

b(6), b(3)

SWORN STATEMENT

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

LOCATION BSA	DATE 14 OCT 03	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I am the [REDACTED] of transporting EPW's to Jail. On 16 Sept 03
 myself and [REDACTED] transported 4 or 5 EPW's to 1-13 AR.
 When we put the prisoners on the truck they were already zipped
 stripped with there hands behind them. There condition was good,
 one guy was holding his side a little but it didn't look serious. We
 proceeded to 1-13 AR with a 2 1/2 ton truck and a Humvee. I rode in
 the Humvee which was the Lead vehicle when we arrived to 1-13 AR
 there was two siders standing out there. and I went inside to process
 the paperwork as I usually do. [REDACTED] was there, and him and I
 processed the paper work. I was in the building 5 to 10 min. when I
 came out, [REDACTED] already had the prisoners of the truck. The only
 thing I saw unusual that isn't my style is that they had them on
 the ground face first. That's when I let them know that, that wasn't
 my style of doing things. Then they picked them up by there arms
 and put them in a line and walked them in. I didn't notice
 any change to there conditions. I did not see anybody do anything
 cruel or abuse the prisoners in anyway. After that I turned them
 over to [REDACTED] custody.

[REDACTED SIGNATURE]

Nothing Follows

EXHIBIT	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] 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.

001681

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 ____ . 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

[REDACTED]

(Typed Name of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b(1), b(3)

SWORN STATEMENT

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

LOCATION BSA 2-70 Field Trans	DATE 14 Oct 03	TIME 1344	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

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

Q: What was the behavior you saw that was unusual?

A: [REDACTED] had the EPW's on the ground face first when I came out of the building to where I was processing the paperwork with [REDACTED]. That was the only unusual thing I saw.

Q: Did the Detainees prior to transporting have any visible injuries?

A: There was one that was holding his side a little like it was hurting him. But it didn't appear to be hurting that bad cause when we put him in the truck, he didn't make any screams or nothing like that.

Q: Did you notice any injuries upon arrival to I-13 Detainee center?

A: I did not notice any change in the health of the EPW's they appeared to be in the same condition as they were when we loaded them.

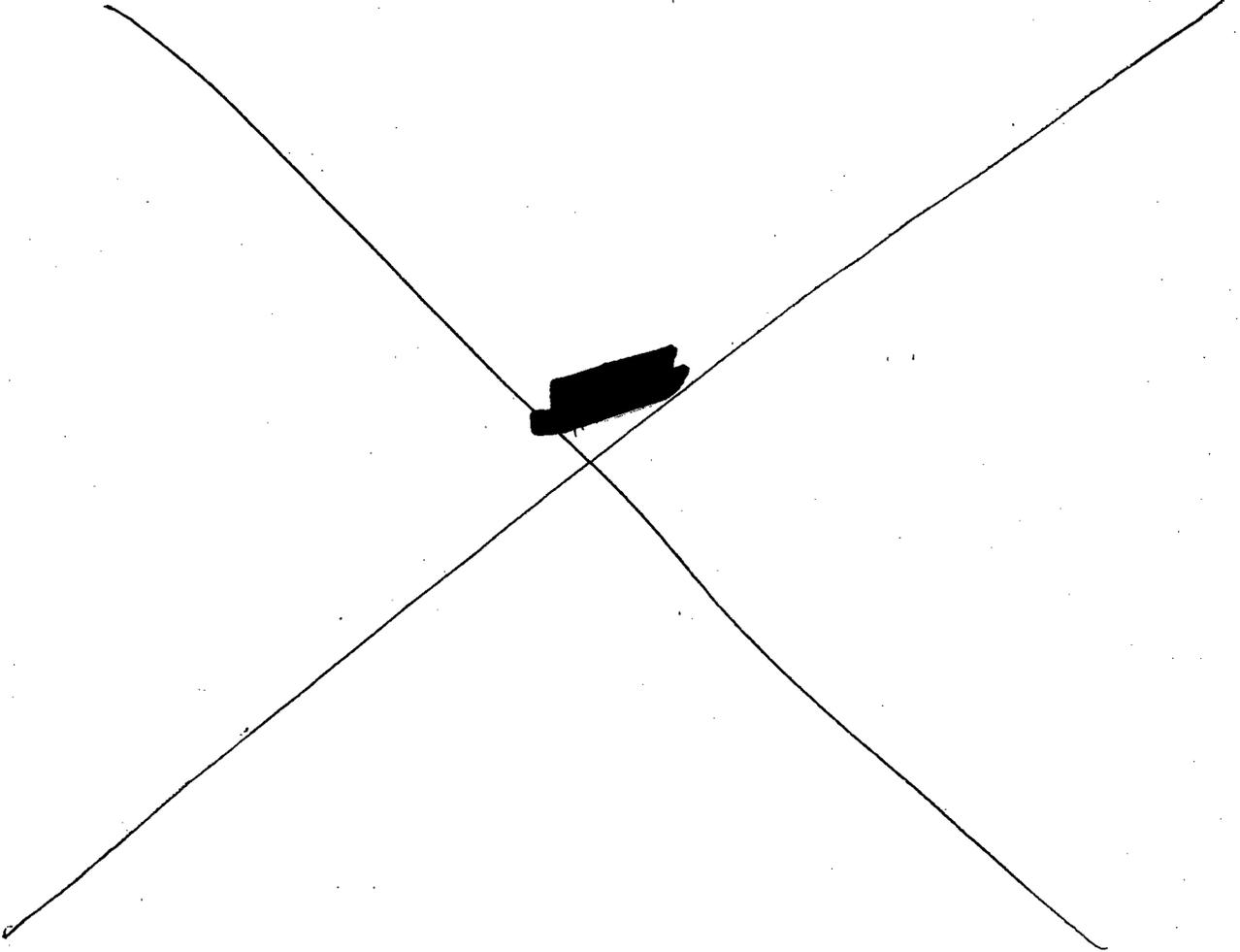
Q: Nothing follows

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.

001683

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 _____. 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 [REDACTED] 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 _____

[REDACTED]

ORGANIZATION OR ADDRESS

(Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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 BSA 270 Field Trans A/Co 41 INF	2. DATE 14 Oct 03	3. TIME 1300 hrs	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
3. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

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

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

- or -

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

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

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

Section C. Non-waiver

I do not want to give up my rights
 I want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

001685

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION 1-13 Prisoner Camp	DATE 15 Oct 63	TIME 1453	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
HOME PHONE OR ADDRESS [REDACTED]			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON or about the 16th ~~of~~ ^{the} ~~day~~ ^{of} ~~the~~ ^{the} 16th of 1963
 My self and other soldiers of [REDACTED] 1/4
 Picked up 4 EPWs from 270 BN HQ we delivered
 the EPWs to 1-13 Prisoner Camp with no incidents

Nothing Follows

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)

Q: Did [redacted] handle the detainees?

A: no

Q: What actions did you see taken place with the detainees upon arrival?

A: The soldiers in the back helped the EPWs down then the EPWs were escorted into the prison

Q: Did you see any personnel who were not apart of your convoy/mission? If so what were they doing?

A: YES But Don't know who they were.

Q: Were the detainees cooperative during transport?

A: As far as I know yes.

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 15 day of October, 19 2003 at [redacted]

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted initials]

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(1), 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 BSA, Baghdad, Iraq	2. DATE 15 Oct 03	3. TIME 1430	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: [REDACTED]

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

001690

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING - Inform the suspect/accused of:**
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. **RIGHTS - Advise the suspect/accused of his/her rights as follows:**
 "Before I ask you any questions, you must understand your rights."
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- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

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SPECIAL INSTRUCTIONS

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION BSA, Baghdad, Iraq	DATE 15 Oct 03	TIME 1330	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OF ADDRESS [REDACTED]			

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

We picked the prisoners up from 2/70 LOC and escorted them to 1/13. Brought them off the device and escorted them into the Jail Building where members of 1/13 took them.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT [REDACTED] 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)

Q: What were your actions with the Detainees at the Detention center?

A: I consolidated them all in an area where they could be escorted to the jail as a whole

Q: Did any of the Detainees become aggressive, or acting uncooperative with your actions? If so, How did you react?

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

[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 October, 2002 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001693

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: BSA, Baghdad Iraq
2. DATE: 15 Oct 03
3. TIME: 1330
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- 1. I do not have to answer any question or say anything.
2. 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.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION <i>Bagdad, Camp Payne</i>	DATE <i>15 Oct 03</i>	TIME <i>14:30</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

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

That on 16 Sept 03 I and my fellow soldiers went to 270 Batt to pick up four CPWs. Then we transported them to 113 Batt unloaded the CPWs, gave them to the people there and that was the mission.

Nothing follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

b(6), b(3)

STATEMENT (Continued)

Q: Did the Detainees cooperate during your ride over to 1-13th Detention Facility?

A: No, But I had to tell them to shut up a few times.

Q: How did you handle these Detainees when you arrived at 1-13th Av? Where carried by One or Two persons off the 2 1/2 ton trucks?

A: It was the people in the back of the truck handed them down to the people on the ground.

Q: Did the Detainees exhibit having any injuries prior to you removing them from the vehicle?

A: No, The Detainees had no injuries while we transported them to 113 Bnft

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 15 day of October, 18 2003 at

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted initials]

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: BSA, Baghdad Iraq
2. DATE: 15 Oct 03
3. TIME: 1430
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- 1. I do not have to answer any question or say anything.
2. 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.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION Baghdad	DATE 15 Oct 03	TIME 14:37	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

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

me and 7 other of my platoon members on Sept 16 went to pick up 4 EPW's at 270th tank Batt and escort them to 1-13 tank Batt. We picked them up and dropped them off with no problems. [REDACTED] asked their receiving NCOIC were the prisoners ok his reply was you guys are square.

Nothing Follows

[REDACTED]

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.

001700

b(6), b(3)

Q: Did the Detainees exhibit having any injuries prior to you removing them from the vehicle?

A: NO

Q: Did the Detainees Cooperate under your custody prior to the delivery to I-BthA?

A: yes

Q: How did you handle these Detainees when you arrived at I-BthA? Were carried by One or Two persons off the 2 1/2 ton truck?

A: TWO people on the truck handling the prisoners down to the people on the ground

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 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 October, 18 2003 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001701

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION BSA, Baghdad, Iraq	2. DATE 15 Oct 03	3. TIME 1335 1335	4. FILE NO.
5. NAME (Last, First, Middle Initial) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator(s) named below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION FTCP	DATE 2003 10 15	TIME 1328	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS
ORGANIZATION OR ADDRESS [REDACTED]			

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

On the day in question we escorted 4 epwis to 113's FOB. We picked up the epwis blind folded and zip tied. we put them in the back of the Duce and drove them down to 113. After we arrived I went to the Soldiers at the front gate and asked them what we should do with the epwis and what the situation was. I returned to the truck where the epwis were unloaded and on the ground. I instructed the soldiers to pick up the epwis and escort them to the prison facility. Once they were inside I gave them to the Interrogators and asked if everything was ok. They said everything was fine and we left.

