # 58 for the BHA. Detainee # 58 is what Abu Malik Kenami is called by the American guards at the BHA.

E. The interrogation on 5 Dec 03 is the only time that Kenami is interrogated.

F. Kenami is then placed into the general population's holding area.

3. At this time, all detainees had a sandbag placed over their heads, but not tied, along with plastic flex cuffs placed on their wrists in front of their bodies, see Appendix B picture 7 and 8.

* 4. From the 5th through the early morning of 9th of December there is a history with Kenami of not obeying the BHA rules for detainees; his punishment is ups and downs.

A. ~~Ups and downs is a correctional technique of having a detainee stand up and then sit-down rapidly, always keeping them in constant motion.~~

B. The timeframe for ups and downs is usually between ten to twenty minutes depending on the violation and the punisher.

Ex 6
3.2.1.4 5. A shift change occurs with the holding cell guards at 2300 hours on 8 Dec 03, the new shift is composed of [REDACTED] and [REDACTED]

b(6), b(3)

Chronological History of Abu Malik Kenami

A. During this shift, Kenami is seen violating the rules and is punished with ups and downs several times by [redacted] and has his hands flex cuff behind his back around 0100 hours on 9 Dec 03.

B. The last time that ups and downs occurs with Kenami is around 0100 hours on 9 Dec 03. He is seen sweating by [redacted] and [redacted]

C. Kenami beds down sometime between 0100-0200 hours on 9 Dec 03. He seems restless and talkative for a while longer.

D. A mink blanket is placed over detainee Kenami between 0100-0200 hours. Other detainees are lying closely with Kenami, one on each side in order to keep warm and because of the limited space within the holding cell.

E. Maximum capacity of the detainee holding area is thirty detainees, the evening of 8 December 2003, there are 66 detainees lying with their heads towards the walls and feet towards the center.

F. No movement is noticed from detainee Kenami after 0400 hours on 9 Dec 03.

* G. At no time during the night was there less than two night guards watching the detainees and no history of abuse with this or any other guard shift at the BHA.

6. [redacted] enters the holding area from the Operations room around 0730 hours on 9 Dec 03 in order to wake-up the detainees.

A. He then proceeds to wake-up the detainees, but notices that Kenami doesn't respond.

B. He feels no pulse with Kenami.

C. [redacted] then proceeds from the holding area to the Operations room and notifies [redacted] and [redacted]

D. [redacted] and [redacted] return to the holding area to examine detainee #58.

7. [redacted] attempts to call C-526th three times, after the third times he walks over to the hold area to notify [redacted]

8. [redacted] then leaves the holding area and proceeds to C-526th to retrieve medical care for Kenami.

A. [redacted] meets [redacted] (Physician Assistant from C-526th) between the BHA and the 526th aid station.

Ex 6
3.2.1.6

Ex 4
3.2.1.6

Ex 6
3.2.1.6

Ex 6
3.2.1.6



Ex 6
3.2.1.6

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

Chronological History of Abu Malik Kenami

B. [redacted] returns to the holding cell with [redacted] and examines Kenami around 0815 hours and determines that he is dead. Physician assistants cannot declare anyone dead.

C. [redacted] and [redacted] remove Kenami's body from the general population holding area to an empty room within the BHA.

D. [redacted] (PROFIS Physician from 526th) follows [redacted] shortly later and examines Kenami then pronounces him dead around 0830 hours [redacted] and [redacted] then place Kenami's body into a body bag.

9. Kenami's body is then removed from the BHA around 1500 hours on 9 Dec 03.

A. [redacted] (driver) and [redacted] (TC) take Kenami's body to 21st CSH, they both don't know where mortuary affairs is located at D-REAR.

B. Kenami's body is left in their vehicle at the 21st CSH.

C. [redacted] examines the body, while the body is still inside the vehicle and writes out his death certificate at 1552 hours on 9 Dec 03.

* 1) He examines the body and finds that Kenami's eyes are fixed and dilated, and finds no heartbeat with his stethoscope.

2) He finds nothing out of the ordinary during his examination.

10. 21st CSH then notifies the 54th Q.M. (Mortuary Affairs) to pick-up Kenami's body.

A. [redacted] and [redacted] from Mortuary Affairs pickups Kenami's body around 1630 hours and return to their location on 9 Dec 03.

B. Kenami's body is then placed inside a reefer van for storage.

C. [redacted] the CID examines Kenami's body on 9 Dec 03. [redacted] takes multiple pictures of Kenami's body, see the CID packet.

* D. [redacted] inquires about the ability to perform an autopsy and is told that there is no capability within this theater to do it.

E. Kenami's body is kept at the 54th Q.M., inside their reefer van for the next six days. No family members come to claim his body.

F. The SPO [redacted] for 801st MSB arranges for a local mortician to pick-up the Kenami's body at the front gate of D-REAR (Mosul Airfield) on or around 14 Dec 03.

Ex 6
3.2.1.4

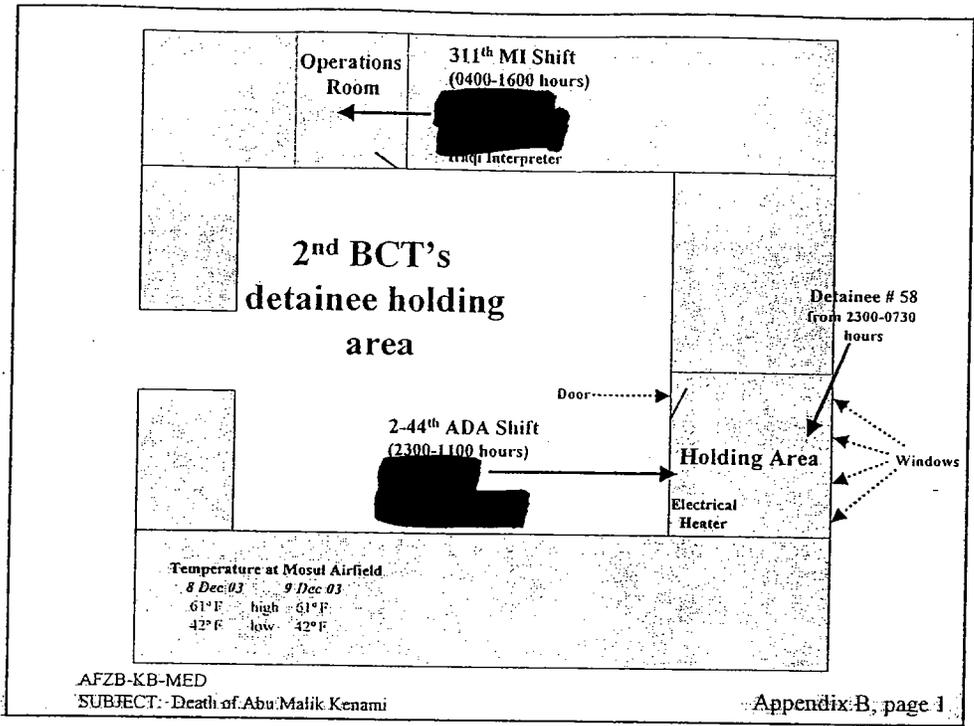
Ex 6
3.2.1.4

Ex 6
3.2.1.6

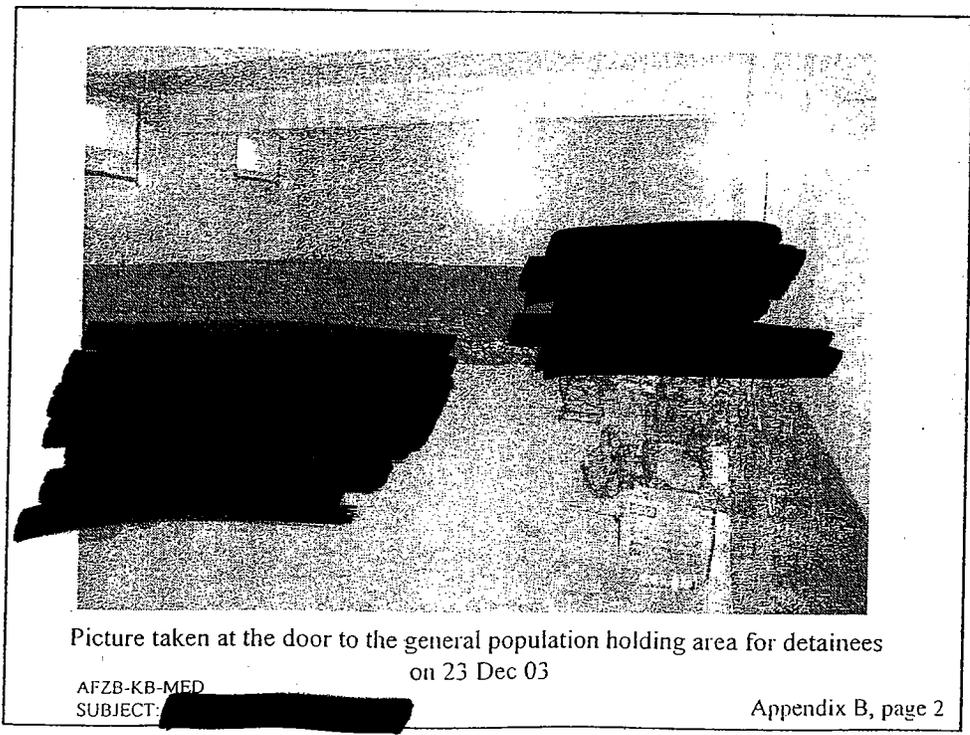
Ex 6
3.2.1.6
x 7
3.2.1.
7.1.3.4

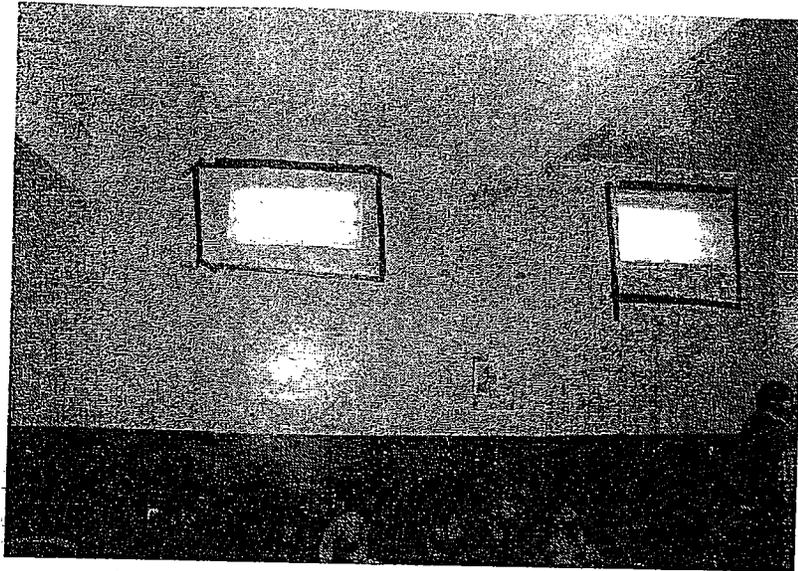
Ex 6
2.2.1.4

b(6), b(3)



Ex 6
C3.2.1.6



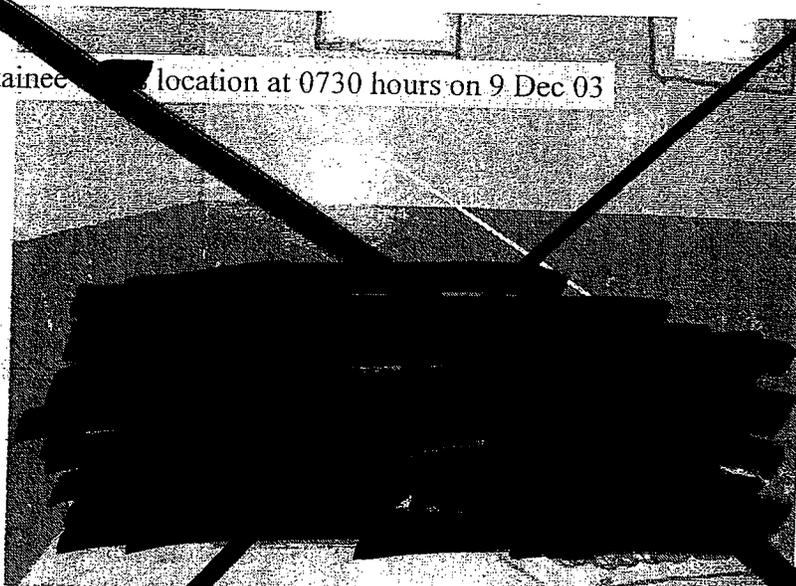


Picture taken at the door of the windows in the general population holding area on 23 Dec 03

AFZB-KB-MED
SUBJECT: Death of Abu Malik Kenani

Appendix B, page 3

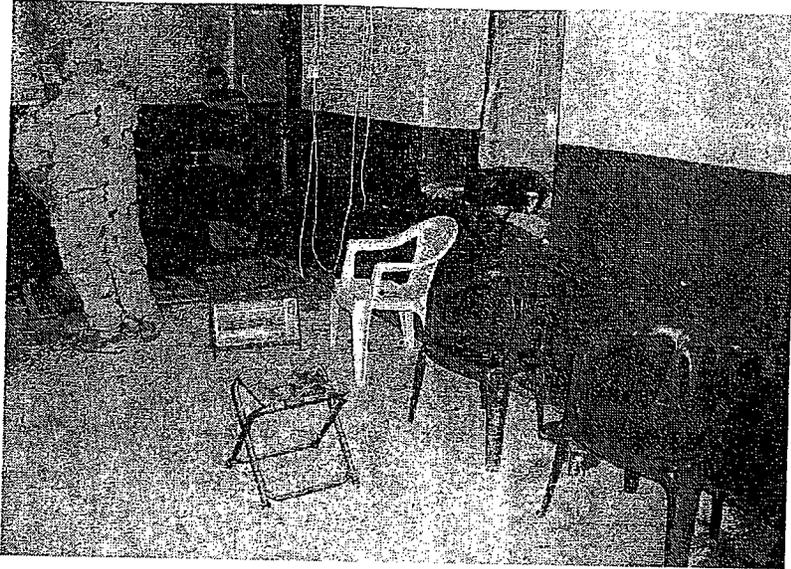
Detainee location at 0730 hours on 9 Dec 03



Picture taken at the door on 23 Dec 03, of where [redacted] was located at his death

AFZB-KB-MED
SUBJECT: [redacted]

Appendix B, page 4



Picture taken of the only heater in the general population holding area on 23 Dec 03

AFZB-KB-MED
SUBJECT: Death of Abu Malik Kenani

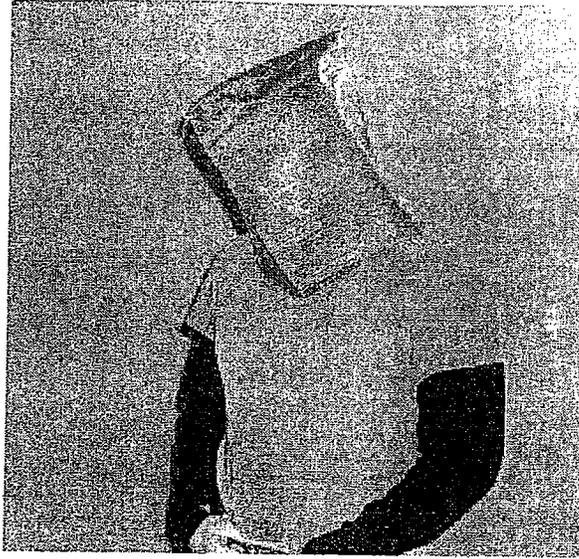
Appendix B, page 5



Picture taken of the cement floor in the general population holding area on 23 Dec 03

AFZB-KB-MED
SUBJECT: Death of Abu Malik Kenani

Appendix B, page 6



Picture taken of how the sandbag was placed on Kenami's head

AFZB-KB-MED
SUBJECT: Death of Abu Malik Kenami

Appendix B, page 7



Picture taken of how Kenami's hands were flex cuff to his back

AFZB-KB-MED
SUBJECT: Death of Abu Malik Kenami

Appendix B, page 8



Head

Picture taken of how Kenami's blanket was placed on him and his position on the floor with other detainees

AFZB-KB-MED
SUBJECT: Death of Abu Malik Kenami

Appendix B, page 9

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

Possible Causes for the Death of Abu Malik Kenami

1. The cause of Abu Malik Kenami's death will never be known because an autopsy was never performed on him.

A. CENTCOM is not capable of conducting any type of autopsy within its theater; all US military are currently flown back to Dover AFB for a pathologist to perform an autopsy.