[REDACTED]

[REDACTED]

Nothing else follows

[REDACTED]

[REDACTED]

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.

001704

b(6), b(3)

STATEMENT (Continued)

Q: Who were the persons/group/unit that Detained the Individuals prior to your transport?

A: 2-70 Ar held them at there POD. [redacted] handed them over to us [redacted]

Q: Did you inspect or find any Injuries on the Individuals prior to transport?

A: No, I didn't inspect them. [redacted]

Q: Who were the individuals riding in the rear of 2 1/2 ton truck? [redacted]

A:

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] (Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 18 2003 at

ORGANIZATION OR ADDRESS

[redacted] (Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 2 PAGES

001705

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: BSA, Baghdad Iraq
2. DATE: 15 Oct 03
3. TIME: 1300
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator stated that he/she is with the United States Army [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused:

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

- 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.

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

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

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

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION FTCP	DATE 15 OCT 03	TIME 1346	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 cen or about 16 Sept 03 at Approximately 1700, [REDACTED] Aco Y41 Inf
 picked up 4 prisoners From Battalion. They were blind folded and
 Z: P stripped when we picked them up. We loaded them in the truck,
 without incident and carried them to 1/3 ArFOB. Upon
 arriving to 1-13, and the tail, we picked up each prisoner
 and walked him off the truck. Two people were on the ground
 to help them off. We laid each prisoner face down on the
 ground until all were unloaded, we then walked the prisoners
 to the detention center. We asked the center guards [REDACTED]
 to check them to make sure we dropped them off unscathed.
 They replied "you guys are square" a positive response.
 we then returned to the FTCP. while walking the
 prisoners to the center I made the statement that one of our
 LT's had lost both eyes and use of his arm and his
 driver lost one of his eyes to IED's. The crime the prisoners
 were arrested for, - Nothing follows

[REDACTED]

[REDACTED]

[REDACTED]

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.

001708

Q: Did any one of your soldiers/ have any problems with the Detainees?
your self

A: Yes, once we got to the prison, one prisoner would not lay face Down, He kept getting up.

Q: Did you or any of your soldiers swear of refer to the Detainees? or Detention Facility personal?

A: Detainees Yes Facility personal NO

Q: What were the actions you took with the Detainee Who would not cooperate?

A: we would call Him back over and eventually Had to Hold Him down By placing a Foot on His back.

Q: Where you the Detaining unit? if not ^{Who was Lec} the Detaining unit?

A: NO. I don't know

Q: Did you Inspect the detainees for Injuries? a quick glance to make sure none was limping or signs of obvious Blood. Did not take Blind Folds off.

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 15 day of October, 2003 at _____

ORGANIZATION OR ADDRESS _____
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

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 BSA, Baghdad, Iraq	2. DATE 15 Oct 03	3. TIME 1346	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator [REDACTED] he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

b(6), b(3)

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

LOCATION FTCP	DATE 25 Sept 03	TIME 1620	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION ADDRESS [REDACTED]			

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

On or About 16 Sept 03 at Approximately 1700. [REDACTED] Aco 1/41 Inf picked up 4 prisoners from Battalion. They were blindfolded and zipstripped when we picked them up. We loaded them in the truck, without incident and carried them to 1-13 AF FOB. Upon arriving to 1-13 FOB, and arriving at the jail, we picked up each prisoner and walked him off the truck. Two people were on the ground to help them off. We laid each prisoner face down on the ground until all were unloaded. We then walked the prisoners to the Detention center. We asked the center guards to check them to make sure we dropped them off unscathed. They replied that "you guys are square". A positive response.

We then returned to the FTCP. While walking the prisoners to the center I made the statement that one of our LT's had lost both eyes and use of his arm and his driver lost one eye to IED's, the crime the prisoners were arrested for. nothing follows [REDACTED]

EXHIBIT	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] 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.

b(6), b(3)

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION FTCP	2. DATE 25 Sept 03	3. TIME 1712	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

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 125 FOO	2. DATE (YYYYMMDD) 20030925	3. TIME 1659	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS [REDACTED]			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On the day in question we escorted 4 Epw's to 113 FOO. We picked up the Epw's blind folded and zip tied. We put them in the back of the Ducee and drove them down to 113. After we arrived I went to the soldiers at the front gate and asked them what we wanted to do with them. Once the prisoners were secured and off loaded I come back. I instructed the soldiers to pick up the Epw's and escort them to the prison facility. Once they were inside I ask if we were all set and if everything was all ok. They said we were fine and we left

[REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

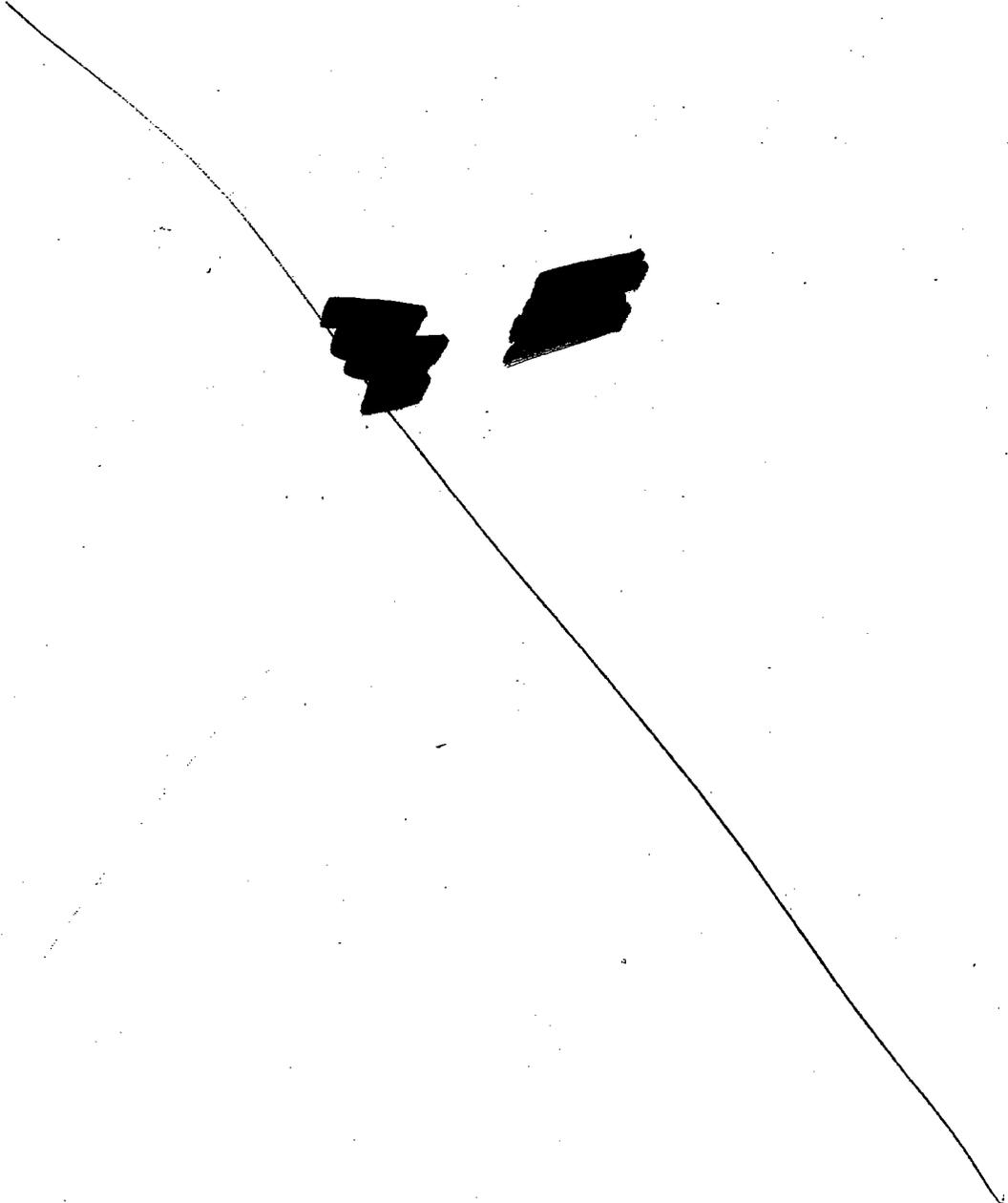
001716

b(6), b(3)

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

STATEMENT OF  TAKEN AT 1600 DATED 25 Sept 03

9. STATEMENT (Continued)



001717

INITIALS OF PERSON MAKING STATEMENT

b(6), b(3)

STATEMENT OF

[REDACTED]

TAKEN AT

1700

DATED

25 Sept 03

9. STATEMENT (Continued)

[REDACTED]

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.

[REDACTED]
(Person Making Statement)

WITNESSES:

[REDACTED]

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

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths)

001718

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

Title 10, United States Code, Section 3012(g)

PRINCIPAL PURPOSE:

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

ROUTINE USES:

Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

1. LOCATION BSA, 3 BCT Baghdad Iraq	2. DATE 25 Sept 03	3. TIME 175L	4. FILE NO.
5. NAME (Last, First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below is with the United States Army

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)	3. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	5. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR [REDACTED]

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(1), b(3)

SWORN STATEMENT

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

LOCATION <i>Baghdad, Camp Payne</i>	DATE <i>25 Sep 03</i>	TIME <i>16:45</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

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

That on 16 Sept 03 I and my fellow Soldiers went to ~~113~~ 270 Batt to pick up four CPW's. Then we transported them to 113 Batt and that was the ~~mission~~ mission.

Nothing follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED 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.</small>		
<small>DA FORM 2823, JUL 72 (EG) SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.</small>		

001721

b(6), b(3)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED] 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 _____, 20 _____ at _____

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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(7)

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 B	2. DATE 25 Sept 03	3. TIME 17:30	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- or -

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

001723

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

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

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

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

b(6), b(3)

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

LOCATION	DATE 25 Sept 03	TIME 1635	FILE NUMBER
LAST NAME, FIRST NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

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

We picked the prisoners up from 2/20 fac and escorted them to 7/13. Brought them off the device and a half and walked them into the jail where American guards met us.

nothing else follows

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

b(6), b(3)

[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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____ at _____

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(3)

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

1. LOCATION	2. DATE 28 Sept 00	3. TIME 16:45	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. _____
SIGNATURE OF INVESTIGATOR

5. TYPED NAME OF INV _____

6. ORGANIZATION OF INVESTIGATOR _____

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

b(6), b(3)

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

LOCATION

Baghdad

DATE

16 Sept 03

TIME

16:00

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I, [redacted] me and 7 other of my platoon members on sept 16 went to pick up 4 EPW's at 270th tank Batt And [redacted] escort them to 1-13 Armor Batt picked them up and dropped them off with no problems. [redacted] asked their receiving NCOIC were the prisoners ok his reply was you guys are square

Nothing follows

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF _____ PAGES

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

b(6), b(3)

FILE

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 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 _____, 20____

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

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(1), b(3)

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

1. LOCATION	2. DATE 25 Sept 03	3. TIME 1710	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- 1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- 2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 - "Before I ask you any questions, you must understand your rights."
 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

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

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

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

b(6), b(3)

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

LOCATION 1-13 Prisoner Camp	DATE 16 SEP 63	TIME 1600	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

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

On or about the 16th at approx 1600 HRS myself along with other personnel picked up 4 EPW's ^{From 270th HP} and delivered them to 1-13 Batt. Prisoner Camp without any incidents.

nothing follows

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

001733

b(6), b(3)

[REDACTED]

AFFIDAVIT

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

[REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____ at _____

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(3)

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

1. LOCATION	2. DATE 25 Sep 03	3. TIME 1740	4. FILE NO.
5. NAME (Type or Print)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)	3. SIGNATURE OF WITNESS
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	5. SIGNATURE OF WITNESS
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

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: 2-70th FOB
2. DATE (YYYYMMDD): 2003 09 25
3. TIME: 1515
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 am the [redacted] of transporting EPW's to Jail. On 16 Sept 03 myself and [redacted] transported 4 or 5 EPWs to 1-13 AR.
When we put the prisoners on the truck they were already zip stripped with there hands behind them. There condition was good. We proceeded to 1-13 with a 2 1/2 truck and a humvee, I was in the lead vehicle which was the humvee. When we arrived to 1-13 AR. There were 2 soldiers standing there and I went inside to process the paperwork with [redacted]. The EPW's were still on the truck. I was in the building about 5 or 10 minutes. when I came out to get the EPWs off the truck, [redacted] already had them off. The only thing I saw that was unusual was that they had them on the ground Face first. That's when I briefed the med that was there. when they picked them up. it was by there arms and the EPW's looked to be in good condition as they was when we loaded them. I didn't see anything cruel or unhuman done to the EPW's. then we put them in a line a walked them into the building. that's when I turned them into [redacted] custody. — nothing follows —

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

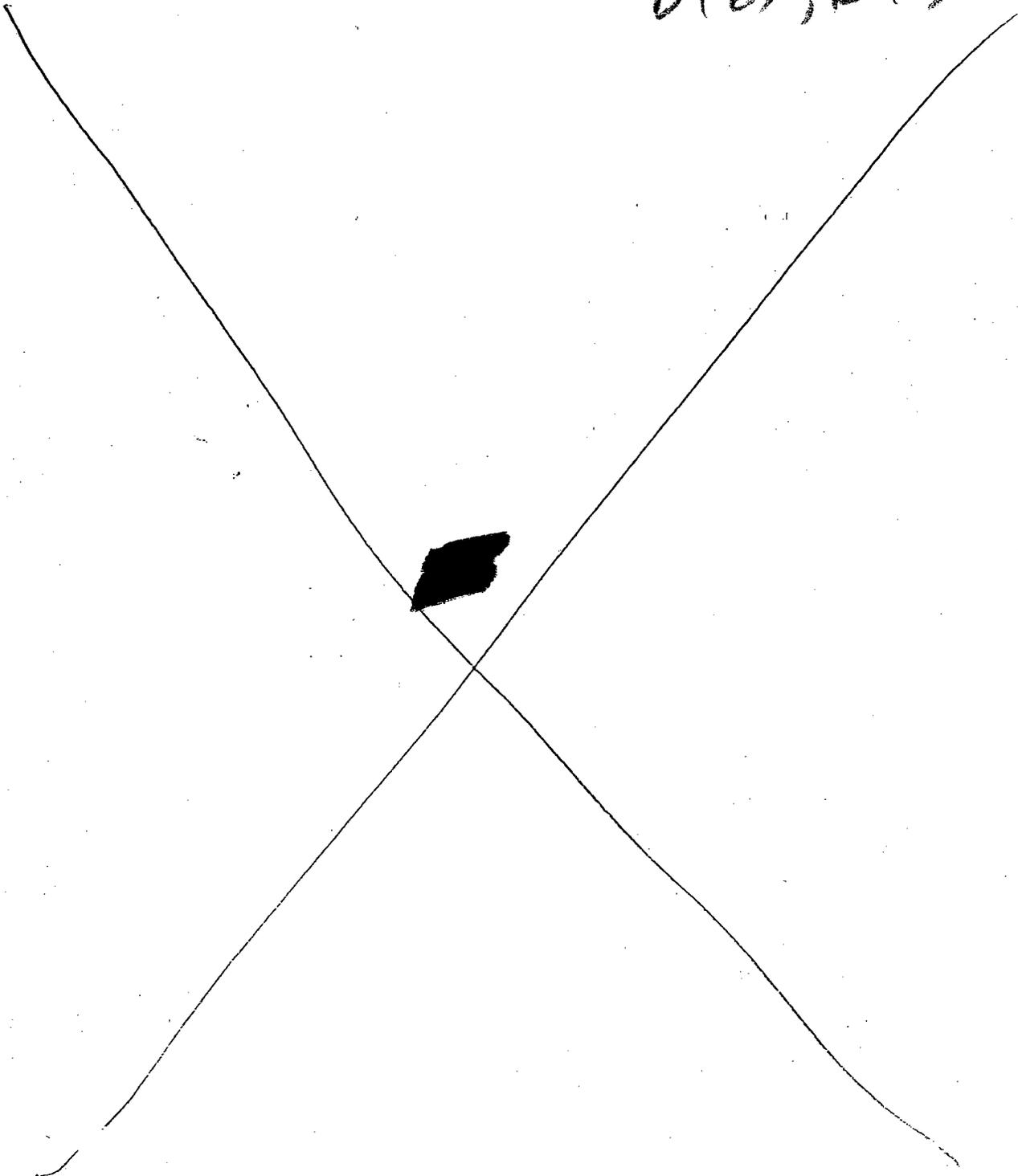
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001737

STATEMENT OF  TAKEN AT 1530 DATED 25 Sept 03

9. STATEMENT (Continued)

b(6), b(3)





INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

b(6), b(3)

[REDACTED]

AFFIDAVIT

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

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of September, 2003

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

(Type or Name of Person Administering Oath)

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

001739

b(6), b(3)

SWORN STATEMENT

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

LOCATION <i>Baqhdad Iraq</i>	DATE <i>25 Sep 03</i>	TIME <i>1650</i>	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS
ORGANIZATION OR ADDRESS [REDACTED]			

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

We were called to go to battalion to pick up EPW's on the evening of the 16 of September 2003. We put the Epa's in the back of the 2 1/2 ton truck. Nobody was mistreat in anykind. We escorted them by the arm and helped them into the truck. We left battalion to take them to 1-13 AR for detainment. When we got there I did not take them out of the truck, because I was on the 240B on the top of the humvee. I downed my gear, walk up to the last guy grabed him by the arm and walked him into the building. What happened between the first guy and the guy I picked up. I don't know. When I took the guy into the building I [REDACTED] gave him to some E-5 and he said I was good and then I left and went back to the humvee. That is all that I did and all that I saw.

Nothing Follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
---------	---	--------------------------

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

b(6), b(3)

Nothing Follows

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]
(Person Making Statement)

WITNESSES:

[REDACTED]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of September, 20 03 at

[REDACTED]
(Oath)

[REDACTED]
(Authority To Administer Oath)

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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(2)

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 Baghdad Iraq	2. DATE 25 Sep 03	3. TIME 1700	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

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

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

- or -

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

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

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

"Do you want a lawyer at this time?"
 (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

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

b(6), b(3)

LOCATION	DATE 25 SEP 03	TIME 1640 hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 on the morning of the 16th September I was ordered to Assist in the escort of 4 E.P.W. The four of the E.P.W. had already been blind folded and zip tied. We picked them up at Britallican and escorted them too 1-13. When we arrived we took the E.P.W. out of the truck. I went to each one and made sure their blind folds were still secured. We then escorted them into a building and the soldiers of 1-13 took over from there. We stayed for a few extra minutes and made sure we were clear to leave and we headed back to our FOB

Nothing follows

EXHIBIT-	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
----------	---	-----------------------

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

001744

b(6), b(3)

36

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 25th day of September, 2003 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION	2. DATE 25 Sep 03	3. TIME 1730 hrs	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

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

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

001746

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

THE WAIVER

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

"Do you want a lawyer at this time?"

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

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

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

SPECIAL INSTRUCTIONS

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

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

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

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

FOR INCRIMINATING STATEMENTS:

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

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

INSTRUCTIONS (Continued)

001747

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) 20030918
3. TIME 2030
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. OFFICE SYMBOL OR ADDRESS
9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 16 SEP 03, AT AROUND 1600 HOURS, I WAS STANDING IN THE DOORWAY OF THE ROOM I USE FOR INTERROGATIONS AT TF 1-13 AR DETENTION FACILITY. THE ROOM IS LOCATED NEXT TO THE DETENTION FACILITY'S GATE. TWO VEHICLES ROLLED IN, A HUMVEE AND A 5 TON TRUCK AND PARKED IN THE COURTYARD, APPROXIMATELY 20M AWAY FROM THE INTERROGATION ROOM. I WENT BACK INTO THE ROOM, WHEN I HEARD SOLDIERS YELLING. I LOOKED OUT THE DOOR TOWARD THE VOICES JUST IN TIME TO SEE A DETAINEE BEING THROWN OFF OF THE 5 TON TRUCK ONTO THE PAVEMENT. THERE WERE FOUR DETAINEES TOTAL IN THE GROUP, ALL OF WHOM WERE BLIND-FOLDED AND ZIP-CUFFED. BY THE TIME I LEFT THE ROOM I WAS IN, ALL THE DETAINEES WERE ON THE GROUND. THREE SOLDIERS WERE TRYING TO TURN THE DETAINEES OVER AND THEY DID IT IN A ROUGH MANNER, KICKING THEM WITH THEIR FEET. I APPROACHED THE SOLDIERS, WHO WERE YELLING AND SWEARING AT THE DETAINEES AND ASKED THEM TO STOP WHICH THEY DID GRUDGINGLY. NOTHING FOLLOWS.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

9. STATEMENT (Continued)

b(6), b(3)

NOTHING FOLLOWS

[REDACTED]

AFFIDAVIT

[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 UNLAWFUL

WITNESSES:

[REDACTED]
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of SEPTEMBER, 2003 at 3BCT FAB BAGHDAD IRAQ

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

001749

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 Task Force 1-13 Detention Facility	2. DATE (YYYYMMDD) 20030919	3. TIME 2140	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION/UNIT/ABSTRACT			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: CB

I witnessed on 16 sept 03 around 1600 hours that 4 soldiers were taking 4 detainees out of the back of a 5-ton. When they took them out they were using excessive force. The detainees were blindfolded and had their hands tied behind their backs. The 4 soldiers threw them to the ground and kicked 2 in the ribs or lowerback.