B. Mosul, Iraq currently has no capability of conducting any type of autopsy.

2. Because Kenami's body was turned over to a local mortician around 14 December 2003 without an autopsy being performed all that I can do is speculate on the probably causes for his death.

3. Two physicians and the CID agreed that it appeared that Kenami died from natural causes.

Ex 4
3.2.1.6 A. [redacted] a physician for 526th examined Kenami's body at the BHA around 0830 hours on 9 Dec 03 and saw no suspicious bruises or perforations.

Ex 6
3.2.1.6 B. [redacted] physician for the 21st CSH examined Kenami's body around 1552 hours and found no suspicious bruises or perforations on the his body and that it appeared that Kenami had died of natural causes.

Ex 7
3.2.1.6
3.2.1.7.3.4 C. [redacted] looked at Kenami's body at the mortuary affairs at 54th Q.M. on 9 Dec 03 and that he had no visible injuries that would have caused his death and that foul play was not suspected.

4. What is known about Kenami's health:

A. That he was questioned on 5 Dec 03 and that he didn't indicate at that time any acute or chronic medical history or that he was currently taking any medication.

B. There is no documentation of:

- 1) Smoking history.
- 2) Alcohol history.
- 3) Past surgeries.
- 4) Family history.
- 5) Blood pressure.

b(6), b(2)

Possible Causes for the Death of Abu Malik Kenami

5. On 26 Dec 03, I had a discussion with [REDACTED] [REDACTED] for the 21st CSH located on Mosul Airfield about probable causes for his death. The following are the probable causes of his death based on what we know of Kenami 51 in order of precedence:

A. Acute myocardial infarction. A heart attack (also called a acute myocardial infarction) is the death of part of the heart muscle due to its sudden loss of blood supply. Typically, the loss of blood supply is caused by a complete blockage of a coronary artery by a blood clot. A coronary artery is an artery that supplies blood to the heart muscle. Death of the heart muscle often causes chest pain and electrical instability of the heart muscle tissue. Electrical instability of the heart causes ventricular fibrillation. A heart undergoing ventricular fibrillation simply quivers, and cannot pump or deliver oxygenated blood to the brain. Permanent brain damage and death can occur unless oxygenated blood flow is restored within five minutes.

1) Approximately one million Americans suffer a heart attack annually. Four hundred thousand of these victims die as a result. Many of the heart attack deaths are due to ventricular fibrillation of the heart that occurs before the victim can reach any medical assistance or the emergency room.

2) A heart attack is caused by the formation of a blood clot on a cholesterol plaque located on the inner wall of an artery to the heart (coronary artery). Cholesterol is a fatty chemical which is part of the outer lining of cells in the body. Cholesterol plaque is the formation of a hard, thick substance within the artery walls which is caused by deposits of cholesterol in the artery walls; a process that begins in the late teens. Over time, the accumulation of cholesterol plaque causes thickening of the artery walls and narrowing of the arteries; a process called atherosclerosis. Plaque accumulation can be accelerated by smoking, high blood pressure, elevated cholesterol, and diabetes. Ultimately, atherosclerosis causes significant narrowing of the coronary arteries. During exercise or excitement, the narrowed coronary arteries cannot increase the blood supply to meet the increased oxygen demand of the heart muscle. When the heart muscle is thus deprived of blood oxygen, a condition called ischemia results; ischemia may be associated with chest pain (angina pectoris). Typically, angina occurs with exertion, and subsides with rest.

3) Occasionally the surface of the cholesterol plaque in the artery may rupture, which leads to the formation of blood clot on the surface of the plaque, which then completely occludes blood flow in the vessel and results in a heart attack (see diagram). The cause of this "plaque rupture" is largely unknown, but contributing factors may include cigarette smoking, elevated LDL cholesterol, elevated levels of blood catecholamines (adrenaline), high blood pressure, and other mechanical and biochemical forces.

4) Chest pain or pressure is a common symptom of heart attack. Cardiac chest pain is often vague, or dull, and may be described as a pressure or band-like sensation, squeezing, heaviness, or other discomfort. Heart attacks frequently occur from 4:00 A.M. to 10:00 A.M. due to higher adrenaline amounts released from the adrenal glands during the morning hours. Increased adrenaline in the bloodstream can contribute to the above mentioned plaque rupture.

Possible Causes for the Death of Abu Malik Kenami

Interestingly, heart attacks do not usually happen during exercise, although exercise is commonly associated with exertional angina. Approximately one quarter of all heart attacks are silent, without chest pain. In diabetics, the incidence of "silent" heart attacks may be much higher. The pain or discomfort of a heart attack may be very mild despite its ominous implications. For this reason, patients may attribute the symptoms to "indigestion," "fatigue," "stress," or other common maladies. Denial is also a common element which can dangerously delay the seeking of medical attention. One cannot overemphasize the importance of seeking prompt medical attention. Heart attack victims may complain of:

- chest pressure
- sweating
- jaw pain
- heartburn and/or indigestion
- arm pain (more commonly the left arm, but may be either)
- upper back pain
- general malaise (vague feeling of illness)
- nausea
- shortness of breath

B. Asymmetric septal hypertrophy (Idiopathic hypertrophy subaortic stenosis) consists of genetically abnormal, usually hypercontractile and asymmetric myocardium that may obstruct output and cause sudden death if the hypertrophy is localized in the upper septum. The disease includes asymmetric septal hypertrophy, and idiopathic subaortic stenosis (IHSS), but the term HCM is preferred because the majority (75%) of patients do not present with outflow obstruction (Braunwald, 1997), and 30% do not exhibit asymmetric hypertrophy.

C. Cerebral hemorrhage (stroke). While ischemic strokes happen when the blood flow to a part of the brain is interrupted, a hemorrhagic stroke is caused when there is bleeding into brain tissue that kills blood cells.

1) There are several causes of bleeding inside the skull, including:

a. ~~Head injuries. For people under the age of 50, this is the most common cause of~~

hemorrhage inside the skull. In the elderly, subdural hematoma after relatively minor head injury is not uncommon.

b. Arteriovenous malformation (AVM). This is an anatomical abnormality in the arteries or veins in or around the brain. Such an abnormality may be present from birth, but it is only detected if symptoms develop. Symptoms resulting from bleeding of an AVM vary, depending on size and location.

c. Aneurysm. This is a weakening in a blood vessel wall that swells. The thin wall of

Possible Causes for the Death of Abu Malik Kenami

an aneurysm can burst and cause bleeding into the subarachnoid space and the brain, leading to hemorrhagic stroke.

d. Hypertension. Poorly controlled hypertension over a long period of time can weaken symptomatic one.

2) The symptoms of bleeding inside the skull tend to come on rapidly and include the following:

- A sudden headache
- Steadily increasing neurologic losses, such as weakness, inability to move (paralysis), numbness, loss of speech or vision and confusion
- Nausea and vomiting
- Seizures
- Loss of consciousness

6. I believe that Kenami probable had a acute myocardial infarction on 9 Dec 03 for the following reasons:

- A. That he was a male.
- B. His medical and family history is unknown, e.g. his cholesterol level or if he smoked.
- C. At the time of his death, he was 65 inches tall and weighed 175 pounds.
- D. That he was performing ups and downs for ten to twenty minutes several times over a two to three hour period.
- E. That he had diaphoreses (sweating) during and after performing ups and downs, and that the room temperature was probably in the 40-50s degree Fahrenheit range when this occurred.
- F. That he seemed to be agitated and continued to talk after doing his ups and downs.

7. I don't believe that Kenami asphyxiated or strangulated from his sandbag hood for the following reasons:

- A. There was no visible bruising on his neck.
- B. The sandbag was never tied or tightens, see picture 8 in Appendix B.
- C. The plastic sandbag that was used as a hood is too permeable to cause either asphyxiation or hypoxia.

b(6), b(3)

Witnesses and People Involved With Kenami's Death**Guards (from B Battery 2-44th ADA)**

[REDACTED] a shift leader for guarding the detainees, from B Battery 2-44th ADA, was inside the general population holding area from 2300 hours on 8 Dec 03 to 1100 hours on 9 Dec 03, he was the NCO in charge of guarding the detainees. During this shift, [REDACTED] notices that Kenami is violating the BHA rules by lifting up his sandbag; he makes Kenami do ups and downs for twenty minutes. When Kenami lifts his hood (sandbag) up once again, [REDACTED] flex cuff his hands behind his back and has him do ups and downs for ten minutes. [REDACTED] notices that Kenami is sweating during the ups and downs, ensures that Kenami gets water along with the rest of the detainees around 0100 hours. After giving the detainees water, [REDACTED] beds the detainees down by placing blankets over the detainees, but Kenami continues talking and [REDACTED] places a blanket over Kenami, but not over his head. Around 0300 hours, [REDACTED] notices that Kenami is talking again, walks over and tells him to go back to sleep in Arabic. [REDACTED] notices nothing from Kenami for the rest of the morning until [REDACTED] comes in to wakeup the detainees. [REDACTED] informs [REDACTED] that he thinks that a detainee was dead. [REDACTED] sends [REDACTED] to get [REDACTED] and [REDACTED] from the Operations room. [REDACTED] had had several previous episodes from 5-9 Dec 03 with Kenami violating the BHA rules, either by lifting his sandbag hood or talking and had punished Kenami with ups and downs for violating the rules. Ex 6
C3.2.1.6

[REDACTED] a detainee guard from B Battery 2-44th ADA, was inside the general population holding area from 2300 hours on 8 Dec 03 to 1100 hours on 9 Dec 03 guarding the detainees. [REDACTED] places a blanket over Kenami after 0100 hours on 9 Dec 03 and watched as [REDACTED] tried to wakeup Kenami at 0730 hours on 9 Dec 03. When the detainees are separated, he is sent to another room to watch them. Ex 6
C3.2.1.6

[REDACTED], a detainee guard from B Battery 2-44th ADA was inside the general population holding area from 2300 hours on 8 Dec 03 to 1100 hours on 9 Dec 03 guarding the detainees. [REDACTED] watched [REDACTED] make Kenami do ups and downs for talking during this shift and witnessed Kenami "constantly moving around and mumbling" when the rest of the detainees were sleeping. Ex 6
C3.2.1.6

Interrogators (from B Company 311th MI)

[REDACTED] an interrogator for B Company 311th MI had just came on shift at the Operations room at the BHA at 0400 hours on 9 Dec 03. At 0730 hours, he went from the Operations room to the general population holding area to wakeup the detainees, when he tried to wakeup Kenami, he noticed no response either verbally or by touching him. He checks for a pulse, which he doesn't find then goes to the Operations room to notify [REDACTED] Later [REDACTED] and him move Kenami's body from the general population holding area to an empty room within the BHA, after Kenami is pronounced dead they place the body into a body bag. Ex 6
C3.2.1.6

b(6), b(3)

Witnesses and People Involved With Kenami's Death

[REDACTED] shift leader for 311th, from B Company 311th MI had just came on shift at the Operations room at the BHA at 0400 hours on 9 Dec 03. When [REDACTED] returns to the Operations room and notifies [REDACTED] that a detainee is dead, he attempts to C Company three times on the DNVT then walks over to the general population holding area to inform [REDACTED] that he didn't get through. He goes back to the Operations room and notifies his chain-of-command of the events, then he returns to the hold area to remove the zip cuffs from Kenami's wrist, Kenami's wrist were located behind his back. Ex 6 C3.2.1.6

[REDACTED] B Company 311th MI, first meet Abu Malik Kenami during his inprocessing into 2nd BCT's BHA on 5 Dec 03; during this twenty minute interrogation by [REDACTED] he asked Kenami if he had any medical conditions or was currently taking any medication. [REDACTED] had just come on shift at 0400 hours on the morning of 9 Dec 03 and was in the Operations room in the BHA when [REDACTED] entered the Operations room to inform him that a detainee was died. He then proceeded to the general population holding area to look at Kenami, after determining that Kenami wasn't responding and finding out that the DNVT system wasn't working from [REDACTED] he then proceeded to 526th to get medical assistance. He meets [REDACTED] during his walk and brings her back to the general population holding area. He then uses the DNVT to inform [REDACTED] that detainee had died. Ex 6 C3.2.1.6

[REDACTED] Detention Facility OIC from B Company 311th MI was present on 5 Dec 03 with Kenami's interrogation with [REDACTED]. Kenami's initial integration lasted about twenty minutes, in which Kenami was asked if he had been taking medications or has any medical ailments, which he denies. [REDACTED] was notified of Kenami's death on 9 Dec 03 and arrives at the same time as [REDACTED] arrives to the BHA. [REDACTED] is responsible for writing the BHA SOP for the guards on 14 November 2003, see attachments for a copy of the SOP. Ex 6 C3.2.1.6

Medical Responders/Providers

[REDACTED] a physician assistant at 526th, is the first medical personnel to respond to [REDACTED] request for medical assistance for Abu Malik Kenami. She looks at Kenami in the general population holding area at 0815 hours on 9 Dec 03. She determines that Kenami is dead and has him moved to an empty room within the BHA. Ex 6 C3.2.1.6

[REDACTED] a physician at 526th, is the first physician to look at Kenami after [REDACTED] After performing a post-mortem exam, he pronounces Kenami dead at 0830 hours on 9 Dec 03. Ex 6 C3.2.1.6

[REDACTED] 21st CSH, is the physician that sign Kenami's death certificate at 1552 hours in the parking lot of the 21st CSH. Ex 6 C3.2.1.6

b(6), b(2)

Witnesses and People Involved With Kenami's Death

Commander of the BHA

[redacted] of the 2nd BHA, from B Company 311th MI was informed by phone of the death of Kenami from [redacted]. He later informed the 2nd BCT [redacted] of Kenami's death. [redacted] directs [redacted] to get sworn statements from everyone involved. [redacted] then calls CID to initiate an investigation. He later has [redacted] and [redacted] take Kenami's body to mortuary affairs at Mosul Airfield (D-REAR). Ex 6
Ex 6
C3.2.1.6

Transported Kenami's body from the BHA to 21st CSH

[redacted] from B Company 311th MI transport Kenami's body from the BHA to 21st CSH around 1500 hours on 9 Dec 03. They all stayed with the body until [redacted] and [redacted] pickups up the body at the 21st CSH around 1600 hours on 9 Dec 03. Ex 6
C3.2.1.6

54th Q.M. (Mortuary Affairs) Ex 6 C3.2.1.6

[redacted] picks Kenami's body at the 21st CSH around 1600 hours on 9 Dec 03 and then return to their shop. Kenami is placed into their reefer van after the special agents from CID look at and take photo of Kenami. Kenami's corpse stays in the reefer van until they are told by [redacted] (801st MSB [redacted]) to transport his body to the north gate and turnover to a local mortician on 14 Dec 03. Ex 6
C3.2.1.6

b(6), b(3)

Chronological History in the Investigation into the Death of Abu Malik Kenami

21 December 2003

1. 1300 hours notified by phone of my appointment as the investigation officer (IO) from SJA.
2. 1600 hours, [REDACTED] (SJA) has my appointment orders scanned and e-mailed to [REDACTED] at DIVARTY.
3. Called and tried to talk with either [REDACTED] (S3 for 2nd BCT) or [REDACTED] (XO for 2nd BCT) at:
 - A. 1630 hours
 - B. 1800 hours
 - C. 1930 hours
 - D. Both are in meetings, the person that takes my phone calls each time has promised to give my messages to either [REDACTED] or [REDACTED]

Ex 6
C3.2.1.6

22 December 2003

1. Called and talked with [REDACTED] at 0830 hours, he then gives me [REDACTED] as the POC for my investigation.
2. Called [REDACTED] office at 0900 hours, he is not in, left my message with his staff.
3. 1100 hours, [REDACTED] returns my phone call, I'm able to arrange through him:
 - A. For the individuals in the BHA during the death of detainee # 0672583 to be at the BHA tomorrow at 1000 hours.
 - B. [REDACTED] agrees to have all the witnesses there and to arrange for a room for me.
 - C. Called [REDACTED] at 2030 hours to confirm our meeting and to find out how many witnesses will be present tomorrow, six witnesses.

Ex 6
C3.2.1.6

23 December 2003

1. At BHA at 0915 hours, [REDACTED] allows me to take pictures of the general population holding area and the location that detainee # 0672583 is interrogated on 5 December 2003.
2. Moved to 311th MI at 0950 hours to take the statements and talk with the witnesses, [REDACTED] and [REDACTED] (the DIVARTY legal team) are present throughout the entire process.
3. Witnesses are read:
 - A. The narrative of why the AR 15-6 is being conducted, read their rights and have their oaths sworn prior to writing their statements.
 - B. From 1015-1340 hours I went over their statements while [REDACTED] was present.
4. 1430 hours went to the 54th Q.M. (Mortuary Affairs) at D-REAR. Talked with [REDACTED] and [REDACTED] about detainee # 0672583. They were able to furnish the death certificate on detainee # 0672583.
5. 1600 hours went to the 21st CSH and talked with [REDACTED], Patients Admissions and Dispositions NCOIC.
6. Filtered through the witness's statements and information gathered from 2000-2300 hours.

C3.2.1.6
Ex 6

Ex 6
C3.2.1.6

24 December 2003

1. 0800-1200 hours started the initial draft of my investigation.
2. 1430 hours, called [REDACTED] at SJA to asked him about my extension for the AR 15-6, was

Ex 6
C3.2.1.6

b(6), b(3)

Chronological History in the Investigation into the Death of Abu Malik Kenami

told to do a memorandum requesting a seven day extension. Also inquired about the statements and photographs that were taken by CID on 9 Dec 03, told that I can request and receive them if the case is closed by CID.

3. 1500 hours called W01 Coppedge to request:

A. That the three 2-44th ADA guards [redacted] and [redacted] are at the BHA at 0900 hours on 26 Dec 03 for follow-up questions.

Ex 6
C3.2.1.6

- 1) To have a sandbag present, similar to the one used on detainee # 58 on 8 Dec 03.
- 2) To have a blanket present, similar to the one used on detainee # 58 on 8 Dec 03.

B. Asked him to have [redacted] call me back, she was the vehicle commander that drove detainee # 58 body to D-REAR.

4. 1600-1830 hours, continued working on the first draft of the investigation.

25 December 2003

Took the day off

26 December 2003

1. 0845 hours went to 526th FSB, to receive a additional statement from [redacted]

Ex 6
C3.2.1.6

2. 0905 hours, went to the BHA:

A. Meet with the three ADA guards and went over follow-up questions. Had the guards show me the type of sandbag, flex cuffs and blanket was used on detainee # 58 on 9 Dec 03.

B. Talked with [redacted], who was in charge of taking the body down to D-REAR. He and [redacted] tell me the events and timeframe for moving the body.

3. 1040 hours, went to 21st CSH:

Ex 6
C3.2.1.6

A. Talked with [redacted], who signed detainee # 58's death certificate.

B. Talked with [redacted], an anesthesiologist about probably causes of death with detainee # 58.

4. 1120 hours went to pick-up copies of the witness statements and photo from the CID.

5. 1330-1800 hours read the new information and started to revise the original draft.

27 December 2003

0700-1130 and 1700-2100 hours, worked on the final draft of my investigation.

28 December 2003

Worked on final draft from 0900-2000 hours.

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

POCs During the Investigation into the Death of Abu Malik Kenami

[redacted] at SJA
(Advisor)

[redacted] Ex 6 C3.2.1.6

[redacted]
[redacted] at the BHA)

[redacted] Ex 6 C3.2.1.6

[redacted]
(Detention Facility)

[redacted] Ex 6 C3.2.1.6

[redacted]
(CID)

[redacted] Ex 6 & Ex 7
C3.2.1.4 & C3.2.1.7.3.4

21st CSH A&D
[redacted]

[redacted] Ex 6 C3.2.1.6



b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, DIVISION ARTILLERY
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP GLORY, MOSUL, IRAQ

REPLY TO
ATTENTION OF

AFZB-KB-MED

29 December 2003

EX 6
3.2.1.6
MEMORANDUM FOR [REDACTED], 101st Airborne
Division (Air Assault)

SUBJECT: Request for an Extension into the AR 15-6 Investigation Into the Death of Abu
Malik Kenami, detainee # 0672583.

1. I'm asking for an extension into the AR 15-6 investigation into the death of Detainee #
0672583.
2. I'm requesting an extension of seven days to the no later date of 23 December 2003 for the
following reasons:
 - A. That my notification of being the investigation officer into the death of detainee #
0672583 first occurred at 1300 hours on 21 December 2003.
 - B. If I was notified properly by SJA, I would have had fifteen days to do the investigation
instead of two to three days that I presently have.
 - C. That it is physically impossible to conduct a proper investigation into the death of
detainee # 0672583 in two days because of the coordination process and the current hostile
conditions of our environment.
3. The POC for this memorandum is the undersigned at DNVT [REDACTED] or EX 6 C3.2.1.4
[REDACTED]@us.army.mil. EX 6 C3.2.1.4

[REDACTED]

001302

b(6), b(3)



DEPARTMENT OF THE ARMY
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ
MOSUL, IRAQ APO AE 09325

REPLY TO
ATTENTION OF

AFZB-CG

9 December 2003

Ex 6
C3.2.1.6

MEMORANDUM FOR [REDACTED] HIB, DIVARTY, 101st Airborne Division (Air Assault), Mosul, Iraq 09325

SUBJECT: Appointment as Investigating Officer to conduct an investigation UP AR 15-6

1. You are appointed to conduct an investigation under the provisions of AR 15-6 into the death of Abu Malik Kenami, DOB 25 October 1959, detainee tag # 0672583. The place of death was the 2BCT holding area. You will make specific findings of fact concerning:

- a. The cause of Abu Kenami's death;
- b. All factors that contributed to Abu Kenami's death;
- c. Persons, if any, whose actions or failures to act led directly or indirectly to Abu Kenami's death;
- d. All other matters you deem relevant.

2. You will provide a detailed chronology of events, which clearly explains all facts and circumstances concerning, leading up to, and following the death of Abu Kenami to include the discovery of his body. You will also provide, as a separate exhibit, a list of all parties to this event and a brief explanation of the role they played.

3. You will make recommendations, based on your findings, for what action, if any, should be taken with respect to any responsible persons, ways such fatalities can be avoided in the future, and any other matter you deem appropriate.

4. You will conduct your investigation using the informal procedures of Chapter 4, AR 15-6. All witness statements will be sworn.

5. If, in the course of your investigation, you suspect an individual of a criminal offense under the UCMJ, you will advise that person of his or her rights under Article 31, UCMJ, using a DA Form 3881 and proceed with questioning only if the individual waives their rights.

6. You will consult [REDACTED] at the DREAR SJA section (581-0975) for legal advice on the conduct of this investigation.

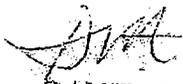
Ex 6
C3.2.1.6

001303

AFZB-CG

SUBJECT: Appointment as Investigating Officer to conduct an investigation UP AR 15-6

7. You will submit your report in the form of a Memorandum For Record (MFR) attachment to the Report of Proceedings UP AR 15-6 to the DREAR SJA for legal review NLT 23 December 2003. Requests for extension of this suspense will be submitted to me through the Staff Judge Advocate.


DAVID H. PETRABUS
Major General, USA
Commanding

8264
03.2.16

001304

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 AD Glory in Mosul Iraq	2. DATE (YYYYMMDD) 20031223	3. TIME 1507	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS Ex 6 [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] Ex 6 C3.2.1.6		C3.2.1.6	

Ex 6
321

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 9 Dec, I was called to the Brigade Holding area to see a patient/detainee. Upon arrival to the BHA, I went into the room where all the detainees were kept and asked to see the detainee. The guards pointed to the detainee laying on the floor and said that's the patient. I asked what was his issue. Reply "I think he's dead." Then I approached the detainee, checked for rise fall of chest, carotid pulse, pupillary reaction without any signs of life. Skin was beginning to react a little. I then closed his eyes and told the guards and staff that he had expired. I informed my PRO FIS poc, who did the postmortem exam.

The time I arrived to the BHA was about 0815. There was no obvious deformities to the detainee nor did I see evidence of blood.

Nothing follows

Upon notification, it took me approximately 5-10 minute to get to the BHA. I carried medical equipment with me. [REDACTED] Ex 6 C3.2.1.6

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.

STATEMENT OF

[REDACTED]

TAKEN AT

AO Glory

DATED

2003/12/23

9. STATEMENT (Continued)

[REDACTED]

Ex 6 C3.2.1.6

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 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

Ex 6 C3.2.1.6

(Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Glory

Ex 6 2.1.6

(Signature of Person)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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: 2 BCT Holding Area
2. DATE (YYYYMMDD): 20031223
3. TIME: 1011
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: Ex 6 C3.2.1.6

On 09 0500L DEC 03, I, [redacted], and our interpreter were in the Operations office of the BHA. [redacted] went to the main holding cell to wake up the detainees along with the guards. We returned to the office to tell me he thought a detainee was dead. I went to the holding area to see for myself. After seeing the detainee was in fact dead, I went to the [redacted] TOC to notify a medic. After having a medic sent to the facility, I called [redacted] at 2 BCT TOC to inform him of the incident. Afterwards, I returned to the BHA. On the way, I met with the medic, who told me to have the guards move the body into the interrogation room next to the holding cell.

On 04 DEC 03, [redacted], the interpreter, and I questioned the detainee in the courtyard. At this time, we had no knowledge of any medical problems the detainee may have had. The questioning lasted approximately 20 minutes. Afterwards, he was returned to general population. The detainee was questioned once, that I know of.

I contacted the sergeant of the medical facility, who in turn, contacted [redacted]. It took approximately twenty minutes from the time I notified the medical sergeant, to the time I met [redacted] at the intersection, on the way back to the BHA.

Nothing follows

[redacted]

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 INDICATED.

001307

EX 6 C3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Ptoto / BSA DATED 2003 / 12 / 23

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 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] EX 6 C3.2.1.6
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] EX 6
[REDACTED] EX 6
[REDACTED] EX 6
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at Do Glory @ Moral, J...

[REDACTED] EX 6
(Signature of Person Administering Oath)

[REDACTED] EX 6 C3.2.1.6
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001308

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 BHA	2. DATE (YYYYMMDD) 2003 Dec 23	3. TIME 10:12	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS EX6	
8. ORGANIZATION OR ADDRESS EX6 C3.2.1.4			

X4
3.2.1.4

EX6
3.2.1.4

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 It was me, [REDACTED]. During the night of Dec 9 03 [REDACTED] was making #58 do up downs for talking. I do not know how long he made #58 do up downs. After #58 was finished [REDACTED] gave him water as the rest of inmates. At 1200pm we put all of the inmates to sleep, but for some reason #58 refused to sleep. He was constantly moving around and mumbling. I would say about an hour after #58 went to sleep. Around about 0800 we woke up all the inmates that's when found #58 dead. As soon as we found him we notified the M.I and the M.I notified the mediacers. This all took place at the BHA. I occurred at night in his sleep.

The inmates went to bed at 2400 hrs and was not checked on until 0800 hrs. There is always two people in the room at all times.

nothing follows
[REDACTED]

X6
3.2.1.4

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</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 BE INDICATED.

001309

EX 6 C3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED]

TAKEN AT AO Glory Iraq DATED 2003 12/23

9. STATEMENT (Continued)

[Large redacted area with a large 'X' drawn over it]

EX 6 C3.2.1.6

AFFIDAVIT

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 6
2.1.4 1.

[REDACTED]

[REDACTED]

EX 6
C3.2.1.6

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Glory @ Mosul Iraq

1.4: B 2/44 ADA EX 6

[REDACTED]

(Signature of Person Administering Oath)

EX 6 C3.2.1.6

[REDACTED]

(Typed Name of Person Administering Oath)

SPAP

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

0101, b(2)

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 BHA	2. DATE (YYYYMMDD) 03 Dec 23	3. TIME 10:13	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS Ex 6 [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] ADA Ex 6 C3.2.1.6			

Ex 6
3.2.1.6

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

On the morning of Dec 9, 03 we discovered the body of a detainee was deceased. The things that happened the night prior are as followed. We put the detainee's to bed at 1:00 Am and once during the course of the night the detainee that past away was speaking Arabic aloud and when we noticed this we figured that he was cold because his blanket wasn't on him so we placed his blanket on him and then he was quit so that was about all we heard out of him until the next morning. The next morning when we where walking them up [REDACTED] discovered that his body was very stiff and called for one of use to come and check the body out with him. After finding no pulse

10. EXHIBIT Ex 6 C3.2.1.6	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.

001311

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

Ao Glory, Iraq

DATED

2003/12/23

Ex 6 C3.2.1.4

9. STATEMENT (Continued)

Someone was sent to get a medic from the ops room and to have a medic called. After that the detainees were separated and placed in different rooms. When they were placed in separate rooms I was sent to the other room to watch the detainees, and that's all I observed to that point.

[REDACTED], [REDACTED] and myself were there during the course of the night and [REDACTED] came in the morning.

Nothing follows

[REDACTED]

Ex 6

C3.2.1.4

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

001312

Ex 6 C3.2.1.6

b(6), b(3)

STATEMENT OF

[Redacted Name]

TAKEN AT Al Qadisiyah, Iraq

DATED 2003/12/23

9. STATEMENT (Continued)

[Large Xed-out area]

[Redacted]

Ex 6
C3.2.1.6

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 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)

Ex 6
C3.2.1.6

WITNESSES:

C3.2.1.6

[Redacted] B-Btry. Ex 6
[Redacted] Ex 6

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December 2003 at Al Qadisiyah @ Mosul, Iraq

[Redacted Signature]

(Signature of Person Administering Oath)

Ex 6
C3.2.1.6

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

Ex 6 C3.2.1.6

PAGE 3 OF 3 PAGES

001313

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: 2nd BCT Holding Area
2. DATE (YYYYMMDD): 2003 12 23
3. TIME: 1015
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: [Redacted]
8. ORGANIZATION OR ADDRESS: C3.2.1.6

9. I, [Redacted] EX 6 C3.2.1.6, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

EX 6
3.2.1.6

On Dec 8, 2003 [Redacted] and myself assumed duty at the BHA at 2300 hrs. I noticed that #58 kept pulling his sandbag up so he could look around. He had done this on my previous shift as well. The first time he did it, I had him do "up and downs" for 20 min. A little after that he looked again so I put his hands behind him and cuffed him. I made him do 10 more minutes of "up and downs" I then sat him down and gave him and the rest of the prisoners water. [Redacted] and I gave them water at least twice before putting them to bed at 0100 on 9 Dec 03. After I sat him down he layed on his side and continued to try to pull his mask off to look around. I sat him back up 2 or 3 times until it was time to put them to sleep. At 0100 on 9 Dec 03 we started issuing out the blankets. #58 continued to give me a hard time by talking. I put a blanket on top of him and he finally went to sleep. At or around 0300 on 9 Dec 03 he made a little more noise. I went to check him out and told him to go back to sleep in Arabic. After that we heard nothing. At or around 0830 [Redacted] a soldier from 311th MI came to inform us it was time to wake the detainees up. We began waking them up when [Redacted] informed me he thought a detainee was dead. I came over to assist. [Redacted] checked his pulse and felt nothing. I then told him to go inform [Redacted] and [Redacted] of the matter.