Nothing
Follows

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

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

STATEMENT OF [REDACTED]

TAKEN AT 2150

DATED 19 SEP 03

9. STATEMENT (Continued)

b(6), b(3)

Nothing

Follows

AFFIDAVIT

[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. CB

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of SEPTEMBER, 2003 at 3BCT FOB

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS
[REDACTED]

ORGANIZATION OR ADDRESS
[REDACTED]

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 2 PAGES

001751

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 TF 1-13	2. DATE (YYYYMMDD) 20030920	3. TIME 1945	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 the afternoon of 16SEP03, I witnessed soldiers beating on four Iraqi prisoners. I witnessed the prisoners being thrown out of the 5-ton vehicle still in handcuffs. I also witnessed the prisoners getting kned in the head and kicked in the ribs. Before this occurred, the soldiers told me to go take a piss or something or to get the hell out of there. I didn't respond and continued what I was doing, and then they said to look away. I didn't look away and they continued to beat the prisoners. Nothing 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 INDICATED.

STATEMENT OF

TAKEN AT

X 3BCT FOB

DATED

8 20 2003

9. STATEMENT (Continued)

b(6), b(3)

NOTHING
FOLLOWS

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)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, on the 20 day of September, 2003.

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(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)

LOCATION

3rd BLT FOB, Baghdad Iraq

DATE

23 Sept. 03

TIME

12:06 HRS

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was sitting in my truck at 1/13th FOB. My vehicle was located at the 1/13th jail cell. I was with my vehicle park on the side of the road, towards the front gate of the jail center. A 5 ton vehicle drove into the court yard with three prisoners. I heard some yelling near the 5 ton vehicle. There were two prisoners on the ground with there arms banded behind their backs. The third prisoner was in the back of the truck with another soldier. The prisoner was push or kicked of the back of the truck. The prisoner landed on his chest. There was more yelling, one of the soldiers kicked a prisoner as he was going to move him. The soldier said "These guys just killed two soldiers." The prisoner where than move towards the jail cell.

Nadhim Sallawa

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 IE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED
 ; "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.

FORM 2823, JUL 72 (EG) SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

001754

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of September, 2003 at

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

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

SECTION I - APPOINTMENT

Appointed by [REDACTED]
(Appointing authority)

on 13 January 2004 (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 Buidling 7824 Fort Riley, Kansas at 1000
(Place) (Time)

on 13 January 24 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at 1700 on 13 FEB 2004
(Time) (Date)
and completed findings and recommendations at 1100 on 04 March 2004
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

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

901756

1710

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

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

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

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

There is no evidence supports any crime committed in reference to Allegation 1. There was ambiguity in [REDACTED] statements to the soldiers in formation, but there is no clear indication he gave the company unlawful guidance in dealing with Prisoners of War.

There is no evidence supports any crime committed in reference to Allegation 2. All Claims of wrong doing were derived from second and third party information.

There is no evidence supports any crime committed in reference to Allegation 3. Nothing indicates that [REDACTED] was firing at the children. Although, he did demonstrated poor judgment when discharging his sidearm, there are no witnesses other than [REDACTED] and the people climbing over the compound wall.

There is no evidence supports any crime committed in reference to Allegation 4. All claims are based on hearsay, nothing substantiates the claim that [REDACTED] assaulted and murdered a child in Iraq.

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

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

No Administrative Punishment or UCMJ should be implemented against [REDACTED] should be counseled and retrained in addressing formations, especially in intense situations and limit the amount of ambiguity in his comments. [REDACTED] should be counseled about discharging his sidearm and the propriety of his choice to discharge it to scare the Iraqis climbing over the perimeter wall into C Company's compound.

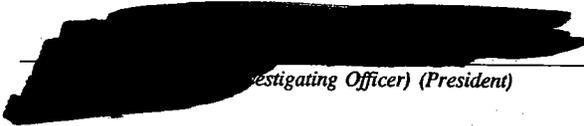
No Administrative Punishment or UCMJ should be implemented against [REDACTED] although he should be counseled regarding his bragging and telling stories and the impact of the rumors he may cause both to himself, unit morale, and the Army.

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

(Recorder)



Investigating Officer (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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



4 MAR 84



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41ST INFANTRY
FORT RILEY, KS 66442

b(6), b(3)

REPLY TO
ATTENTION OF

AFZN-BB-MP(15-6b)

13 January 2004

MEMORANDUM FOR: [REDACTED] 41st Infantry Regiment,
Fort Riley, Kansas 66442

SUBJECT: Appointment as Investigating Officer

1. Reference: AR 15-6, Procedure for Investigation Officers and Boards of Officers, 30 September 1996
2. You are hereby appointed as investigating officer pursuant to AR 15-6 to investigate [REDACTED] and [REDACTED]
3. When possible, all witness statements will be sworn. From the evidence, you will make findings whether you believe there is any basis in fact for the allegations made against [REDACTED] and [REDACTED]. You will make recommendations for corrective action as well as for administrative and/or disciplinary action, if appropriate. If you suspect the soldier has violated any Articles under the UCMJ, you must read the soldier his rights.
4. In your investigation, use informal procedures under AR 15-6.
5. Submit your findings and recommendations on DA Form 1574 to the Battalion XO within 14 days.

[REDACTED]

001760



b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41ST INFANTRY
3rd BRIGADE, 1ST ARMORED DIVISION
FORT RILEY, KANSAS 66442

AFZN-BB-MP

4 March, 2004

MEMORANDUM FOR [REDACTED] 41st Infantry

SUBJECT: 15-6 Investigation of Alleged War Crimes in Iraq during 1-41st Infantry's deployment to Operation Iraqi Freedom (OIF)

Purpose: To determine the validity, if any, of crimes allegedly committed by [REDACTED] and [REDACTED] during the Company's deployment to OIF. On 9 October 2003, [REDACTED] reported the commission of war crimes in Iraq by his Company [REDACTED] and fellow soldiers: Including unlawful guidance in dealing with POWs, firing upon unarmed children, and assault and murder of a child on the perimeter of the Company CP.

1. Background. During OIF C Co. 1-41 IN conducted Combat, Stability, and Support Operations throughout the country including Talil Airbase, Najaf, Nasyria, Karbala, Kifle, As-Samawa, Hillah, and Baghdad.

a. Timeline

- 1) 2 March 2003, C Company 1-41 IN, deploys to Kuwait in support of OIF
- 2) On or about 18 March [REDACTED] and [REDACTED] address the Company about Rules of Engagement
- 3) 21 March 2003, C Company crosses the Iraq border
- 4) 24 March 2003, C Co moves to Talil Air Base
- 5) 24 thru 29 March 2003, [REDACTED] allegedly told [REDACTED] he assaulted an Iraqi child and left him to die on the perimeter
- 6) 24 thru 29 March 2003, [REDACTED] allegedly told [REDACTED] to kill an EPW
- 7) 29 March 2003, C Co moves north to As Samawah
- 8) 2 April 2003 C Co moves to An Najaf
- 9) 5 April Moved to Karbala
- 10) On or about 1 June 2003, C Co moves from Southern FOB back to Kuwait, [REDACTED] fires his sidearm when leaving the compound.
- 11) 22 July 2003 C Co. 1-41 IN returns from OIF

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b(6), b(2)

b. Allegations. Four crimes allegedly occurred during OIF.

1) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] told [REDACTED] 1-41 IN, in formation prior to entering Iraq, not to take POWs and kill all Enemy whether they are fighting, injured, or surrendering. This allegation violates Rules of Engagement as well as the Geneva Conventions.

2) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] told [REDACTED] to kill an Enemy WIA, [REDACTED] reported an Enemy WIA after an engagement. This allegation violates Rules of Engagement, the Geneva Conventions, and constitutes an unlawful order under the Uniform Code of Military Justice.

3) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] illegally discharged his weapon at non-combatants as the Company was leaving their Forward Operating Base (FOB) in Southern Iraq. This allegation violates the Rules of Engagement and the Rules for the use of Force for this operation.

4) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] attacked and killed an Iraqi boy and left his body in the perimeter concertina wire. This action violates Geneva Convention, Rules of Engagement, Rules for use of Force, and constitutes murder under the Uniform Code of Military Justice.

c. Investigation to Date. Two investigations were conducted on the alleged events.

1) [REDACTED] conducted an informal Commanders inquiry, nothing found to support [REDACTED] allegations (Exhibit 3)

2) The Criminal Investigation Division conducted an investigation Completed on 20 NOV 2003. Results were inconclusive, CID found no evidence to either support or deny [REDACTED] allegations (Exhibit 3).

2. Facts bearing on the case

a. Personnel Interviewed:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]

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b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41st INFANTRY
3rd BRIGADE, 1ST ARMORED DIVISION
FORT RILEY, KANSAS 66442

- 5) [REDACTED]
- 6) [REDACTED]
- 7) [REDACTED]
- 8) [REDACTED]
- 9) [REDACTED]
- 10) [REDACTED]
- 11) [REDACTED]
- 12) [REDACTED]
- 13) [REDACTED]
- 14) [REDACTED]
- 15) [REDACTED]
- 16) [REDACTED]
- 17) [REDACTED]
- 18) [REDACTED]
- 19) [REDACTED]
- 20) [REDACTED]
- 21) [REDACTED]
- 22) [REDACTED]
- 23) [REDACTED]
- 24) [REDACTED]
- 25) [REDACTED]
- 26) [REDACTED]
- 27) [REDACTED]
- 28) [REDACTED]
- 29) [REDACTED]
- 30) [REDACTED]
- 31) [REDACTED]
- 32) [REDACTED]
- 33) [REDACTED]
- 34) [REDACTED]
- 35) [REDACTED]
- 36) [REDACTED]

b. Facts

- 1) [REDACTED] addressed the Company Prior to crossing into Iraq, in reference to POWs (Exhibit 38)
- 2) [REDACTED] did ask if [REDACTED] reported 2 KIA, at Talil Airbase, between 24 March and 29 March 2003

b(6), b(3)

- 3) No one within the conversation concerning the KIA vs. WIA can confirm anything more than a misunderstanding over the radio
- 4) [REDACTED] discharged his weapon while leaving the compound located about 50 K south of Baghdad, on or about 1 June 2003
- 5) [REDACTED] admits to telling stories to new soldiers to "keep them on their toes" (Exhibit 37)
- 6) No witness saw [REDACTED] attack a child
- 7) All of these statements were taken three to four months after the incidents occurred
- 8) [REDACTED] statement was taken after he had gone AWOL and the unit had initiated UCMJ Action

c. Assumptions

- 1) Fog of War impact. Many emotions and activities related to upcoming conflicts and during conflicts affect the way soldiers will interpret what they experience.
- 2) Rumors spread in Iraq, stories change, creates individual bias on events
- 3) In Iraq, as in a training environment, radio traffic and interference affect transmissions
- 4) [REDACTED] statements on POWs likely contained some level of ambiguity causing the comprehension to be individually based
- 5) The statements were taken months after the events occurred, therefore variation in the description of events will occur due to time and memory.

3. Analysis.

a. Allegation 1. [REDACTED] admittedly spoke to C Company and addressed the issue of POWs. The perception of the intent of his guidance varies to each of the soldiers interviewed. Some soldiers believed that they were to speed all POWs to the rear and move forward as in Desert Storm (see [REDACTED] Exhibit 6, [REDACTED] Exhibit 7, [REDACTED] Exhibit 9, [REDACTED])

b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41ST INFANTRY
3RD BRIGADE, 1ST ARMORED DIVISION
FORT RILEY, KANSAS 66442

Exhibit 12, [REDACTED] Exhibit 14, [REDACTED] Exhibit 16, [REDACTED] Exhibit 22, and [REDACTED] Exhibit 33). Some soldiers believed they were to shoot to kill not wound (see [REDACTED] Exhibit 8 and [REDACTED] Exhibit 32); this is the intent of combat engagements at the individual level. Some soldiers thought it was permission to kill all Iraqi's civilians, military, POW, WIAs, children, etc (See [REDACTED] Exhibit 3 and [REDACTED] Exhibit 5). Each soldier perceived this differently; the implication is that there was some level of ambiguity as well as the impact of nerves, fear, adrenaline of the upcoming events filtering the speech to meet each soldier's perception (see [REDACTED] Exhibit 16 and [REDACTED] Exhibit 35).

b. Allegation 2. [REDACTED] and [REDACTED] did have a radio conversation in regards to WIA and KIA. [REDACTED] did ask if it was 2x KIA not 1x WIA and 1x KIA. No one who was a firsthand participant in this conversation views the incident as anything more than a misunderstanding brought on by quality of the communications, misunderstanding of speech, and adrenaline effects. These are all issues that arise when reporting over radios. The only individuals who perceived anything else were third part listeners and not all of them believe they heard a crime.

c. Allegation 3. [REDACTED] admits he did fire warning shots when leaving the compound in Southern Iraq (Exhibit 38). None of the statements indicates firsthand knowledge of anything else. Many of the statements are hearsay; therefore do not provide relevant information as to his targets and intent.

d. Allegation 4. [REDACTED] admits to be a braggart and telling stories (Exhibit 37). [REDACTED] is the only person claiming to have been told firsthand that [REDACTED] attacked a child and left him for dead. [REDACTED] did not see the incident. No witnesses saw the incident. [REDACTED] denies the incident occurred. There is no evidence to support that this incident occurred or was more than a young soldier boasting to make a name for himself.

4. Conclusions.

a. There is no evidence supports any crime committed in reference to Allegation 1. There was ambiguity in [REDACTED] statements to the soldiers in formation.

b. There is no evidence supports any crime committed in reference to Allegation 2.

b(6), b(2)

c. There is no evidence supports any crime committed in reference to Allegation 3. Nothing indicates that [REDACTED] was firing at the children. He may have demonstrated poor judgment when discharging his sidearm.

d. There is no evidence supports any crime committed in reference to Allegation 4.

5. Recommendations.

a. No Administrative Punishment or UCMJ should be implemented against [REDACTED]. [REDACTED] should be counseled and retrained in addressing formations, especially in intense situations and limit the amount of ambiguity in his comments. [REDACTED] should be counseled about discharging his sidearm and the propriety of his choice to discharge it to scare the Iraqis climbing over the perimeter wall into C Company's compound.

b. No Administrative Punishment or UCMJ should be implemented against [REDACTED], although he should be counseled regarding his bragging and telling stories and the impact of the rumors he may cause both to himself, unit morale, and the Army.

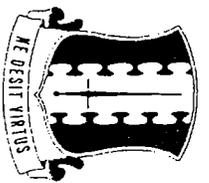
6. Point of contact is the undersigned at 239-4499.

[REDACTED]

001766

1720

Unclassified



3rd Brigade Combat Team

Detainee Cage Operations

OPERATION IRAQI FREEDOM

The Classification Level of this Briefing is:

UNCLASSIFIED // FOR OFFICIAL USE ONLY

001767

1721

AGENDA



2 Overview

Detainee Holding Facility Operations

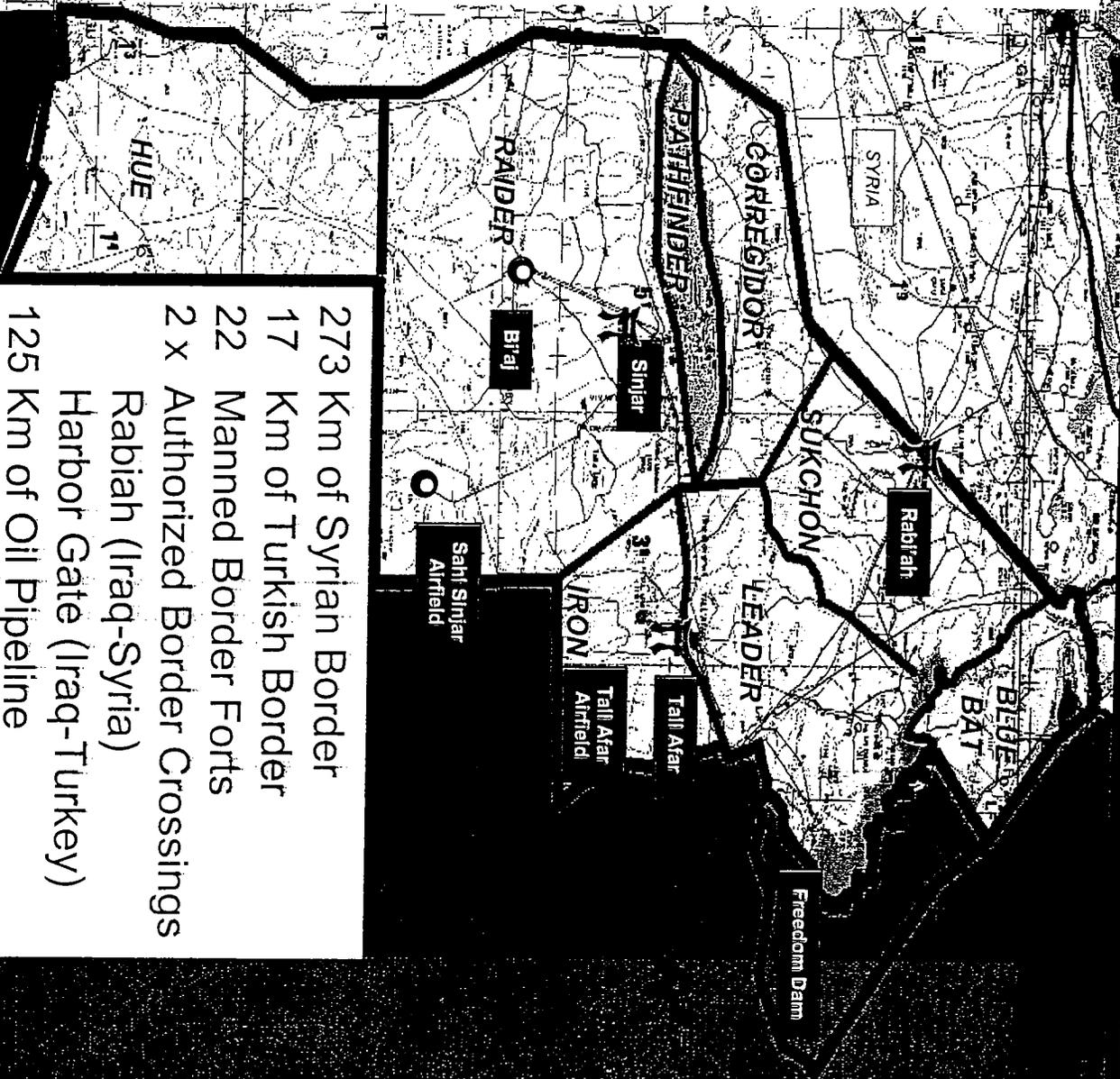
- Detainee Procedures
- Tactical HUMINT Team SOP
- Military Police Holding Facility SOP
- Example Detainee Packets