EX 6
C3.2.1.6

EX 6
C3.2.1.6

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 BE INDICATED.

001314

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 BHA DATED 27 Dec 03
Ex 6 C3.2.1.4

9. STATEMENT (Continued)

On the nights prior to his death, #58 would give us problems with looking around pulling his sand bag up. He was briefed by the interpreter on the rules of the BHA and the consequences if any rules were broken. #58 had been there for at least 3 nights prior to his death. I do not know the last time he had eaten because the day shift gives them lunch and dinner meals. We read the SOP about how to treat and handle the detainees. We looked over ^(the sop) and gave over it with my soldiers about a week prior to #58's death.

Nothing Follows [REDACTED] Ex 6 C3.2.1.4

Ex 6 C3.2.1.4

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

001315

Ex 6 C3.2.1.4

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT BHA DATED 23 Dec 03

9. STATEMENT (Continued)

[Large Xed-out area]

Ex 6 C3.2.1.4

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

[REDACTED] 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 23 day of December, 2003 at Ac Glary in Mosul, Iraq

[REDACTED] Ex 6 C3.2.1.4
[REDACTED] Ex 6
ORGANIZATION OR ADDRESS C3.2.1.6

[REDACTED] Ex 6 C3.2.1.4
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] Ex 6 C3.2.1.6

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: AC: Glory in Mosul, Iraq
2. DATE (YYYYMMDD): 2004/12/23
3. TIME: 1030 hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

EX 6 C3.2.1

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

EX 6 C3 2.1.1

Who was involved and the extent of their involvement? It should have been 4x 2/144 ADA soldiers who were tasked to provide the guards for the BHA. B/2-44 ADA had 4x guards on shift 24 hrs a day, who specifically was on shift I do not know.

What happened? On the morning of the 9th of Dec 03 I received a phone call from [redacted] informing me that when the guards woke all the detainees [redacted] did not wake up. He told me they immediately called the medics and the medics later confirmed the detainee was dead. I then informed the [redacted] number that one detainee died and he

told me to get sworn statements and call CID to have them come down to the BHA to conduct an investigation. I had [redacted], the BDE MA LNO, coordinate with CID to have them go down to the BHA. I later arrived at the BHA and had [redacted] and [redacted], two B Co, 311th ME soldiers, move the body - which was already in a body bag - to the DEER to Mortuary affairs. Those two soldiers and some soldiers from B, 2/44 ADA then left to turn the body over to Mortuary Affairs.

Where did it occur? The detainee died while sleeping in the main holding room of the BHA.

How did it occur? I was told that this detainee would not go to sleep, he sat up and refused to lay down, for several hours. He eventually settled down and went to sleep. The next morning, the guards tried to wake him and discovered he was dead.

The who, what, when, how, and why of the matter? This detainee was detained because he was a former body guard of [redacted] who is wanted for financing activities on coalition forces. He had been at the BHA for, I think, 4x days. All detainees are processed into the BHA and asked if they have any medical conditions or take medicine.

10. EXHIBIT: Ex 6 C3.2.1.4
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(1), b(2)

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

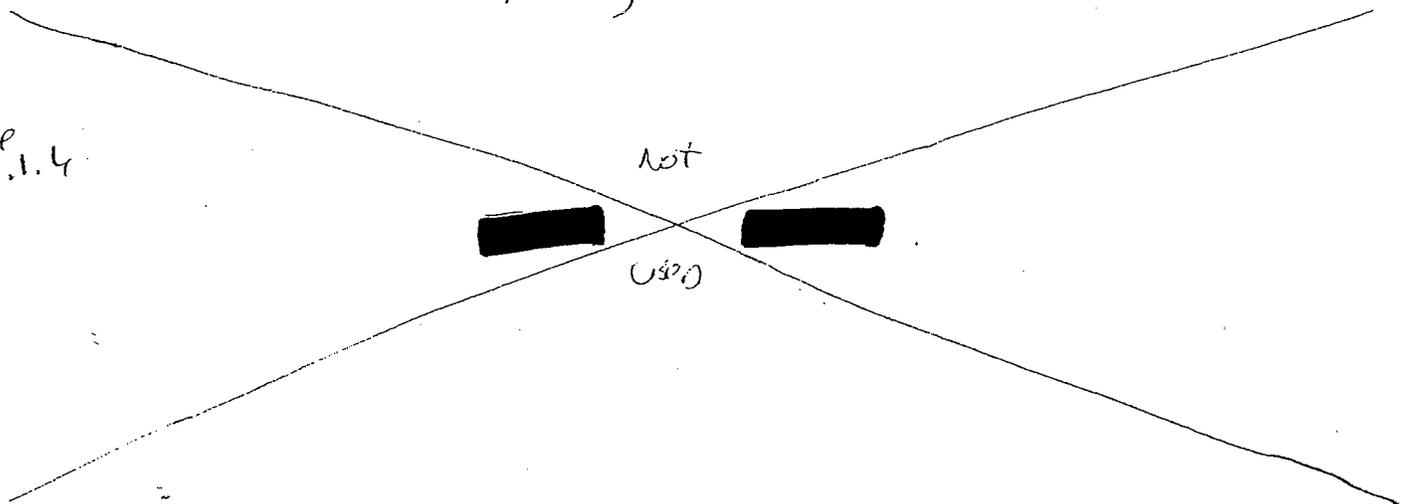
STATEMENT OF [REDACTED] TAKEN AT Ho Chi Minh DATED 2003/12/23

9. STATEMENT (Continued)

This detainee, as far as I know, never mentioned that he took medicine. Each day all detainees are given the opportunity to see a doctor if they please. This detainee never asked to see a doctor. The detainee did have a bag over his head the entire time he was at the BHTA. He also was subjected to P.T. that is: standing up and sitting down rapidly for hours on end. He was fed rice 3x a day and had access to water at all times - All he had to do is wait for it. While sleeping each detainee had a Mink blanket and they would lay 2 to 3 together to keep them warmer. The man holding room had a small heater on to try to keep the room as warm as we could. If he had to go to the bathroom he just asked and a guard escorted him to the latrine. Again, the night the detainee died, I was told, he had time going to sleep and refused to lay down. But eventually he fell asleep. The next morning he was discovered dead. [REDACTED]

As far as I have been told, [REDACTED] and I have never seen any abuse by any of the host guards at the BHTA. They have always been professional in dealing with the detainees. They do yell at the detainees to ensure they behave while in custody but do not abuse them. X X X X X X X X X X X X X X X X

Nothing follows



not

used

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

001318

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Camp Greely, Mosul Iraq DATED 2003/12/23

9. STATEMENT (Continued)

[REDACTED CONTENT]

NOT

USED

xl6
3.2.1.6

xl6
3.2.1.4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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] Ex6
C3.2.1.6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at CAMP GREELY, MOSUL IRAQ

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE] Ex6
C3.2.1.4
(Signature of Person Administering Oath)

[REDACTED] Ex6

[REDACTED] Ex6

ORGANIZATION OR ADDRESS

[REDACTED NAME] Ex6
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

001319

b(4), 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: AO Glory in Mosul Iraq
2. DATE (YYYYMMDD): 20031223
3. TIME: 1010
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted] Ex 6
7. GRADE/STATUS: [Redacted]
8. ORGANIZATION OR ADDRESS: [Redacted] Ex 6 C3.2.1.4
9. C3.2.1.4

76
214
16
32

I, [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Who was involved and what was the extent of their involvement? Two interrogators were on shift and four ADA guards were present.
What happened? Detainee # 672583 died during his sleep.
Where did it occur? The Brigade Holding Area (BHA).
How did it occur? Guards went to wake detainees at approximately 0530L on 9 DEC 03 and he did not wake up.
At 090845L, I returned to the BHA from an overnight meeting at Strike Main. Upon my return, [Redacted] informed me that one of the detainees died. As the OIC, I immediately contacted my Company Commander, [Redacted], a doctor from C-MEDD was already at the site. I contacted CID at DREAR to inform them of the incident. CID arrived at approximately 1000L and conducted their investigation. By the time they arrived, all soldiers involved had completed sworn statements about the incident. 672583 arrived at the BHA on 5 DEC 03. During his initial inprocessing, he claimed no medical problems. Subsequently, during sick call hours (1200) from 6-8 DEC 03, he did not say he was having any problems. As per SOP, detainees are fed three times a day and given water at regular intervals. Additionally, detainees are given extra water upon request.

214

16
32

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.

46
52.1.6
STATEMENT OF [REDACTED] TAKEN AT AO Glory, Iraq DATED 2003/12/23

9. STATEMENT (Continued)

Guards read instructions about detainee treatment before assuming duties at the BHA. They are informed that detainees will not be mistreated or harmed in anyway. The guards sign these instructions and receive verbal reminders daily. The guards from 2-44 ADA were assigned to me as permanent guard force for the BHA on 13 DEC 03. During that time, the guards have always maintained their professionalism and I have had no issues with their conduct at any time. When detainees arrive, they are also given instructions. Detainees are forbidden from talking and must raise their hand to inform guards if they need to use the restroom or if they have medical problems. If they talk or violate other rules, they are subject to corrective training. Corrective training consists of mild calisthenics for 15-20 minutes. Examples of corrective training includes arm raises and "ups and downs", similar to a knee bender. Additionally, all detainees conduct a short PT session daily to keep them warm and to increase circulation and promote a healthy lifestyle. This is not done for harassment purposes. Detainees receive 4-6 hours of sleep per night. They also receive a blanket to sleep with. At the time of the incident, the BHA had over 60 people in the holding area. Due to over crowding, two detainees were placed side by side under the large mink blankets. This also provided additional body heat to keep them warm. 672583 had been at the site approximately 4 days at the time of his death. He did not display any unusual signs or symptoms.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

46
2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Al Glory, Iraq DATED 30/3/12/2003

9. STATEMENT (Continued)

~~Guard~~ [REDACTED] during his stay. Of the 450 detainees that have cycled through the BHA since it became a permanent facility on 13 Nov 03, the average stay for detainees is 10-14 days. 672583 was only on-site four days prior to his death. At no time did he complain of medical problems. Additionally, he did not claim to have any medical problems during his initial inprocessing. ~~the~~
NOTHING FOLLOWS

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 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] Ex 6
C3.2.1.6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at Al Ghazali, Mosul, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6
[REDACTED] (Administering Oath) C3.2.1.6

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6
(Typed Name of Person Administering Oath)
[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Ex 6

PAGE 3 OF 3 PAGES

C3.2.1.6

001322

b(6), b(3)

SECRET REL MCFI

DEPARTMENT OF THE ARMY
BRAVO COMPANY, 311TH MI BN (2BCT)
MOSUL, IRAQ

AFZB-KL-B

9 December 2003

MEMORANDUM FOR RECORD

SUBJECT: Death of detainee

Ex 6
3.2.1.4

1. On or about 090845LDEC03, I returned to the Brigade Holding Area (BHA) at Camp Performance, Iraq. My shift NCOIC, [redacted] and my senior interrogator, [redacted] informed me that detainee # 672583, Abdul Kareem Abdureda Lafta died in his sleep. The guards allowed everyone to go to sleep around 0430L. The detainee did not want to go to sleep, so the guards attempted to have the detainee conduct corrective training. Detainees have a set of rules read to them when they arrive. These instructions are very clear and they are asked if they understand the rules. 672583 was resistant during corrective training, which usually consists of mild calisthenics. He did not complain to guards or ask for any assistance. He went to sleep at approximately 0430. When the guards attempted to wake him up at 0730, he did not wake up. [redacted] checked his pulse and determined that he might not be alive. C-MED personnel were contacted. [redacted] and [redacted] conducted the initial examination and determined that 67283 was deceased.

Ex 6
3.2.1.4

2. 672583 arrived on 5 December 2003. During initial inprocessing, he did not claim to be taking any medication nor did he claim to have any medical ailments. C-MED personnel arrive daily to conduct medical checks on detainees. 672583 did not claim to have any medical problems during C-MED visits from 6-8 December 2003. All detainees are fed three times a day and given water at regular intervals. They are also allowed to sleep a minimum of four consecutive hours each day. At no time was 672583 physically abused or put under any physical duress, other than regular exercise and corrective training. Corrective training lasts no more than 15-20 minutes at a time.

Ex 6
3.2.1.4

3. POC this memorandum is [redacted] DNVT [redacted] or [redacted]

Ex 6
3.2.1.4

[redacted]

Ex 6
3.2.1.4

SWORN STATEMENT

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

b(6), b(7)

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: AO Glory in Mosul, Iraq
2. DATE (YYYYMMDD): 2004/12/23
3. TIME: 10:30 hours
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: Ex 6
8. ORGANIZATION OR ADDRESS: [Redacted]
9. [Redacted] Ex 6 C3.2.1.4

46
3.2.1.4

1. [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On Dec 09 2003 I arrived at the BHA around 04:00. At about 07:30 we began to wake the detainees. I was yelling for the detainees to get up in both english and arabic. I then noticed one detainee that had not responded. I then shook his leg to wake him. Still there was no response so I removed the sandbag that was over his head. The detainee had bloodshot eyes and was not responding so I checked for a pulse. Upon identifying that the detainee had no pulse, I went to inform my NCOIC [Redacted]. He then came with me to check on the detainee. He then proceeded to call a medic. As the medic arrived, she confirmed that the detainee was dead. Myself and [Redacted] then moved the body into a separate room away from the other detainees.

46
3.2.1.4

In the holding area with me was [Redacted] and [Redacted]. We called the medics from the DNVT and it took them about five minutes to respond. When we originally saw the detainee he looked dead. I have been working at the BHA since early November when it opened permanently.

46
3.2.1.4

Nothing Follows

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

46
3.2.1.4

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)

STATEMENT OF [REDACTED] TAKEN AT AO Clergy, Iraq DATED 2003/12/23

9. STATEMENT (Continued)

[Large area crossed out with a large 'X' containing the handwritten words 'Not' and 'Used' and several redaction marks.]

Handwritten notes on the left margin: '3.2.1.4', '3.2.1.4', '3.2.1.4', '3.2.1.4'.

AFFIDAVIT

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)

Ex 6 C3.2.1.4

Ex 6 C3.2.1.4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Clergy in Mosul, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6 C3.2.1.4
[REDACTED] Ex 6

[REDACTED SIGNATURE] (Signature of Person Administering Oath)

Ex 6 C3.2.1.4 APAC

ORGANIZATION OR ADDRESS

[REDACTED] (Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED INITIALS] Ex 6

PAGE 2 OF 2 PAGES

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 AO GLORY, MOSUL, IRAQ	2. DATE (YYYYMMDD) 2003 12 23	3. TIME 1130 HRS	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] Ex 6 C3.2.1.6			

x6
2.1.6

x6
2.1.6

x6
2.1.6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 09 DEC 03, I ARRIVED AT THE BREEDE HOLDING AREA AT 0400 HOURS TO START MY SHIFT. AT ABOUT 0600 [REDACTED] CAME TO THE OPERATIONS OFFICE AND SPOKE BRIEFLY WITH [REDACTED]. THEY BOTH APPEARED CONCERNED ABOUT SOMETHING AND LEFT THE OFFICE, AS THEY EXITED THE OFFICE, I ASKED WHAT WAS WRONG. [REDACTED] TOLD ME TO CALL THE MEDICS. I IMMEDIATELY CALLED BUT COULD NOT GET THROUGH. I ATTEMPTED TO CALL THREE MORE TIMES WITHOUT SUCCESS. I LEFT THE OFFICE AND WENT TO THE ROOM WHERE [REDACTED] AND [REDACTED] WERE. IN THE ROOM WAS THREE SOLDIERS FROM 2/44 ADA AND ABOUT 70 DETAINEES. THE SOLDIERS WERE [REDACTED] AND [REDACTED]. I TOLD [REDACTED] THAT I HAD BEEN UNABLE TO REACH THE MEDICS ON THE PHONE. AT THIS POINT [REDACTED] TOLD ME THAT ONE OF THE DETAINEES HAD DIED. I ASKED WHAT HAD HAPPENED AND THE SOLDIERS TOLD ME THAT THE DETAINEE HAD NOT AWAKEN FROM HIS SLEEP. I ASKED FOR MORE DETAILS AND WAS TOLD THAT WHEN THE GUARDS HAD PUT ALL OF THE DETAINEES TO SLEEP THE NIGHT BEFORE, ONE HAD SET UP AND TALKED. THE GUARD HAD HIM LAY DOWN AGAIN. THE DETAINEE REFUSED TO LAY DOWN SO THE GUARDS HAD LET HIM SET UP AND LEAN AGAINST A WALL. ABOUT AN HOUR LATER, THE DETAINEE HAD FINALLY LAID DOWN, AND ONE OF THE GUARDS HAD COVERED HIM WITH A BLANKET. WHEN THE GUARDS HAD AWAKENED THE DETAINEES IN THE MORNING, HE HAD NOT MOVED. AFTER HEARING THE DETAILS [REDACTED] DECIDED TO WALK TO THE MEDIC STATION. I PROCEED TO THE OPS OFFICE AND CALLED MY CHAIN OF COMMAND TO NOTIFY THEM OF THE SITUATION. ONE OF THE GUARDS CAME AND ASKED ME FOR A KEY TO THE ZFP CUFFS. I TOOK A KEY TO THE ROOM AND REMOVED THE ZFP CUFFS FROM THE DETAINEE. SHORTLY AFTER, THE MEDIC ARRIVED AND WENT TO SEE THE DETAINEE. THE SOLDIERS FROM 2/44 ADA THAT WERE WORKING AT THE BIHA AS GUARDS WERE GOOD SOLDIERS AND I HAD NOT HAD ANY PROBLEMS WITH THEM SINCE THEY HAD STARTED WORKING THERE.

NOTHING FOLLOWS

x6
2.1.6

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.

001327

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT PO GLORY ERAD DATED 2003/12/23

9. STATEMENT (Continued)

[REDACTED]

x6
3.2.1.6

AFFIDAVIT

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at PO Glory in Mosul, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] (Typed Name of Person Administering Oath) Ex 6 C3.2.1.6

[REDACTED] Ex 6
581-9393 Ex 6

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Ex 6 C3.2.1.6

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: AO Glary in Mosul, Iraq
2. DATE (YYYYMMDD): 2003/12/23
3. TIME: 1230
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS:
8. ORGANIZATION OR ADDRESS: Co. EA 6 C3.2.1.6

Ex 6
3.2.1

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

Ex 6
3.2.1

Question #1 Who was involved. I can comment specifically on the medical personnel only. The first provider notified was [redacted]. The medics present were [redacted] and I believe [redacted]. I myself was also notified and involved.

Question #2 I heard a radio call for [redacted] but did not hear a response. After a few minutes I radioed to find out what was needed but got no response. I went to our aid station & learned [redacted] had been notified of something needed at the BHA and had gone there. Then a person from the BHA came in saying that a detainee was dead. I then went to the BHA, met [redacted] ex rate who confirmed there was a dead detainee. I instructed our medics to get a body bag and go to the BHA. I then went to the BHA, did a post-mortem exam, and took some historical info (how the detainee had been behaving/participating/acting up until this time). I made a sworn statement at that time regarding my exam. I called ZICAT about the disposition of the body and sent the body to military affairs.

Question #3 It occurred at the BHA (brigade holding area) in AO Glary.
Question #4

Ex 6
3.2.1

How did it occur. -> I can only guess at an accurate answer to this, based on information I obtained that morning and knowledge of how medical care is provided at the BHA. If indeed, the patient was alert with normal behavior/participation until OAD on the day of his death, and an autopsy did not/does not show a clear cause of his death, I know no common explanation for this sudden change from well to dead. It is possible that his behavior was not normal prior to OAD, but because of the many detainees present his abnormal behavior was not noticed and whatever developing problem he had was not addressed. It is possible that he had a medical problem

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.

001329

b(6), b(5)

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

2.1.1

STATEMENT OF [REDACTED] TAKEN AT Of Camp in Iraq DATED 2003/12/21

9. STATEMENT (Continued)

Known to himself, but not known to our personnel/myself having refused to answer questions on his initial screening or having not given us his medical information. It is also possible that he told us of an existing medical condition when he was screened, but that we did not adequately address his medical problem because I had not developed a medical record system for the detainees. There are many possibilities to explain "how" it occurred - this is only a partial list, but I know of no common cause of sudden death with no pre-existing medical conditions, no previous symptoms and abrupt onset to explain his death at his age. It is certainly possible but extremely unlikely.

Question #5 -

etc

It would be useful to explain how medical care was provided to this and all detainees.

All detainees arriving at the BHA in either one of two states. Either they ~~they~~ arrive in the same condition they were previously in - or their health had been altered by the way they were brought to the BHA/ Detainees. If their health was altered, the issue is addressed as it arrives to the BHA. Otherwise all detainees are interviewed about their health, medications. If a medical problem was identified, a provider was asked to come and address the problem/treat the condition. At that point the detainee is put with the other detainees. On a daily basis, a provider goes to the BHA to do sick call and address any new conditions that have arisen. Problems are identified by soldiers working in the BHA and by detainees making their needs known.

Additional information to question #4

Hypothermia is also a possibility, although his clothing was dry and historically he had not shown any unusual behavior prior to 0400. Also, no other detainees had previously become symptomatic from hypothermia - but it is possible he was hypothermic, symptoms were missed and personnel were unaware. It is possible he was affected by the cold and others were not. The overall condition of

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Ex 6

PAGE 2 OF 3 PAGES

C3.2.1.6

001330

b(6), b(5)

STATEMENT OF [REDACTED] TAKEN AT AO Glory in Iraq DATED 2003-12-23

9. STATEMENT (Continued)

The BITA could have been cold enough to have caused hypothermia. Weeks before, I cannot recall exactly when - but when the weather was turning colder, I requested of the BITA leadership to provide climate control. Specifically doors and windows and space heaters. While a door was placed on the main room - other measures were not taken. When I inquired about this, I was told that according to state six the doors were all we were going to get. I then asked that all the detainees would have some kind of footwear or sandals at least to keep their skin off the cold concrete. Since then, I believe they have not been barefoot. There have been space heaters in the rooms intermittently also.

As for the most likely cause of death (excluding any medical, non-trauma causes) in a man this age and in these conditions I would have to say an infectious disease that would have been missed due to possibilities discussed earlier or from hypothermia - missed due to possibilities discussed earlier.

His exam also has demonstrated a small scalp laceration and hematoma which forces me to entertain trauma as a cause. However it is unlikely to be the case as lesions as small as he had on exam would be very probably not indicate intracranial bleeding.

Ex 4 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 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

C3.2.1.6

[REDACTED] (Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Glory in Mosul, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6 C3.2.1.6
[REDACTED] Ex 6

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Ex 6

PAGE 3 OF 3 PAGES

C3.2.1.6

001331

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 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 AO Glory, Mosul Iraq	2. DATE (YYYYMMDD) 2003/12/23	3. TIME 1320	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] OK	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS
C 3.2.1.4

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

This statement is to augment my sworn statement made this same day. It is an attempt to duplicate the sworn statement made previously to CID on the day the detainee in question died.
 I was notified of a detainee death at the brigade holding area and went to the holding area as described in other statements. At this time I confirmed that the patient was indeed deceased and I did a post-mortem exam. My findings were as follows:
 -- Ulceration on left wrist, radial side, grade II, somewhat circular and 3x3 cm. Impressions from flex cuffs, now removed, remained on the left wrist. These went around the ulcer and were elliptical, present only on the radial side of the wrist.
 -- Ulceration on the right wrist, extensor side, somewhat circular and 2x2 cm. No impressions from flex cuffs. Grade II.
 -- Ulcerations on bilateral ankles, over lateral malleoli, grade II, 1x1 cm.
 -- Ulceration over right fifth metatarsal head dorsal side, grade I, 1x1 cm.
 -- Somewhat linear bullae on medial side of right biceps. 2x0.5 cm, fluid filled.
 -- Occipital laceration 1 cm in length with associated 3x3 cm hematoma.
 -- Multiple faint and small ecchymoses over epigastrium. Total of 8-10 closely grouped together, barely discernable.
 -- The limbs were easily flexible at the time of examination which was approximately 0830 on the day of death.
 -- All measurements were estimated.

[REDACTED] 26 Dec 03

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ 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.

001332

46
3.2.1.4
46
3.2.1.4

b(6), b(13)

#424

CERTIFICATE OF DEATH (OVERSEAS)
Acte de décès (D'Outre-Mer)

NAME OF DECEASED (Last, First, Middle) *Karim Abdul Ridha, Abdul Al*
Nom du décédé (Nom et prénoms)
GRADE - Grade
BRANCH OF SERVICE
SOCIAL SECURITY NUMBER

ORGANIZATION
NATION (e.g., United States) *POTUS*
DATE OF BIRTH
SEX MALE Masculin
 FEMALE Féminin

RACE *Middle eastern*
MARITAL STATUS
RELIGION *Catholic*

NAME OF NEXT OF KIN
RELATIONSHIP TO DECEASED
STREET ADDRESS
CITY OR TOWN AND STATE (Include ZIP Code)

MEDICAL STATEMENT Déclaration médicale

CAUSE OF DEATH (Enter only one cause per line)
unknown
INTERVAL BETWEEN ONSET AND DEATH
6 hours in sleep
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH
ANTECEDENT CAUSES
MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE
UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE
none known

MODE OF DEATH NATURAL
AUTOPSY PERFORMED YES NO
CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES
NAME OF PATHOLOGIST
SIGNATURE
DATE
AVIATION ACCIDENT YES NO

DATE OF DEATH *9 Dec 2003, 1552*
PLACE OF DEATH *Mosul, Iraq*

I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.

NAME OF MEDICAL OFFICER
GRADE
INSTALLATION OR ADDRESS *BCD, Mosul, Iraq Ex 6*
DATE *9 Dec 03*
SIGNATURE
001333
Ex 63.2.1.6

State, disease, injury or complication which

[REDACTED]

**DEPARTMENT OF THE ARMY
BRAVO COMPANY, 311TH MI BN (2BCT)
MOSUL, IRAQ**

AFZB-KL-B

14 November 2003

MEMORANDUM OF INSTRUCTION

SUBJECT: Instructions for guard force assigned to 2nd Brigade Holding Area

1. Purpose. To establish procedures and Rules of Engagement for the Sergeant of the Guard (SOG) and Guard Force assigned to the 2nd Brigade Holding Area (BHA).

2. Overview. The primary mission of the guard force is Force Protection of all workers at the BHA. The secondary mission is to establish and maintain control of the detainees. Firm control and strict regimen will greatly assist interrogators in accomplishing their mission. Firm control, coupled with mental stress, can greatly weaken a detainee's will. However, guards must be cognizant of all applicable laws and regulations. While control is a must, human rights will not be violated. Emotions can run high when people are face to face with the enemy. Self discipline and professionalism will be maintained at all times. **At no time will a member of the guard force inflict bodily harm to an individual unless it is in self defense or defense of other Coalition personnel. Physical contact will be limited to sufficient force to move individuals or regain control of a situation.** The following is a list of responsibilities for different elements operating out of the BHA:

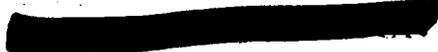
3. BHA NCOIC Responsibilities.

- a. Maintain schedule for detainees.
- b. Provide guard force with office/storage space.
- c. Coordinate meals for guard force in absence of SOG.
- d. Coordinate with SOG for transport of detainees.
- e. Supervise roll call, physical training and all other mass movements.
- f. Pick up food and water for detainees on Mondays and Fridays.
- g. Maintain control of detainees.
- h. Ensure laws and regulations are strictly enforced.

3. SOG Responsibilities.

- a. Supervise guard force.
 - b. Provide logistical support to guards.
 - c. Coordinate for transportation of guards.
 - d. Supervise mass movements.
- [REDACTED]

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- 
- e. Maintain accountability of guard force.
 - f. Ensure proper rest cycle is
 - g. Assist in feeding detainees.
 - h. Maintain control of detainees.
 - i. Ensure laws and regulations are strictly enforced.
 - j. Establish and maintain fields of fire and QRF procedures to ensure safety of Coalition personnel.

4. Guard force responsibilities. The guard force will take all instructions from the SOG, BHA NCOIC and interrogation team personnel (as applicable).

- a. Maintaining visual contact of entire room assigned.
- b. Maintaining good order and discipline in holding areas and interrogation rooms.
- c. Limiting access of unauthorized personnel.
- d. Supervising work details
- e. Providing appropriate mental stress on detainees.
- f. Escorting detainees to latrine and wash facilities.
- g. Ensure laws and regulations are strictly enforced.

5. Rules of Engagement (ROE): The ROE is designed to maintain the safety of both detainees and personnel working at the BHA. All detainees will be treated humanely and provided the basic human needs IAW the Geneva Convention, FM 27-10, FM 19-40 and other related publications. Corrective training may be assigned to a detainee in order to reestablish control over the detainee, in the interest of good order and discipline. Physical labor as corrective training must not exceed two consecutive hours and must be either related to the offense or improvement of living conditions for the detainee. Detainees will maintain living areas within the BHA. Guards working at the facility will use the **minimum amount of force necessary to eliminate the threat. At no time will detainees be beaten or physically harmed in any way.** Weapons status for guards is amber at all time during their tour of duty at the BHA. The following risks are outlined below starting from the least dangerous and ending in the most dangerous:

- a. Disorderly Conduct: In the event an individual detainee becomes disorderly, the guards will immediately subdue the detainee, and contact an interrogator and interpreter working in the BHA. The detainee will be escorted to a separate room, where the interrogator will determine the nature of the problem. If the detainee is calmed down, he will be returned to the general population. If he remains defiant, he will be blindfolded, and sent to a separate room, where he will stay until he becomes calmer.
- b. Escape: If a detainee attempts to escape, the first person that observes the attempted escape will shout, "HALT" or use the appropriate code word of the day. If the detainee does not stop, the guards will shout, "HALT" again. Guards will attempt to stop the detainee using the

[REDACTED]

MINIMUM force necessary to regain control of the detainee. As a last resort, detainee may be engaged with small arms fire. This should be a well-aimed shot with the sole purpose of preventing escape. If a detainee is engaged, the NCOIC will contact Performance Main, the 2 BCT ACT, and the unit to which the guard belongs in order to begin appropriate administrative paperwork and medical treatment. All personnel who witnessed the incident, will prepare sworn statements.

- c. Riots: In the event more than two detainees attempt to escape from the compound, guards will use necessary force (lethal force if required) to regain control of the situation. After the riot ceases, and Coalition Forces regain control, all living detainees will be placed in the holding cells. The detainees will lie on their stomachs facing the wall and guards will be placed at the entrances of the holding cells. Anyone who attempts to get up from the lying position will be restrained, by tying the hands and feet to prevent further disturbance. One interpreter will be with the guards in order to translate instructions in order to avoid confusion. Once order is restored, the BHA NCOIC will then contact Performance Main, the 2 BCT ACT, and the 2 BCT Battle Captain in order to obtain medical support and provide a SITREP to pertinent commands.