Lessons Learned

001768

UNCLASSIFIED//FOUO

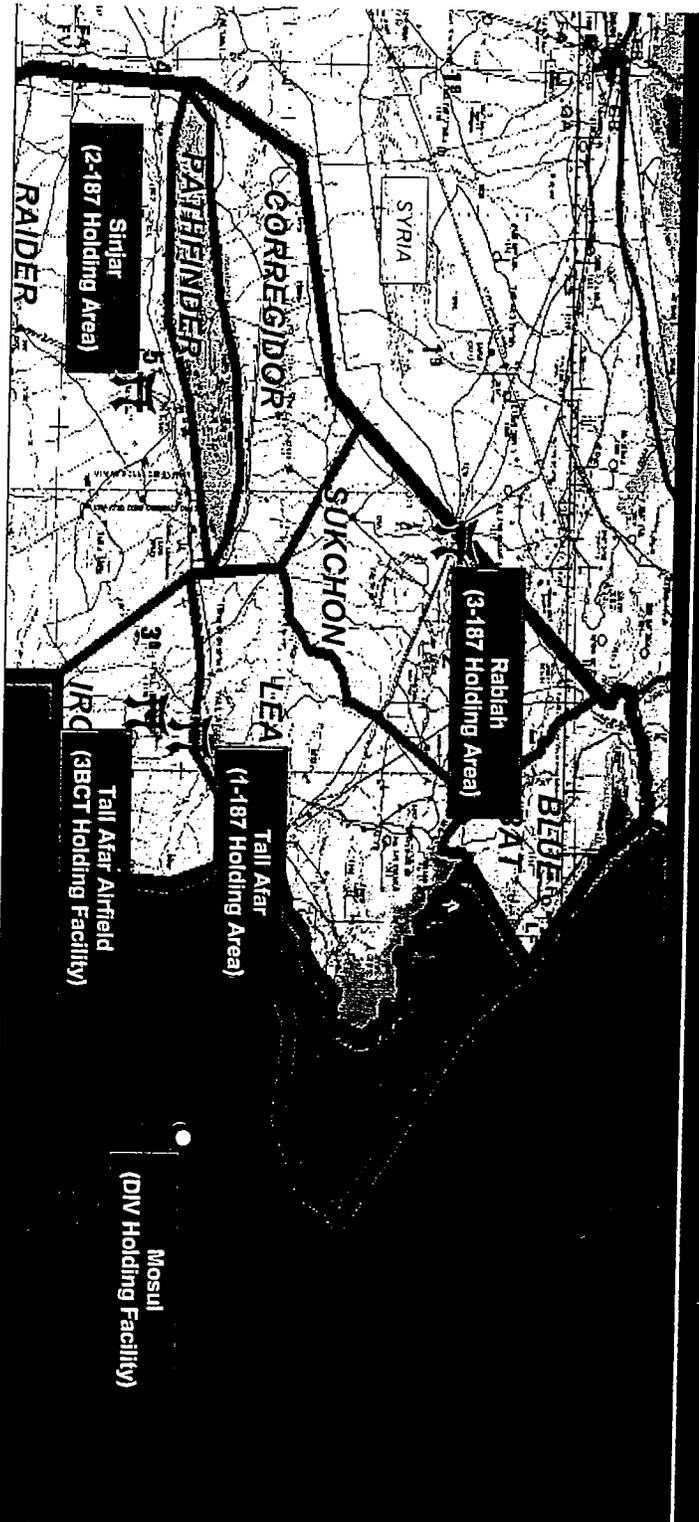
AO RAKKASANI



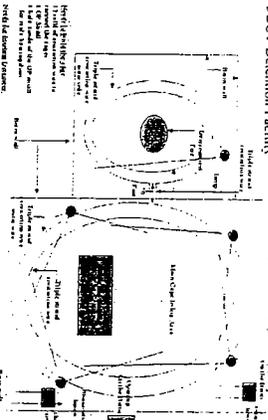
- 273 Km of Syrian Border
- 17 Km of Turkish Border
- 22 Manned Border Forts
- 2 x Authorized Border Crossings
- Rabiah (Iraq-Syria)
- Harbor Gate (Iraq-Turkey)
- 125 Km of Oil Pipeline
- 20,000(+) Km² of Zone

UNCLASSIFIED//FOUO

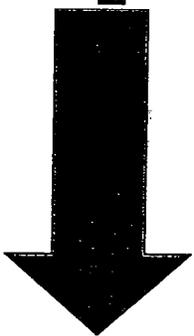
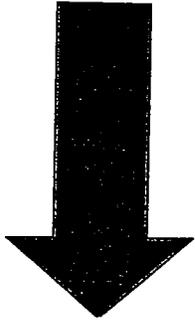
Detainee Flow



3BCT Detainee Holding Facility



101st ABN DIV (AASLT)
Detainee Holding Facility



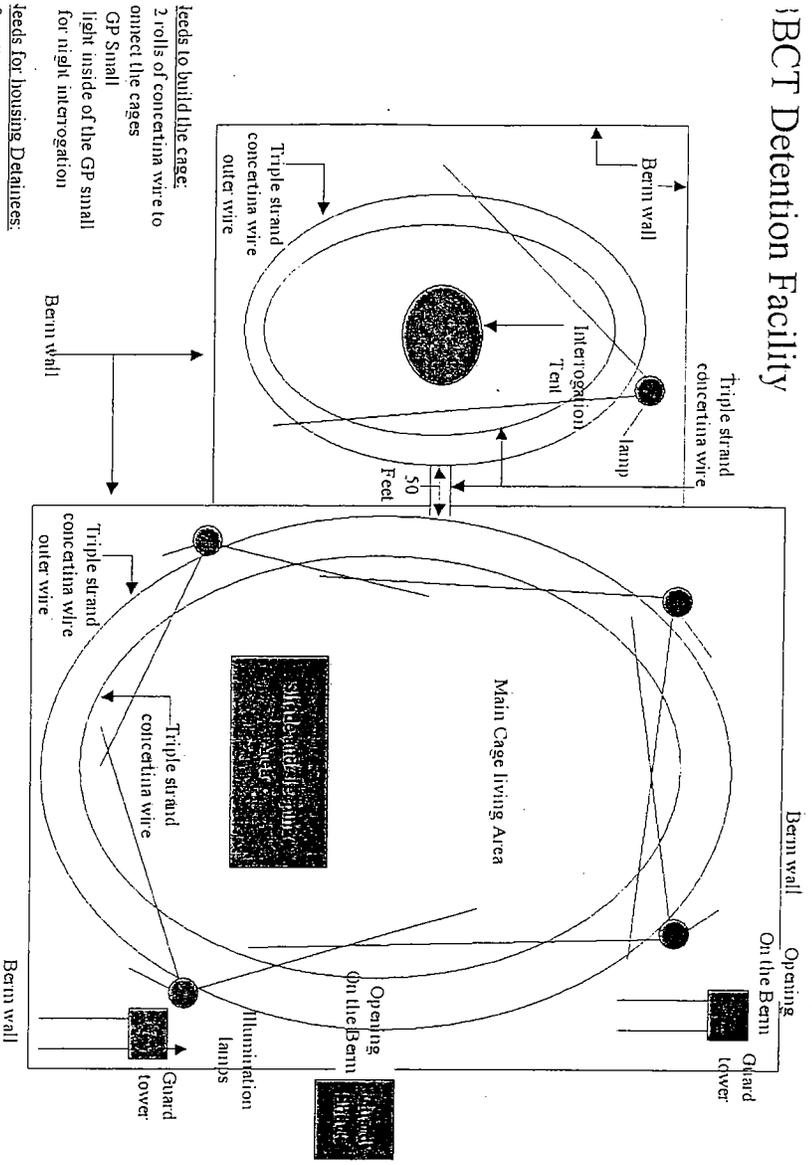
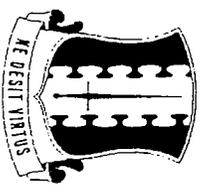
- ag)
- tement)
- riority
- Form
- MP/Medical in-processing
- CI/HUMINT Screening Report
- CIIR Generated
- HUMINT TM Recommendation
- OMT Recommendation
- BCT Staff Recommendation Memo

- Procedures
- MP/Medical in-processing
- CI/HUMINT Screening
- CIIR Generated
- Review Board (G2/G3/SJA/PMO)

UNCLASSIFIED//FOUO

Trainee Holding Facility Layout

BCT Detention Facility



- feeds for housing Detainees:
- 0 mattresses
 - Wood floor
 - 0 wool blankets

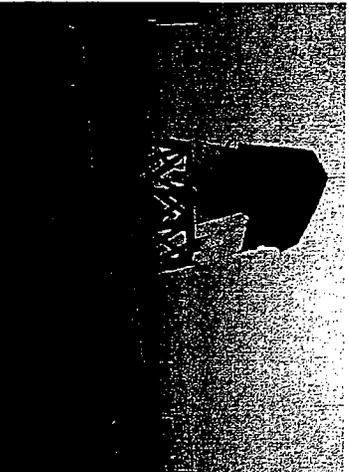
Latrine



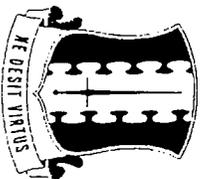
Questioning Tent



Guard Tower



HUMINT TEAM SOP



HEADQUARTERS THE ARMY
CORPORAL GENERAL'S OFFICE
1000 ARMY ROAD
FORT MONMOUTH, NJ 08034-2000

27 July 2003

Each capturing unit has numerous requirements to ensure that the process

Division Provisional Forces Apprehension Form

is filled out ensuring all sections in yellow are complete. The

This area is critical as it allows for precise questioning of

2023 (Sworn Statement) from the soldiers who detained

of the capture/apprehension and the persons involved.

The details of the reasons for the capture and the capture

of capturing unit will inventory the detainee's items, and

Inventory Report. This is only if the unit has a THT present

in EPW Capture Tag (DD2746). This tag must be

accepted in the Brigade Cage

noted with the detainee to the Brigade Cage. The Brigade

these documents are not filled out completely, readily and

pressure bandages over their eyes and within covered

recognition of where they are and to prevent others from

This is both to and from the Brigade Cage. All detainees

interrogation is not authorized at any other location within

to the Cage, the Cage will notify both Assurgan TOC

and the Division TOC (ACTJ581-3111). The ACT will then

Inter Team (OMT) to send a Technical HUMINT Team

to the detainees, if this was not done previously.

off of the CPFAF and DA 2823. The THT will then

and to the Division Cage (Grid LF338718). The THT will

The THT will inspect all the paperwork at that time, ensuring that all the necessary items

- CPFAF
- DA 2823
- Screening report
- DA 4137 of the detainee's items
- EPW Capture Tag (DD2746)

5. Upon verification of the paperwork being complete by the THT:
a. The Brigade Cage will notify Assurgan TOC that the detainees have the proper
paperwork and are able to be transferred.

b. Assurgan TOC will coordinate to have the detainees sent to the Division Cage.
Assurgan TOC will notify the Division Cage (581-0972), attention MSG Robins or MSG Bealy,

that there are detainees en route. They will provide the number, gender, and type of offenses to
either MSG. If an aircraft delivers the detainees, the Division Cage MIPs must be called and

asked to meet the aircraft to transport the detainees.

c. The THT will call the CI Cage (581-9511), and email their reports to the Cage to allow
them time to prepare for the interrogation. This ensures that the MIPs running the cage and the
interrogators within the cage are prepared for the detainees' arrival.

6. Detainees will be delivered to the Division Cage, using a one guard per three detainees.

Unless it involves an aircraft transfer, then the ratio will be one guard per two detainees. A
Mission Complete Report will be submitted to RAK TOC when the delivery mission is

complete.

7. Detainees who are screened at the Brigade Cage and are without intelligence value will be

recommended to RAK 2 for release. RAK 2 will take that recommendation, along with his
recommendation, and present it to RAK 3 or RAK 5 for approval/disapproval. If approved,
RAK TOC will notify Assurgan TOC. The capturing unit will also be notified and be directed
to return the detainee to the point of capture.

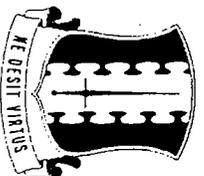
8. The point of contact for this is CPT [REDACTED] 581- [REDACTED] EX 6

CPT, MIP
[REDACTED]
Commanding

UNCLASSIFIED//FOUO

001772

MP PLATOON SOP



MEMORANDUM FOR THE ADJUTANT
GENERAL
THE 1ST BRIGADE, 1ST DIVISION
DATE: 20 September 2003

20 September 2003

Subject: MP Platoon SOP

1. The purpose of this SOP is to provide the MP Platoon with the necessary information to ensure that detainees are treated in accordance with the Geneva Convention. The SOP will

include the following items that could be used as weapons:

• Cell phones or items that could be used as weapons
• Items showing the serials, type, trash bags, binoculars
• Items for severe shoddy, and that they secure food and

• Items that are ready to receive detainees, and to allow the MP Platoon to be able to handle detainees (HTT) of their

• Items that are ready to receive detainees, and to allow the MP Platoon to be able to handle detainees (HTT) of their

• Items that are ready to receive detainees, and to allow the MP Platoon to be able to handle detainees (HTT) of their

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2745 (Capture Tags), and a screening report if detainees came from a battalion with a THIT. If the captured personnel are from a battalion not augmented with a THIT, they will not have a screening report. The Brigade THIT team is responsible for screening these personnel. If the paperwork is missing or incomplete, the detainee will not be accepted into the Brigade Cage and the capturing unit is responsible for guarding the detainees until the corrected paperwork arrives and is approved. The SOG will notify Vulture CP if the paperwork is incomplete.