- 6. Access: All Coalition personnel are authorized in the administrative (next to operations) room in the BHA. However, unescorted access to holding and interrogation rooms are subject to approval by the BHA OIC or NCOIC. Guards will not allow unauthorized personnel in to the holding areas.

- 6. Communications: All emergency communications at BHA will be FM voice [REDACTED] utilizing vehicle mounted radios or DNVT @ [REDACTED] Ex 6 C3 2.1.6

- 7. POC this memorandum is [REDACTED] or [REDACTED] Ex 6 C3.2.1.4

[REDACTED]
 [REDACTED] Ex 6
 [REDACTED] C3.2.1.6
 [REDACTED]

[REDACTED]

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6 May 2004

C3.2.1.4 Ex 4

MEMORANDUM FOR [REDACTED], HHC, 3BDE, 101st ABN DIV (AASLT)

SUBJECT: Appointment Order

1. I appoint you as an investigating officer to conduct a commander's inquiry into a suspected incident of assault. On or about 29 November 2003 in the vicinity of Husaybah, Iraq, some members of 3rd Platoon, B Company, 3rd Battalion, 187th Infantry Regiment detained an Iraqi male for questioning. Shortly after detaining the Iraqi male, these soldiers took a video of themselves apparently assaulting the detainee. Sometime later, these same soldiers played the video for other members of the platoon. The chain of command has a copy of that video. [REDACTED] has already conducted a commander's inquiry into this incident. His inquiry uncovered sufficient evidence to warrant further investigation at my level.

2. Although this is not an AR15-6 investigation, you will review the guidelines in AR15-6 prior to initiating this commander's inquiry. Additionally, you will contact that Administrative Law section of the OSJA, 101st Airborne Division and Fort Campbell prior to beginning your investigation.

3. You will specifically address the following matters in your investigation:

- a. Review the video. Report on exactly what the video portrays. Positively identify each person in the video, to include the name of the detainee, if possible.
- b. Determine what occurred prior to the filming of the video. Why was the Iraqi male detained? Who detained him? Where was he detained? Was he interrogated at all prior to the filming of the video? Who conducted the interrogation? How long before the video had he been detained? How was he treated prior to the video? When was he flex-cuffed? Develop the facts as thoroughly as you can and report them to me.
- c. Determine what occurred immediately following the filming of the video. Was the detainee struck again? Where was he taken? Who took him there? Did the unit conduct any more interrogation of him? Was the detainee humiliated in any way? Again, develop the facts as thoroughly as you can and report them to me.
- d. Determine how many times the video was played for other soldiers that were not there. For example, the commander's inquiry initiated by [REDACTED] suggests that the video was played for seventy percent of third platoon "just for laughs." How was this done? Was it shown to everyone all at once? Did soldiers see the film two or three at a time? Was it shown repeatedly? Who showed it? Did anyone narrate the video? What did they say? Determine how the video was downloaded and how copies were made. Develop the facts as thoroughly as you can and report them to me.
- e. Determine when the chain of command discovered this incident and what they did to correct it.

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- f. In the course of your investigation, if you uncover any other incidents of detainee abuse or any other acts committed against this particular detainee, thoroughly investigate them and report them to me as well.
4. Begin your investigation by thoroughly analyzing the video. Once you have identified the soldiers directly involved in the incident captured on the video, understand that those particular soldiers may have been interviewed previously during [REDACTED] commander's inquiry. Before you speak with the soldiers directly involved, consult the Administrative Law section to make sure that those soldiers are properly advised of their rights pursuant to Article 31, UCMJ. Additionally:
- a. Interview every member of the platoon that was at the location where the Iraqi male was detained. Thoroughly develop their statements by asking specific questions about their recollection. Include in your report an assessment of whether or not the witnesses are willing or able to recall all of the events of that day.
 - b. Interview every soldier that you believe saw the video. Thoroughly develop their statements regarding anything that was said to them by the soldiers directly involved in the apparent assault.
5. Throughout this investigation, ensure that the testimony of witnesses is properly sworn and documented on DA Form 2823 and that those you suspect of an offense are properly advised of their rights pursuant to Article 31, UCMJ. You should use DA Form 3881 to ensure compliance with this requirement.
6. Expect written findings and recommendations from you by 14 May 2004.

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C3.2.1.6

[REDACTED] EX 6
C3.2.1.6

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DEPARTMENT OF THE ARMY
Headquarters and Headquarters Company, 187th Infantry Regiment
101st Airborne Division (Air Assault)
Fort Campbell, Kentucky 42223

AFZB-KC-HQ

10 May 2004

MEMORANDUM FOR COL [REDACTED] 3d BDE 187th
INF REGT, 101st Airborne Division (AASLT) FTCKY, 42223

SUBJECT: Commander's Inquiry

1. On Thursday 6 May 2004, I was informed by [REDACTED] XO, and [REDACTED] SIA Officer, that I was appointed the Investigating Officer to look into the possible abuse of an Iraqi detainee. The event in question took place on 29 November 2003, in Husaybah, Iraq during an operation supporting OPERATION RIFLE'S BLITZ. This was a combined operation between 3d BN 187 Infantry Regiment and the forces 3d ACR. I reviewed the previous commander's inquiry done by the Battalion, met with Admin Law representative at JAG, and met with the [REDACTED], [REDACTED] to discuss my plan for the investigation and what I would require. EX 6
C3.2.1.6

2. The following are the facts I was able to develop from the video and interviews:

The video is exactly 52 seconds in length. I was able to positively identify three individuals: [REDACTED], [REDACTED], and [REDACTED]. The name of the detainee was not available. No one remembered a name and there was no paperwork completed at the time of detainment. The video itself portrays [REDACTED] conducting his own version of the MTV show "JACKASS". He, [REDACTED], refers to it as "JACKASS IRAQ". It starts off with [REDACTED] using his digital camera asking the detainee and [REDACTED] to wave to the camera. He then turns the camera to himself and states "I am going to punch this guy in the stomach, this is Jackass Iraq." There is an approximate delay in the video from the audio by two to three seconds. Meaning you hear what is going on before it happens on the video itself. At this point you can see [REDACTED] walking into the area around the back side of [REDACTED] while trying to hold the camera with his left hand attempts to punch the detainee in the stomach with his right hand. As he attempts to punch, the detainee moves back and to his right avoiding any straight on hit from [REDACTED]. You can hear [REDACTED] say "Oh he moved, hold up, he's a trickster, we need a camera man." At this point [REDACTED] tries to place the camera on a tree or post and moves around for a better position. [REDACTED] slips in the mud while trying to move around to the other side of the detainee. At this point the camera is still recording and is pointing at the ground. [REDACTED] then takes possession of the camera and is recording. When the camera comes back up [REDACTED] is in the foreground with his back EX 6
C3.2.1.6

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to the camera holding the detainee and [REDACTED] on the far side of the detainee holding him. You can hear moving and shuffling going on. A voice comes across saying "hold him", then what sounds like "hold on, hold on, hold on". At this point the video comes across in front of the detainee. It shows the detainee's face and what appears to be an expression of pain as he is going down to the ground. In the right hand side of the video you can see [REDACTED] standing next to the detainee facing the opposite direction of the detainee and away from the camera. As you play the video in slow motion you can see [REDACTED] elbow comes straight down in between the detainee's shoulder blade. He is no longer paying attention to the camera and is paying attention to the soldiers approaching them. The detainee is helped back up by [REDACTED] by lifting him by the flexi cuffs on his wrists. You can see in the last few seconds of the video where there are two soldiers approaching. I could not identify these soldiers. There are other people in the area due to voices being heard in the back ground. The video doesn't show anyone that can be identified. No one could recollect who it was. At this point the detainee is being lead way by [REDACTED]. His face is noticeably distressed and looks as though he is breathing hard like he had the wind knocked out of him.

EX 6
C3.2.1.6

3. The following are the facts of the detainment based upon interviews of the Platoon members:

a. The situation which led up to the video occurred in the beginning of the Platoon's mission, approximately 30 minutes when the platoon moved out looking for weapons in the area. At this point the Platoon was spread out on line searching for weapons. 2nd Squad being on the far right, 3d squad in the middle and 1st squad to the far left. [REDACTED] and [REDACTED] found an AK-47 and several rounds of ammunition in a plastic bag under a pile of barley. The detainee was approximately 100m away attending some sheep or goats. The platoon interpreter, Aziz, called him over along with the Platoon Leader, [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. The detainee was questioned about the weapons and ammunition and due to his story changing about owning or not owning the weapon and ammunition, the PL with the recommendation from the interpreter that the individual was not telling the truth, decided to detain him and bring him along till they could get him to a vehicle. Since they were no where near any roads to link up the truck designated for holding detainees he was brought along. There was also no initial detainment paper work conducted on the individual. He was flexi-cuffed by [REDACTED] and placed in his custody during the movement.

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b. Several interviews all described the area as rough and broken terrain. There had been recent rainfall and caused the ground to be muddy and difficult to move across. Several people had been falling and slipping during the movement. They

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brought the detainee with them through the area. The visibility in the area ranged from 100+ meters in the open fields to less than 10 meters in the wooded areas. During this time he had fallen at least once and was helped up. He was also being slow and mumbling in Arabic the whole way as described in the interviews. If he was being slow or difficult, the flexi-cuffs would be raised and pushed forward in order to get him moving. The interpreter asked him a few more questions while they were continuing the movement but did not have any success in getting any further information from the detainee.

c. The incident occurred in one of the wooded areas about 45 to 60 minutes after the detainee was taken by 2d squad. The platoon had stopped in order to cut their way through a field fence. At this time it was decided by [REDACTED] to do a short film in order to have fun and relieve some of the tension that had been building up during the mission. Most of the squad had pushed out to provide security while the platoon was waiting to cut the fence and continue movement. [REDACTED] heard something about [REDACTED]'s making a movie but he didn't pay much attention to it and was focused on pulling security for his section. The filming of the video was done with [REDACTED], [REDACTED] and [REDACTED] in the immediate area. [REDACTED] was also not in view of the incident when it happened. Ex 6 C3.2.1.6

d. Once the video was complete the platoon moved through the fence area. Approximately 15 minutes after moving through the fence the Platoon Sergeant told [REDACTED] to take the detainee to the Bradley vehicle waiting at a link up point on the road they were adjacent to. At no time were [REDACTED] and the detainee out of sight of the rest of the squad. [REDACTED] brought the detainee to the Bradley and handed him over to [REDACTED], from the platoon, who had been detailed to guard detainees. The PL and PSG then reconfirmed that the detainee was not providing any further intelligence and was not of any further use. They called up to their commander and requested to release the detainee due to being of no further intelligence value. The decision was made to release the detainee and the PSG cut the flexi-cuffs and released the detainee. The detainee then started walking back in the direction from where he was picked up. He was not seen again and the platoon continued on the mission looking for weapons caches in the area. Ex 6 C3.2.1.6

4. The following are the facts surrounding the viewing of the video prior to it being brought to the attention of the chain of command.

a. It was shown on both [REDACTED] Digital Camera and [REDACTED] Laptop computer.

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- b. It was never shown as a single event to the platoon. It was shown to select individuals who happen to be watching other videos and pictures on [redacted] Laptop computer.
- c. None of the other soldiers took it as a serious incident where [redacted] was actually abusing the detainee. Everyone who saw it thought it was a joke.
- d. It was shown in Husaybah, Al Asad Air Field, Tall Afar, and back at Ft Campbell prior to the command conducting an investigation.

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5. The following are the findings I have been able to determine from my investigation:

a. The first person in the chain of command to discover the video was [redacted] back in Iraq. Initially he thought there was no reason to report the incident to higher due to it not looking serious, he did not hear the audio portion of the video, and he verbally reprimanded [redacted] on the spot when he saw it. It was not until he was shown the video again in the ISG's office around the 27th of March. At first he thought it was a different video and then realized it was the same one he saw back in AL ASAD Airbase. Once the video was in the hands of the Company Chain of Command they immediately brought it to the attention of [redacted] and a commander's inquiry was done at the Battalion level.

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b. During my investigation and interviews I was not able to determine or uncover any other incidents of detainee abuse or any other acts committed against this particular detainee. The platoon and squad had dealt with several other detainees during their mission time in Husaybah, Iraq. The only recommendation to be made on actions with detainees is that the initial detaining unit needs to fill out a detention form with all the available information to the circumstances and reasons of detention. This was not the procedure they had been following. According to my interviews, they would detain an individual and then put him on a vehicle which would take him back to another location to be processed. Understandably units in the field do not always have time to do paperwork on the spot or resources but in this case they could have done it. The optempo of the mission was not going at such a speed that it could not have been accomplished. The other reason for doing paper work on the spot is so when a detainee does make it back to the rear the detention center doesn't have to start paperwork from scratch and the interrogators already have some information and details of detainment in order to start questioning of the individual.

c. After the mission was over. The platoon returned to the base they had been working out of. Several interviews indicated that the video was shown that night on both [redacted] camera and on [redacted] laptop. There are

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discrepancies with statements as to who was exactly there and how many times it was shown. To the best I can determine through interviews the video was shown the night immediately after the mission, while the platoon was staying at AL ASAD airbase in route back to Tall Afar, in the sleep tents at Tall Afar, and once back at Fort Campbell in the Platoon CP and in ██████████'s barracks room. The video was never shown as a specific event where people were called over to watch it specifically. The video was among several that had been taken on missions. The occasions that it was viewed were generally while reviewing other pictures and videos that had been taken on the units missions. Nine soldiers had claimed to have seen the video prior to its discovery by the chain of command and the initial investigation being conducted by the Battalion. The original investigation claimed that seventy percent of the platoon had seen the video. My investigation determined less than fifty percent actually saw it. No one could state specifically, all who had seen it back in Iraq. Many times it was shown people were passing by or stopped briefly to see what other people were watching on the laptops or cameras. Ex 4 C3.2.1.6

d. The times that it was shown people thought it was a joke and that ██████████ was doing something stupid. None of the soldiers took it seriously and did not believe that ██████████ was abusing the detainee. Everyone interviewed that had previously seen the video prior to the initial investigation thought it was a joke and did not take it seriously. ██████████ claims that he saw it while the platoon was in AL ASAD airbase, waiting return to Tall Afar. He watched the video once without the audio being played on it. He claims that upon seeing the video he verbally reprimanded ██████████ about making the video and his flawed decision in what he did. Unfortunately, no one in the interviews can remember ██████████ being present at any showings of the video, nor remembering any verbal reprimand of ██████████. When I re-questioned ██████████ about being reprimanded by the platoon leader he could not remember nor could he say for sure it happened. Several people could not recall specifics of each viewing of the video clip to include exactly where, when and who was there. Ex C3.2.1.6

e. The original title of the video according to ██████████ was "Our first Iraqi prisoner" and that was done by ██████████. ██████████ recalls naming it as "Our Prisoner". The copy which was turned over to me for review and use in the investigation is titled "Our Prisoner (The Smash)". Neither ██████████ nor ██████████ knows how it was renamed. In order to determine the actual name you would need to find all the copies and review the dates on them to see where the name could have been changed. Since the video has changed hands several times and the laptop it was on was not in the sole possession of ██████████ the entire time since the video was made, it is difficult to determine how and when the name was changed. Ex C3.2.1.6

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f. Several copies have been distributed due to people passing folders of pictures and videos around. Pin Drives were shared regularly between computers to share documents and files. Sharing these photos and videos was common among units while in Iraq and after. The video came to the company chain of command by this very reason. [REDACTED] the company training NCO, had down loaded several pictures to his laptop from [REDACTED] back in December 2003. Upon returning to Ft Campbell, he started to review through the folders and pictures and found the video in question. He immediately handed it over to the Company Chain of Command. As far as I can determine the video is on or was loaded on [REDACTED]'s pin drive which is located at his house in California, loaded on [REDACTED]'s desktop computer in his barracks room, [REDACTED] laptop, [REDACTED] laptop, an unidentified laptop in the platoon cp, a CD copy is in the possession of the JAG office and I have one loaded on my laptop to conduct the investigation.

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C3.2.1.6

g. There are no significant discrepancies in the interviews of how or why the individual was detained. There are no other reasons to believe that the detainee was abused or further humiliated while in US Military custody.

h. [REDACTED] mental condition or judgement can be called into question. One of the other NCOs, [REDACTED], said in an interview recalls [REDACTED] was having family troubles while in Iraq and was not sleeping at night and stayed up playing video games. He would then sleep in the day. This was during down time when they were not on missions. Since returning to Ft Campbell and the initial investigation started he has been a self referral to Mental health, claiming he could not sleep and that he felt like he was going to hurt someone. He was placed on suicide watch by his company. He was also enrolled into ADAPC.

EX 6
C3.2.1.6

i. At the end of the video when [REDACTED] hits the detainee in the back with his elbow he is no longer looking at the camera nor is he posing as though it was done for the camera. From my interview with him he was not aware that the camera was still going at the time. He claims that he slipped and bumped into the detainee and they then helped the detainee up. I cannot discern from the last portion of the video where it looks as though he is falling and knocks into the detainee. It looks as though his arm and elbow are deliberately hitting the detainee between the shoulders and knocking him to the ground.

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C3.2.1.6

j. Neither [REDACTED] nor [REDACTED] thought that anything they were doing was wrong. They were doing it as a joke and to relieve tension and boredom from the mission. The fact that this incident was done as entertainment rather than out of malicious reasons still does not change the fact that a detainee under US military custody was abused and publicly humiliated.

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6. Recommend that computers in the company and individual's laptops and desktops identified be reviewed for any further copies of this video and permanently deleted. This will reduce any possible spread or dispersion of the video.

7. There were three individuals I was not able to interview. Two were due to being ETS'd since returning to Ft Campbell. One was on pass over the weekend that I was conducting the interview. I do not believe that these individuals can provide anymore information relevant to this investigation. Since they were not present to the incident in question and if they saw the video prior to the investigation it doesn't change the facts as they already have been determined.

8. I recommend that [redacted] be taken against [redacted] for his actions of misconduct against a US detainee. I recommend [redacted] against [redacted] and [redacted] for assisting in the misconduct of the detainee.

EX 6
C3.2.1.6

b(5)-3
deliberative
process

[redacted]



EX 6
C3.2.1.6

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Interview questions

Incident

What was your mission: CLEARING AREA

What was the mentality of the soldiers like: GOOD SPIRITS

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

What had been the previous detainee actions like:
30-40 TOTAL IN ITUSUBA

When did you detain the individual in question:
EARLY MORNING EARLY MISSION

Why was he detained (circumstances): STORIES NOT RIGHT
Resisting? NO

Who initially detained him:
DONT REMEMBER

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

Who interrogated him: [REDACTED], INTERP

Was any paperwork filled out on him being detained: NO

Did he speak any English: NO

How long before the video had he been detained:

NET STANDARD TO TAKE DETAINEES - TOOK UNTIL THEY COULD
HAD TO PULL THEM ALONG LINK UP w/ VERT
SLOW PACE

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TEK HIM AL - TO SEE IF THEY COULD LET
MAKE INFO UPON REACHING LCP. RELEASED HIM

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How was his treatment prior to and after the video:

MUING BY CUFFS PULLING ALONG

When was he flexicuffed: AFTER DETAINMENT

Who did it

What happened after the video:

Who else was in the immediate area:

Was he stuck again:

Where was he taken:

WENT UP W/ TRUCKS & BRADLEY

Who took him there:

[REDACTED] EX 4
C3.2.1.6

Was there any additional interrogation done:

NONE DONE

Was the detainee humiliated in any other way:

NOT TO HIS KNOWLEDGE

Did anyone say anything to stop it:

Why was he released and how:

NO INTEL VALUE

To your knowledge has there been any other incidents of mistreatment of detainees: NO

001548

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 FTCKY
2. DATE (YYYYMMDD) 2004-05-07
3. TIME 2213
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS Ex 4 C3.2.1.6

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On or about ~~December~~ November 29, 2003 my platoon was charged with clearing the area north of Husaybah. Approximately 30 minutes after we had begun clearing these fields, members of 2nd sqd. found 1 AK-47 and approximately 200 7.62 rounds in a pile of brush. We detained the sheep herder who was approximately 100 yds. away from the AK-47 and began questioning him with an interpreter. I determined, with the aid of the interpreter, that the detainee's story was incongruous and because of this decided to detain the subject for further questioning. He was placed into handcuffs and moved with the platoon until we were able to drop him off with the vehicles. His treatment was normal. We released him after the vehicles arrived at the link-up point. No further questioning occurred and no paperwork was filed. Ex 4 C3.2.1.6
Approximately 7 days later, I witnessed the video on [redacted] computer in Al-Asad the night before we were to return to Tall Afar. Upon witnessing the video, I verbally reprimanded [redacted] calling into question his flawed decision making to video himself on a mission. I left it at that. As I saw the video minus the audio portion, I saw no reason to report the incident to higher command.
The second time that I witnessed the video was back at FTCKY in my ISG's office. This time I was able to hear the audio. Initially I thought it was a different video because the audio portion made the video more serious in nature. My company commander informed me that he was going to inform his command about the video. [redacted]

NOTHING FOLLOWS

10. EXHIBIT Ex 4 C3.2.1.6
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.

001349

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 2213 DATED 07 MAY 04

9. STATEMENT (Continued)

EX 6
C3.2.1.6

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS [REDACTED] 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 7 day of MAY, 04 at HQ 3rd BN 187 INF

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

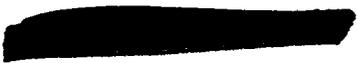
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

EX 6 b(6), b(3)
03.2.1.6



Video

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

SAW IT IN HHS AL ASAD AIR BASE
GUYS HUDDLED AROUND COMPUTER MIX OF GUYS FROM PLATOON
SITTING ON CHAIRS

Who was there and who was not:

Was it shown repeatedly:

Who showed it:

ON [REDACTED] COMPUTER

Did anyone narrate the video:

What did they say:

LT (NO AUDIO WHEN SEEN)
WHAT IS THIS, THIS IS IRRESPONSIBLE

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:

GUYS STOPPED TALKING WHEN PL STARTED TALKING
TO [REDACTED]

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:

DID NOT - FELT THAT IT DID NOT NEED
HIGHER INVOLVEMENT (NO AUDIO)

REPRIMANDED ON SPOT TO [REDACTED]
NO OTHER ACTION

001351

Why didn't you report it:

REPORTED AFTER SITTING IN ISG/CDL OFFICE
THAT HE HAD SEEN VIDEO

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

NO ONE ELSE

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

CO CSR TOOK IT TO BC

Has this incident been discussed to anyone outside of the unit to your knowledge: NO

Why was the video deleted off the computer:

When?

NO OFFICIAL POSSESSION KNOWN

0(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

EX 6
C3.2.1.6

[Redacted content]

AFFIDAVIT

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

[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 _____, _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

001354

EX 6
C3.2.1.6

b(6), b(3)

Interview questions

Incident

What was your mission: AREA CLEANING

What was the mentality of the soldiers like: DECENT / GOOD SPIRITS

How many other detainees had you dealt with that day:

What had been the previous detainee actions like: DEALT WITH SEVERAL / A LOT OF
DETAINEES DURING HUSABA MISSION
TRAINED IN DEALING WITH DETAINEES

When did you detain the individual in question:

AFTER

Why was he detained (circumstances): LYING, CHANGED STORIES

Resisting? NO TAKEN TO SEE IF HE WOULD TALK
GIVE STRAIGHT STORY
DIDN'T GIVE MUCH INFO

Who initially detained him:

(PL) INTERP, [REDACTED] IN AREA

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

Who interrogated him: SOME AT INITIAL

Was any paperwork filled out on him being detained:

NO

Did he speak any English:

NO

How long before the video had he been detained:

1.11.17

b(6), b(3)

How was his treatment prior to and after the video:

When was he flexicuffed:
Who did it

What happened after the video:

Who else was in the immediate area:

Was he stuck again:

Where was he taken:
DSC TAD [REDACTED] TO TAKE HIM TO VEHICLE

Who took him there: EXL, C3.2.1.6
[REDACTED]

Was there any additional interrogation done:

Was the detainee humiliated in any other way:

Did anyone say anything to stop it:

Why was he released and how:
CALLED BTL 6 & ASKED TO RELEASE (PLUS OF
NO INTEL VALUE)

To your knowledge has there been any other incidents of mistreatment of detainees:
NO

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 HQ 3 rd BN 187 INF	2. DATE 7 MAY 04	3. TIME 1316	4. FILE NO.
5. NAME (Last) [REDACTED]	8. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED] EX 6 C3.2.1.4	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 HHC 3rd BDE
101st ABN DIV and wanted to question me about the following offense(s) of which I am suspected/accused: ABUSE OF IRAQI 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:

- I do not have to answer any question or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE [REDACTED] EX 6 C3.2.1.6
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE

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

001357

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 HQ 3RD BN 3-187
2. DATE (YYYYMMDD) 20070507
3. TIME 1400
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS Ex C3.2.1.4
8. ORGANIZATION OR ADDRESS ex C3.2.1.6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
DURING THE INTERVIEW WITH [REDACTED] THE FOLLOWING WAS DISCUSSED THE
DETAINEE IN QUESTION. OUR MISSION WAS TO SUPPORT THE 3 ACR IN THE
CITY OF HUAYHAY TO CAPTURE HVT AND KID THE CITY OF MEDICINE.
WHEN THE SQUAD WAS MOVING ON-LINE IN A WIDE OPEN AREA LOOKING
FOR LAZERS, [REDACTED] AND [REDACTED] HEARD THE PL AND INT-P
CALL THE PL AND SEVERAL MINUTES LATER WHEN A LARGE BUSH PL
[REDACTED] CALLED ME TO THE AREA AND I THEN CALLED THE PL AND INT-P.
THE PL BROUGHT OVER THE PLatoon INTERVIEW (PL DSG MATEL. CPL SPAIN) SEEN
AN IASG GREAT HARDER APPROX 100 METERS AWAY THE INT-P CALLED ME OVER
TO ASK ABOUT THE WEAPONS IN QUESTION. THE INT-P ASKED HIM QUESTIONS
ABOUT THE WEAPONS. AT FIRST THE DETAINEE SAID THE WEAPONS WERE NOT HIS
AND THEN LATER CHANGED HIS MIND AFTER THE INT-P SAID HE WOULD
GO TO JAIL. THE PL WANTED HIM SECURED AND FLEXCUFFED. [REDACTED]
DID THAT. WE BROUGHT THE DETAINEE WITH US (SQUAD). AT THAT TIME I
DID NOT WITNESS ANY MISTREATMENT. THE SQUAD DID NOT DO ANY
PAPERWORK UP ON THE DETAINEE. THE PL, DSG INT-P, AND 2d SGT WERE IN THE
IMMEDIATE AREA I DID NOT KNOW HOW LONG WAS TAKEN BY THE DETAINEE
IN QUESTION. THE DETAINEE WAS NOT MISTREATED OR COMPLICATED IN ANY
WAY THAT I WITNESSED. THE DETAINEE WAS IN THE SQUAD FOR APPROX
15 MINUTES TO 1 HOUR AFTER THAT TIME THE PL AND INT-P ASKED HIM
A COUPLE MORE QUESTIONS AND PL RELEASED THE DETAINEE. [REDACTED]
[REDACTED] CUT THE FLEXCUFFS OFF AT THAT TIME.

Ex 6
3216

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.

001358

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 7 MAY 04

EX 6 C3.2.1.4

9. STATEMENT (Continued)

I DID NOT HAVE ANY KNOWLEDGE OF THE VIDEO UNTIL I RETURNED TO FORT CAMPBELL. UNTIL TWO WEEKS AGO, I WAS INFORMED BY PSG TO SEE THE BC ABOUT THE INCIDENT. THE BC ASKED ME QUESTIONS ABOUT THE ALLEGED ABUSE OF A DETAINEE. I TOLD HIM I HAD NO KNOWLEDGE OF MISTREATMENT AND VIDEO OF A DETAINEE.

Q: [REDACTED] SINCE THE INCIDENT HAS BEEN BROUGHT TO THE ATTENTION OF BN LEADERSHIP WHAT DISCUSSIONS & WHO HAS BEEN TALKING ABOUT THE INCIDENT IN THE SQUAD OR PFT? EX 6, C3.2.1.4

A: [REDACTED], IN GENERAL, NO SPECIFICS IN OPEN DISCUSSION AMONG THE PLATOON. OVERHEARING THAT HE DID NOT USE A CLOSED FIST ON THE DETAINEE AND WAS ONLY A JOKE. [REDACTED] NOTHING FOLLOWS [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

001359

STATEMENT OF

TAKEN AT

DATED

7 MAY 04

b(6), b(5)

9. STATEMENT (Continued)

AP

EX 6
C3, 2, 1, 6

[Large area of the page is crossed out with a large 'X'.

AFFIDAVIT

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

[redacted signature]
(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, 2004 at HQ 3rd BN 187 INF

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[redacted signature]
(Signature of Person Administering Oath)
[redacted name]
(Typed Name of Person Administering Oath)
INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

001360

[REDACTED]

DAVE AT ANTI R LOCATION

EX 6, C3.2.1.6

b(6), b(3)

Interview questions

Incident

What was your mission: RESFRE ORDER TO CITY & SUPPORT 3 ACR

What was the mentality of the soldiers like: COMBAT WHICH FOLLOWED INTO SUPPORT 10 DAYS RUNNING AS EVERY DAY PATROLS EACH DAY SOME STRESS & TIRED EQUAL ACCESS

TO INTERP

How many other detainees had you delt with that day: NONE THAT DAY

What had been the previous detainee actions like:

NO INITIAL HAD 8 DETAINEES ~~2~~ 3 TO 4 DAY PRIOR NONE AFTER 29TH

SEARCH, FLEX CUT A MOVE TO COORDINATED FORT PAPERWORK

When did you detain the individual in question:

NOT AWARE OF DETAINING IN AREA OF CACHE DID NOT FIND OUT TILL RETURN TO FT CAMPBELL ABOUT INCIDENT

DID NOT SEE INCIDENT

Why was he detained (circumstances): HAD SOME GOATS IN IMMEDIATE AREA RESISTING NO WALKING WITH THEM

AMMO & WEAPONS CACHE FOUND RE INTERP & BE TALKED WITH HIM WHILE SQD COVERED AREA

Who initially detained him:

CALLED OVER BY INTERP AFTER CACHE FOUND [REDACTED] DID INITIAL DETAINING AFTER TALKING W/ INTERP

EX 4 C3.2.1.6

(LT) IN AREA AS WELL Was he interrogated at all prior to the film or after:

YES INTERP ASKED HIM ABOUT WEAPONS & AMMO FIRST DENIGED THEN CHANGED MIND AFTER INTERP SAID SOMETHING TO HIM AND SAID IT WAS HIS & IT WAS FOR PROTECTION

Who interrogated him:

PL, INTERP [REDACTED]

Was any paperwork filled out on him being detained:

NOT ON SITE NOT AWARE OF AT ALL

Did he speak any English:

DIDN'T SPEAK ANY ENGLISH

How long before the video had he been detained:

1/2 HR 45 MIN

DETAINED & BROUGHT ALONG WITH SQUAD

INTERP ASSIGNED TO PLATOON [REDACTED] STAYED W/ PL OR PSG

EX 6, C3.2.1.6

001361

45 MIN TO 1 HR TO DETAINEE TIME
DETAINEE HAD MIL STYLE BOOTS ON

b(6), b(3)

How was his treatment prior to and after the video:

DID NOT SEE ANY MISTREATMENT

When was he flexicuffed: AFTER HE CHANGED HIS MIND ABOUT
Who did it [REDACTED] CARRYING WPNS
[REDACTED] HAD HIM WHERE TIME

What happened after the video:

WALKED WITH SQUAD FOR AWHILE & WAS
RELEASED BY PL

Who else was in the immediate area:

PL, PSG, INTERP, & SQUAD,

Was he stuck again:

Where was he taken:

Who took him there:

Was there any additional interrogation done:

PL INTERP & PSG CONTINUED TO ASK HIM QUESTIONS
WHILE MOVEMENT

Was the detainee humiliated in any other way:

DID NOT SEE

Did anyone say anything to stop it:

Why was he released and how:

RELEASED BY PL UNCLIPPED HIM & HE WALKED
BACK TOWARD AREA HE WAS DETAINED

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

NOT THAT HE IS AWARE OF

EX 6
C3.2.1.6

NOT AWARE OF EXISTANCE UNTIL BACK AT
CAMPBELL

Video

WAS NOT PRESENT FOR ANY SHOWINGS OF
When and How many times was the video shown to the platoon: VIDEO

Who was there and who was not:

Was it shown repeatedly:

Who showed it:

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:

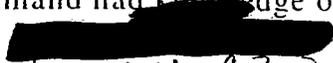
001363

b(6), b(3)

Why didn't you report it:

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

PL INFORMED



DISCUSSED CHARGES

ENL, C3.2.1.4

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: UNSURE

Why was the video deleted off the computer:
When?