4. The SOG is responsible for the inventory of all property and evidence that accompanies the detainee, and is required to count any money received with him/her and document that amount on the DA 4137. Once the full inventory is complete, the SOG will sign the property/evidence and property bag, tag and secure it in a locked container. The SOG will ensure that documentation is provided on the DA 4137 for every person that handles the property/evidence, and will inventory the items against the form anytime the evidence is returned. When the detainees are released or transferred to the Division Central Collection Point (DCCP), the evidence and property will be signed over to the transporting unit.

5. The responsibilities of the guards are: adhere to the three General Orders, special instructions, and to silence, segregate, secure and safeguard the detainees. The detainees are not permitted to speak to each other or conduct written communication. They will be segregated according to gender, age, and intelligence value. If there are female or juvenile detainees in the BCP, they will be retained in the alternate detention facility. Also, if the Brigade captures a HVT, they will be separated and kept in the alternate detention facility.

6. The BCP, at a minimum, will have two guards and an SOG. They will maintain 360-degree coverage at all times.

7. Upon arrival of detainees, the unit transporting the prisoners will provide security until they are searched and placed in the living area. Detainees will be removed from the vehicle one at a time by two soldiers and escorted into the reception area. The escort team will then search the detainee. There will be a soldier in overwatch while the detainee is being searched, with his weapon in weapons condition A-number. The escort/search team will wear Kevlar, IBA, and rubber gloves during the search. The guards will wear Kevlar, IBA, and weapon.

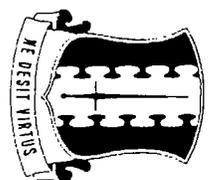
8. Detainees will be medically screened by C/626 FSB in the reception area. Any prescription medication will be maintained and administered by the guards. Should more serious medical problems arise, C/626 will be notified and the guards will transport the detainee to C/626's hanger and provide security until he/she is released back to the BCP.

9. Once the detainees are fully processed and all paperwork completed, they will be identified with hands in front of them, issued a bottle of water, a non-pork or a Hlal MRE (with header and matches removed), a blanket, a mattress and a jumpsuit. After all

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MP PLATOON SOP



the minimum of the guards will return to BSA standard

at least 4 hours before 12 hours after arrival

BCP operations are as follows:

19.

The facility is designed to hold detainees for approximately one week. If a detainee remains in the BCP up to 5 days, he will take a shower under the supervision of a guard in the facility provided for them. A wash station is also provided within the living area of the BCP.

20. Vulture CP will call Rak TOC with a detainee report at 1500 daily with the number of detainees, projected departure time, and any special situations.

21. The POC for this memorandum is the undersigned at Vulture CP.

LT, MP
Platoon Leader

B6

with a guard

move to an alternate holding cage for release

will return to the cage side 20. for changes to CP/CP
inter-operations

requests in the interrogation vent adjacent the BCP

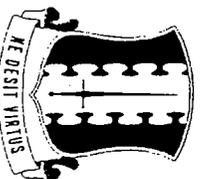
re-intake hostile detainees. If necessary, it results
the detainee moved to the alternate holding cage

interaction with the 3rd and 4th radio

being release or transfer of a detainee, the 3rd is
is a property, security for the detainee as they enter the
the detainee to the next location (if 3rd/4th MP cannot
coordination will be made with the security company)
to departure from the Brigade "3" cage. Detainees en
a one guard per three detainees if traveling in a
lines if traveling by air

arrived, the 3rd must complete DA Form 2700 and
d with the detainee over to the guard unit on a DA
form to the CP/CP and is released back into the
held over to 0311 & 4th

Documentation



DAIENE SCREENING SHEET

Individuals were picked up by the Sinjar police on false accusations.

They were together and captured at the same time under the same false

accusations.

DOB: [REDACTED] POB: [REDACTED] Marital
 Status: Kurdish Education: 5th Grade Religion: Sunni Muslim
 and length in the Barath Party: N/A Current Political
 Party: PDK HQ in Arbil

Detainees after an individual from Sinjar made false allegations
 regarding or possessing weapons to attack the coalition forces. After
 was searched and the only weapons found were 2 AK47. After an
 and interrogation from the Coalition Forces it was determined that
 nothing to do with attacks against the Coalition Forces. It turned
 out the purpose of recuperating an amount of money that they paid for a
 job obtained using the direct approach. Detainee was very helpful and
 police that were doing their job.
 turned to the local police to be released.

Approaches	Location	Interrogator
	Sinjar Range 54	SSG [REDACTED]
	Sinjar Range 54	SSG [REDACTED]

None of how many times the individual has been questioned.

1111 Detainee Recommendations 23 September 2013

OMTI recommends the following detainee to be released to Coalition
 reintegration to the local population:

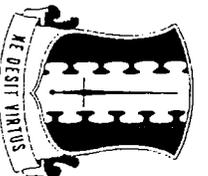
Detainee # (0013740)
 Ali Baba Wehabi
 Detained by 2/187. Suspected of spying and planning attacks against the coalition
 forces, and the point of contact for [REDACTED] group in Bilal.
 Suspected of being a weapons smuggler. After interrogation it became clear that he
 was accused erroneously; accusation was motivated by a family dispute.

[REDACTED]
 SSG/DT, USA
 OMTI

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Documentation



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FORMATION REPORT

Collection and Record Management

CIR 101-311-0029-01-0010/Syrian Intelligence Service
 Collecting Against Coalition Forces
 CIR 101-311-0029-0010

FOUO (For Training Only)
 REL TO UCFT

THF 29
 X-1
 Theater
 Active
 20031202162319
 20031205151430

Counterintelligence HUMINT

Report Details

1. Estemadlungha DIV PIR
 What state-supported and/or international groups pose a
 threat to the emerging government, infrastructure and
 Coalition Forces in the 101 SIAOP? What are their routes to
 infiltrate and exodus?

Syrian Intelligence Service Collecting

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Syrian intelligence and security forces are collecting
 intelligence about Coalition Forces by conducting HUMINT
 collection from Iraqi citizens detained in Syria.

Category of Report
 Requirement Priority Rating

Target (position or facility of organization or other)

Person
 Last Name
 First Name
 Middle Name
 Phonetic
 UPRK
 UPRK

Facility
 Facility Name
 Facility Type
 Description
 Mayor's Office
 Government Office
 Hasika governor's house

Organization
 Organization Name
 Organization Type
 Description
 Syrian Intel Service
 Foreign Government Intelligence Service
 Syrian Intelligence Services Collecting intel on US Forces
 possibly using the Syrian border guard as a front

Location
 Individual Source
 Yes

Reliability of Source
 Source ID Number
 F - Reliability cannot be judged

Information Reliability
 Information Date (YYYYMMDD)
 6 - Truth cannot be judged

Last Date of Acquisition (YYYYMMDD)
 20030821
 20031223

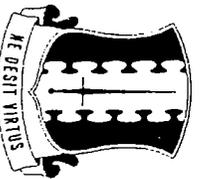
Report
 On approximately 23 August 2003, an individual was
 detained by Syrian security forces in Hasika (Gridcode: 37S
 FASB3414) and questioned regarding Coalition Forces. The
 individual does not remember the exact date of the incident.
 He only knew it was before the 23rd of August because that
 was the date printed on a travel permit he carried in his
 notebook. This individual sells merchandise in Kalamya
 (Gridcode: xxx) after purchase in Syria. The last time he

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Documentation



222100

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Syria was approximately 16 August 2003 to purchase merchandise. After being in Syria for one week, he was apprehended by Syrian border guards and detained in the Marouf's building in Hasaka. The individual was interrogated for approximately two hours by a Syrian security service officer named [redacted]. This is probably a false name. The Iraqi believed that [redacted] was the chief of security for Hasaka. He did not explain why he thought this. The Iraqi citizen was asked by [redacted] about the location of Coalition Forces (CF), asked for names and activities of CF commanders, location of CF living quarters, and questions about the CF main force. He was further questioned about the number of CF civilian guides, informants to the CF, and the names of local PDK members. The Iraqi was asked to provide names and home addresses of interpreters working for CF. He was also presented names and asked if he knew any of them. This person claims he did not know any of the names presented. He also states that he does not remember any of the names given by [redacted]. [redacted] stated that they knew that CF often went to the house of [redacted]. The sheikh of Kalamiya This Iraqi citizen stated to [redacted] that he did not know anything about CF. [redacted] asked him if he visited the home of [redacted] used to be Saddam's counselor in Syria. [redacted] currently lives in the village of Ras Hamra, Syria. The Iraqi did not explain what type of counselor [redacted] was. He stated that he did not visit [redacted] and was accused by [redacted] of being a traitor to Iraq because he did not visit [redacted]. Before being released, this Iraqi was told to return to Syrian security service before departing Syria. The Iraqi fled the country immediately, leaving all his merchandise and not returning to Syrian security. He was contacted later by his cousin who lives in Syria and told that he would be arrested if he returned to Syria. This Iraqi feels his life is in danger, but did not request protection from CF. He was brought to the main gate by another resident of Kalamiya. He is available for recontact. Interviewer complimented J4/DIV/DUAL for coming to the CF, for being a patriot for Iraq and for providing important information. Interviewer explained that CF would contact this Iraqi again and asked if he wanted anything from CF. The Iraqi citizen declined any protection or remuneration.