CALL PL → XO WHEN NEEDED ASSISTANCE

OR DETAINEE PICK UP

GIVE GRID TO BRING DETAINEE

DROP OFF DETAINEE TO XO/PL & MOVE OUT

CONTINUE MISSION

VIDEO ID

INTERVIEWED BY BC BUT NOT INVESTIGATING OFFICER

001364

RECOGNIZE DETAINEE

b(6), b(3)

██████████ & ██████████ INITIALLY FOUND CASHE
2 AKs & AMMO IN SEALED PLASTIC BAG
UNDER CARPET BRUSH FILE

100m⁺ AWAY W/ 5-6 GOATS

██████████ WAS WITH THEM AT TIME

INITIALLY DIDN'T KNOW SPECIFICS OF INCIDENT
UPON SEEING HIM VIDEO HE RECOGNIZED DETAINEE
& GAVE DESCRIPTION AND DETAILS OF WHAT HE KNEW

001365

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 Headquarter 3 rd BATTALION 157 INFANTRY	2. DATE 07 May 04	3. TIME 1922	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] EN 6 C3.2.1.6	8. ORGANIZATION OR ADDRESS [REDACTED] Fort Campbell KY 42223		
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 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 OF 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:

- 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] EN 6 C3.2.1.6
1a. NAME (Type or Print) i		4. SIGNATURE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE - 101 st ABN DIV
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

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) 2004 05 09
3. TIME 2015
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 understand that you have been interviewed previously about the incident of an alleged assault of an Iraqi detainee near Husaybah, Iraq. I have been appointed to conduct a separate and independent investigation of the alleged assault. I am not using your prior statement as a basis for my questions of you today. Do you understand that? Do you have any questions at all about your Article 31 rights that we just addressed on the DA 3881?"

ON THIS DAY we and my platoon went on a mission in Husaybah and on our way we found a man with a hidden weapon so we detained him and when we were walking we were held up at a fence and to ease the tension we made a movie of our prisoner and in the movie I said this is Jackass Iraq I going to punch this guy but I missed and he moved the camera and a tree and started to rifle when I tried to elbow the guy I fell and he fell then I went back and in the bag I transferred the movie to my pen drive straight from the camera and watched it once and that was the last time I saw it. And at this time other person from my platoon saw it I know this was a stupid idea but I thought I was keeping the moral up and if anyone was not we apologize. And there was no distribution of this tape.

Ex b
C3.2.1.6

Nothing else follows.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED 2004 05 09

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)

STATEMENT OF [REDACTED] TAKEN AT 2015 DATED 05/09/2004

STATEMENT (Continued)

EX 6
C3.2.1.6

Nothing else follows

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)

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 187th INF

[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

PAGE 2 OF 2 PAGES

[REDACTED]

EN6
C3.2.1.4

b(6), b(7)

Interview questions

Incident

What was your mission: LOOKING FOR LANDMINES & WEAPONS CACHES

What was the mentality of the soldiers like: PISSED OFF AT WALKING MEDIOCRE SIGHTS "KEEPING OURSELVES ENTERTAINED"

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

What had been the previous detainee actions like: SEVERAL OTHER DETAINEE IN MISSIONS @ HUSABA,

DIDN'T HAVE TAGS OR DOCS WITH THEM BROUGHT TO TRUCKS WAITING & TURNED OVER

When did you detain the individual in question:

MID-DAY WALKED WITH THEM FOR FORTY MINUTES

Why was he detained (circumstances):

Resisting? NO

Who initially detained him:

[REDACTED] EN6, C3.2.1.4

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

TALKED WITH HIM SHORTLY THEN BROUGHT ALONG TO CONTINUE MISSION EN6, C3.2.1.4

Who interrogated him:

[REDACTED] (INTER), PL OR JSG?

Was any paperwork filled out on him being detained:

TOOK ALONG WITH THEM CAUSE NO MEANS TO GET THEM OUT

Did he speak any English:

NO

How long before the video had he been detained:

30 MIN WAITING TO BREACH CUT FENCE

TREE/POST MOVED AND SLIDED & BLEW INTO HIM
[REDACTED] WAS CALLED AFTER, WASN'T AWARE. CAMERA STILL RECORDING
FELL FORWARD FIRST

b(6), b(3)

How was his treatment prior to and after the video:

TELL A FEW TIMES IN MIND A TERRIBLE
HURT HIMSELF FEW TIMES WHILE WALKING

When was he flexicuffed: AFTER TALKED WITH HIM
Who did it [REDACTED]

What happened after the video: MOVED OVER FENCE
SEARCHED FIELD MOVED DETAINEE TO BRADLEY (Harris)
[REDACTED] & XO DROPPED OFF & KEPT ON WALKING ON
MISSION. DECIDED TO LET HIM GO

Who else was in the immediate area:

HARRIS, GAINES, RIVERA, SQUAD IN AREA
WAITING AROUND TO GET OVER FENCE

Was he stuck again:

Where was he taken:

RELEASED

Who took him there:

[REDACTED]

EX 6 C3.2.1.6

Was there any additional interrogation done:

NOT KNOWN TALKED W/ INTERF [REDACTED] WHILE WALKING

Was the detainee humiliated in any other way:

NO

Did anyone say anything to stop it:

NO ONE IN IMMEDIATE AREA TO STOP IT

Why was he released and how:

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

MADE IT TO BE JOKE, FELT IT WAS FUNNY RAISE
SPIRITS OF SQUAD

001370

LOCATION AT THIS TIME UNKNOWN
DIDN'T KNOW WHO PUT IT ON COMPUTER b(6), b(3)
CLAIMED TO HAVE RIGHT TO PIN DRIVE

Video

When and how many times was the video shown to the platoon: EN6, C3.2.1.6
THE NIGHT AFTER MISSION ON [REDACTED] LAPTOP
ONCE OR TWICE

Who was there and who was not:
"LET A FEW PEOPLE BATH IT" IN AMONGST PLATOON @
HUSABAH 1

Was it shown repeatedly:
WAS NOT DISTR'D TO ANYONE OR SHOWN

Who showed it:

Did anyone narrate the video:

What did they say: LAUGH SAYING IT WAS STUPID
COMMENTARY ON HOW HE MISSED

Was the showing of the video selective to certain individuals:

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

What the demeanor or attitude when the video was being shown:
LAUGHED ABOUT IT CALLED IT STUPID

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke: JOKE NO ONE TOOK
SERIOUSLY OR SAID ANYTHING WRONG ABOUT IT

To your knowledge who has copies of the video:

When did you report it to the chain of command:

FIRST NAME

"OUR PRISONER"

001371

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?

DONE AS JEEZ TO RELIEVE TENSION
NO INTENT TO CAUSE HARM

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 HQ 3rd BDE 1st INF.	2. DATE 7 May 04	3. TIME 17:45	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS Desert Storm Avc Fort. Campbell Ky 42223		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	EXL 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 3 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 <i>(If available)</i> 1a. NAME <i>(Type or Print)</i> [REDACTED]	3. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME <i>(Type or Print)</i> [REDACTED]	5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 st ABN DIV

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

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: HQ 3BDE 3/187 TWIN
2. DATE (YYYYMMDD): 2004 05 07 SRC
3. TIME: 1342 SRC
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: [Redacted]
8. ORGANIZATION OR ADDRESS: INF Fort Campbell KY 42223

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

"I understand that you have been interviewed previously about the incident of an alleged assault of an Iraqi detainee near Husaybah, Iraq. I have been appointed to conduct a separate and independent investigation of the alleged assault. I am not using your prior statement as a basis for my questions of you today. Do you understand that? Do you have any questions at all about your Article 31 rights that we just addressed on the DA 3881?"

On the 29 Nov 03 3rd PLT Bca 3/187 conducted a mission outside of Husaybah we were searching the area for weapons and came upon a pit that seemed to be empty and found an AK and ammo in a plastic bag. close by a man was seated and we called him over to us and the man was his. He started to lie and change his story so we searched him and cuffed him and continued the mission. about 40-45 mins. later the PLT was held up by a fence and needed to be [Redacted] brushed. During that time we made a video clip title "our first Iraqi Prisoner" [Redacted] as a joke for laughs and pretended to hit him in the stomach [Redacted] and myself. After that I walked him to the Bradley crew and turned him over to them. we continued the mission and later that night down we downloaded the file to my laptop and weird IT. The profile that saw it laughed and that was it. We watched it in the sleep area on our cots I didnt know the video had gotten to other people I didnt show people outside the guys that wanted to see it. I deleted the file of the video to make more room on my drive and it wasn't a big deal to me, everyone took it as a joke and laughed about it SRC

Nothing else follows

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 BE INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] §7D, DATED 7 May 04 SRC

9. STATEMENT (Continued)

EN 6
C3.2.1.6

AFFIDAVIT

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

EN 6
C3.2.1.6

[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)
INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

001375

EN4
C3.2.1.4
NOT WOOD PILE 1 AK & SEVERAL BOXES
(150 RDS)

b(6), b(3)

Interview questions

Incident

What was your mission: LOOKING FOR WPNS & HVTS

What was the mentality of the soldiers like: TIRED BUT CONTINUED TO DO JOB

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

What had been the previous detainee actions like: HAD SEEN SEVERAL & TAKE SEVERAL OTHER PEOPLE DETAINED
DID NOT FILL OUT ANY PAPER WORK ANOTHER GROUP SOLDIERS DETAIN TO DEAL W/ DETAINES

When did you detain the individual in question:
AFTER FINDING AK & RDS

Why was he detained (circumstances): HE STATED AMMO WAS HIS & Resisting? NO HE PUT IT THERE BECAUSE HE DIDN'T WANT IT TAKEN BY US FORCES.
CHANGED MIND AFTER OR BEFORE? NOT SURE WHAT STAY WAS FIRST

Who initially detained him:

[REDACTED] PL, INTERP, [REDACTED] QUESTIONED HOW DECIDED HE HAD INFO DETAINED WITH SEARCH & FLEXCOFF (SPREAD BACK BUT CONTINUED MISSION)

Was he interrogated at all prior to the film or after: 20-30 MINUTES INTO MISS
YES BY PL [REDACTED] & INTERP INTERP WHILE WALKING

Who interrogated him: [REDACTED] & [REDACTED] (INTERP)
ARILZ GUTHRIE

Was any paperwork filled out on him being detained:
NONE

Did he speak any English:
NO

How long before the video had he been detained:

45 MINS STRAIGHTLY AFTER 10 MIN
- AFTER BREACHING FENCE TURNED OVER TO BRADLEY CREW
KAM-ENEKTY-CWARD @ BRADLEY
SFC ASHTMAN PRESENT AS WELL

HAS DETAINEE FOR 1 HR

001376

b(6), b(3)

How was his treatment prior to and after the video:

PULLED WRISTS UP BY FLEXY CUFFS TO MAKE HIM
QUICKER HE FELL CROSSING OVER DITCH HELPED UP & KEPT
MOVING

When was he flexicuffed:

Who did it [REDACTED]

What happened after the video:

VIDEO WAS TAKEN WAITING TO CROSS THE FENCE
AFTER HE WAS TAKEN TO BRADLEY

Who else was in the immediate area:

DOESN'T REMEMBER [REDACTED] [REDACTED] [REDACTED] 15-20 m to R.

Was he stuck again:

NO

Where was he taken:

TO BRAD

Who took him there:

[REDACTED]

Was there any additional interrogation done:

NOT AWARE

Was the detainee humiliated in any other way: DOESN'T THINK SO

Did anyone say anything to stop it:

Why was he released and how: DOESN'T KNOW

To your knowledge has there been any other incidents of mistreatment of detainees: NO

EX 4. C3.2.1.4

[REDACTED] SLIPPED DUMPED INTO GUY IN MUD ALSO INTO [REDACTED]

JUST SCREAMING AROUND, SOMETHING TO DO FUNNY
[REDACTED] SWUNG WIDE & [REDACTED] PULLED HIM BACK
DIDN'T OCCUR TO BE INAPPROPRIATE AT TIME
DIDN'T PLAN ON BEATING HIM UP

001377

b(6), b(3)

MAJORITY OF PLT SAW IT

Video

PL MAY HAVE AS WELL AS PSC

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

AFTER MISSION THAT NIGHT IN BAY WHERE THEY WERE STAY
SHOWN ON LAPTOP [REDACTED]
4 TO 5 TIMES TOTAL WAS SHOWN ON LAPTOP

Who was there and who was not:

RANDOM PEOPLE IN SQUAD & PLT

Was it shown repeatedly: NO

Who showed it: ANYONE WHO HAD CONTROL OF COMPUTER

Did anyone narrate the video:

What did they say: LAUGHED ABOUT IT WASN'T ANY BIG DEAL

Was the showing of the video selective to certain individuals: NO

Was the video shown to anyone outside the platoon: DOESN'T KNOW

What the demeanor or attitude when the video was being shown: NO OFFENSE TAKEN BY ANYONE

What was the feelings of the group toward the video: DONE FOR FUN AS JOKE

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: NO ELSE
DOESN'T KNOW HOW IT WAS OFF HIS COMPUTER

When did you report it to the chain of command:

EX 4
3.2.1.6

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: NO

Why was the video deleted off the computer: TAKEN UP SPACE DIDN'T WANT ANYMORE
When? JAN

EXP
C3.2.1.6

[REDACTED] LABELLED THE VIDEO

"OUR FIRST IRAQI PRISONER" FIRST LABEL

OUR PRISONER (THE SWASTH) DOESN'T KNOW WHO LABELLED IT

CLIPPING AROUND

ADMITS IT WAS NOT A SMART IDEA
NOW LOOKING BACK

AFTER SEEING VIDEO & ME POINTING OUT WHERE IT
LOOKS LIKE [REDACTED] HIT HIM HE WILLING TO
SAY THAT HE DIDN'T

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 #433 BATT 2/137 INF	2. DATE 7-MAR-04	3. TIME 15:35	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 1-11C 3RD BDE
101ST ABN DIV AASLT 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] <u>EX 6</u>
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED] <u>C3.2.1.6</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>1-11C 3RD BDE</u>

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