For Unit Use

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Attachments
Label
Description
File Name

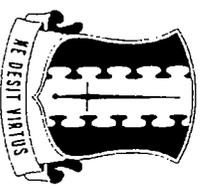
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<input type="checkbox"/> Offense against Coalition Forces [check one] If "Other" then describe: _____			
<input type="checkbox"/> Violation of Curfew	<input type="checkbox"/> Trespass on Military Installation or Facility		
<input type="checkbox"/> Illegal Possession of Weapon	<input type="checkbox"/> Photographing/Surveilling Military Installation or Facility		
<input type="checkbox"/> Assault/Attack on Coalition Forces	<input type="checkbox"/> Obstructing Performance of Military Mission		
<input type="checkbox"/> Theft of Coalition Force Property	<input type="checkbox"/> Other		
Apprehending Unit:		Location Grid:	
Date of Incident: (D/M/Y) / / to / /		Time of Incident: hrs to hrs	
Date of Report: (D/M/Y) / /		Time of Report: hrs	
Detainee # _____		Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Last Name:		Last Name:	
First Name: Given Name:		First Name: Given Name:	
Hair Color: Scars/Tattoos/Deformities:		Hair Color: Scars/Tattoos/Deformities:	
Eye-Color: Weight: lb Height: in		Eye-Color: Weight: lb Height: in	
Address:		Address:	
Place of Birth:		Place of Birth:	
Ethn/Tribe/ Sect:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Phone#: DOB D/M/Y:	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular
Ethn/Tribe/ Sect:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Phone#: DOB D/M/Y:	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular
<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)		
Document #:	Document #:		
Total Number of Persons Involved _____ (list names/identifying info on reverse under "Additional Helpful Information")			
<input type="checkbox"/> Vehicle Information		Vehicle Number _____ of _____ Vehicle(s)	
Owner:			
Make:	Color:	VIN:	
Model:	Type:	Plate No.:	Number of People in Vehicle:
Year:	Names of People in Vehicle:		
Contraband/Weapons in Vehicle:			
<input type="checkbox"/> Property/Contraband	<input type="checkbox"/> Weapon	Photo Taken of Suspect with Weapon/Contraband: Yes/ No	
Type:	Model:	Color/Caliber:	
Serial No.:	Quantity:	Make:	Receipt Provided to Owner: Yes/ No
Other Details:	Where Found:	Owner:	
Name of Assisting Interpreter:		Email, Phone, or Contact Info:	
Detaining Soldier's Name (Print):		Supervising Officer's Name (Print):	
Last, First MI		Last, First MI	
Signature:		Signature:	
Email:		Email:	
Unit Phone:	Date: / /	Unit Phone:	Date: / /

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Documentation



001780

D 12 NOV 03
 or Detainee

Following detainee detained by B/2-187th on 11

Baba Wahabi

lements from 2-187th INF for firing at a US convoy
 s that he fired a shot at a would-be thief, not at
 local policeman who is authorized to carry a

sition Forces did not return fire. Detainee is lying
 trol by Raider 2. US forces did return fire
 b be released

Garrett-Patton, CI/HUMINT section, 581 **EX 6**

[REDACTED]
 CW2, USA
 CI Tech, OMT

ACR/AF 33-105

28 055703

ACR/AF 33-105 THE USA (R) (U) (F) (P) (A)

STRICTLY CONFIDENTIAL - For use only for Recommendation of Release

1. The enclosed packet contains results shown for our recommendation to release the
 following detainee due to no intelligence value (U.S. AF 93A)

and 2. Name of First Initial Last Name

Please review and provide feedback

Initials	First	Last	Comments
BABA	Wahabi	Abdullah	AF 93-1 055703
BABA	Wahabi	Abdullah	AF 93-1 055703
BABA	Wahabi	Abdullah	AF 93-1 055703
BABA	Wahabi	Abdullah	AF 93-1 055703
BABA	Wahabi	Abdullah	AF 93-1 055703
BABA	Wahabi	Abdullah	AF 93-1 055703

2. The form for the return submit to (U.S. AF 93A)

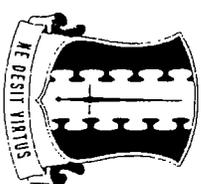
EX 6

- 1. Form 1
- 2. Detainee Submission for Record
- 3. Screening Report
- 4. OIA Form 1137
- 5. OIA Form 1138
- 6. Condition Provisional Endorsement
- 7. Forces Apprehension Form

[REDACTED]
 AF 93-1 055703

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TTPs & Lessons Learned



etermining Truth from Fiction

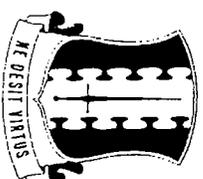
182100

ON: Personal Vendettas against different c groups caused influx of bogus reporting from rogators and S2's created litmus test before acting orts. However, once you found someone giving info ir own clan/ethnic group (Kurd on Kurd or Arab on aport by itself held more weight.

ENDATION: Tactical patience is critical when taking etain host nation personnel during SASO. It's more an a Science, and usually learned after the unit w mistakes.

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TTPs & Lessons Learned



001782

Tracking of detainees

N:

Detainees lost in the system due to number/misspelling
Alphabetic Names

Tracking Detainees above division and retrieving interrogation
records was very difficult

No routine system for the Iraqi public to contact detainees or
status of loved one within the system

IDENTIFICATION:

PW Tag number is the sole tracking device (needs to be
linked down to platoon level)

Database management within the AOR

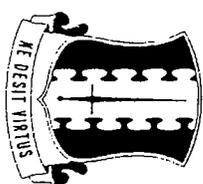
Use EPW Tag (portion C) as a hand receipt for family

Members. Provide local police with roll up of detainees. Citizens
card to police and receive detainee status. Facilitate

communication through red crescent/red cross mailbox at the
detention station

Clarification of detainee tracking responsibilities across the
country (is the S1 the right choice by doctrine?)

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TTPs & Lessons Learned

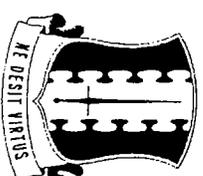
operation and liaison with local law enforcement agencies.

ION:

Releasing detainees of no intelligence value to priorities for repatriation empowers local government Criminals turned over to local authorities and do detention facilities which are reserved for anti-personnel Police should have visibility on where detained 1 citizens are within the system

ENDATION: Keep strong positive relationships /civic leadership. Avoid empowering tribal Sheikhs them the information directly

TTPs & Lessons Learned



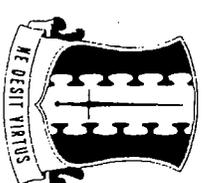
001784

detainee review/release procedures at BDE level.

CON: 3BCT's review process prevented
rly incarcerations and inadvertent release of
of intelligence value. At times a detainee from one
actor affected working relationships with host nation
n other sectors within the 3BCT and or Division
review process enhanced the BDE Cdr's ability to
nd maintain order throughout the AO.

FINDATION: Processing detainees for release or
to higher should be a green tab decision with staff
station.

TTPs & Lessons Learned

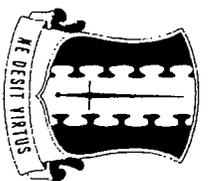


582785

PR Net Access to Battalion Level Units.

CN: Once Secret network was established at non doctrinal) detainee operations were more e. Ability to pass intelligence traffic and questions apprehending unit to the interrogators increased / and decreased amount of time a detainee spent at

ENDATION: Establish a Secret “digital bridge” to or both Operations and Intelligence traffic



1786

1740

QUESTIONS

The Classification Level of this Briefing is:
CLASSIFIED // FOR OFFICIAL USE ONLY

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DEPARTMENT OF THE ARMY
BRAVO COMPANY, 311TH MI BN (2BCT)
MOSUL, IRAQ

AFZB-KL-B

2 January 2004

MEMORANDUM FOR RECORD

SUBJECT:

B6

1. arrived at the BHA at approximately 2000 hours on 13 DEC 03. He was detained during Operation Reindeer Games, but he was not targeted in that operation. He was stopped at a TCP and was found in possession of an AK47. At that point, he should have been transported an Iraqi police station. However, he was driving a red Opel, and many Opels had been involved in attacks on US Forces. He went through initial inprocessing and initial interrogation screening upon his arrival. During this process, detainees are searched, photographed (**enclosure 1**) and assigned a capture tag number and a prisoner number. capture tag number (CTN) was 672758. His detainee number (internal to the BHA) was 4. During inprocessing, interrogators gather biographical information, such as name, address, political affiliations, occupation, etc.

CPA, Sworn Statement and initial inprocessing sheet were not saved at the time of his release. The detainee is also asked questions about their current medical condition. No medical problems were noted in the database. Medics visit the BHA daily to conduct sick call. No records are in the database stating that complained of any medical or other issues while he was detained.

2. Due to the large number of personnel at the BHA at the time of his detention, was never interrogated at the facility. Detainees are briefed on instructions during their time of detention (**enclosure 2**). Detainees are fed three times a day and are allowed 4-6 hours of sleep. Additionally, if detainees have to use the restroom, they are instructed to raise their hand and ask to use the "WC". When the detainee asks to use the facilities, he/she is immediately escorted to the latrine facilities at the BHA. If detainees fail to follow these instructions (i.e. raising their blindfold or talking) they receive corrective training (mild calisthenics for approximately 20 minutes) and are placed back in their original spot in the holding room. None of the interrogators present at the facility during his detention remember any major issues with

3. Guards are briefed on rules of engagement during their tour of duty at the BHA. Guards read a set of rules and are reminded that detainees may not be harmed in any way during their stay (**enclosure 3**). 2/44 ADA is primarily responsible for guarding detainees. Due to large detainee influx during Operation Reindeer Games, the BHA was augmented with soldiers from various units in the BCT to assist in guarding detainees.

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Detainees not captured during the Reindeer Games (13-17 December 2003) time frame were placed in a separate holding area and guarded by 2/44 ADA. The Reindeer Games detainees were placed in the main holding room and guarded by the augmentees. was placed in the main holding room, as he was originally believed to be a Reindeer Games detainee. Additionally, guards check the wrists of each detainee during shift change (twice per day) to ensure that the flex cuffs are not causing damage to their wrists.

4. was released at approximately 181230LDEC03 after it was discovered that he worked for an NGO in Mosul and was authorized to have a weapon.

3. POC for this action is WO1 at .

EXB
C3.2.1.6

EXB
C3.2.1.6

WO1, USA
Detention Facility OIC

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EX6
C3 2.1.4

DEPARTMENT OF THE ARMY
(2BCT)
MOSUL, IRAQ

AFZB-KL-B

14 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Instructions for guard force assigned to 2nd Brigade Holding Area (BHA).

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. 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 the situation.** The following is a list of responsibilities for different elements operating out of the BHA:
 3. BHA NCOIC Responsibility.
 - 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 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.
 4. SOG Responsibilities.
 - a. Supervise guard force.
 - b. Provide logistical support to guards.
 - c. Coordinate for transportations of guards.
 - d. Supervise mass movements.

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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.
5. 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 detainees.
 - f. Escorting detainees to latrine and wash facilities.
 - g. Ensure laws and regulations are strictly enforced.
6. 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 times 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 **MINIMUM** force necessary to regain control of the detainee. As a last resort, detainee

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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 2BCT ACT, and the 2 BCT Battle Captain in order to obtain medical support and provide a SITREP to pertinent commands.
7. 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.
8. Communications. All emergency communications at BHA will be FM voice utilizing vehicle mounted radios or DNVT @ .
9. POC for this memorandum is WO1 _____ or SSG _____ @ .

ExL
C3.2 1.4

ExL
C3.2.1.4

WO1, USA
Detention Facility OIC

FOR OFFICIAL USE ONLY

I have read and understand the guard MOI for operations at the BHA. I understand that violations of the Geneva Convention and FM 27-10 (The Law of Land Warfare) are punishable under the Uniform Code of Military Justice.

<u>RANK</u>	<u>NAME</u>	<u>UNIT</u>	<u>DATE</u>	<u>SIGNATURE</u>
-------------	-------------	-------------	-------------	------------------

From: CPT, DCS, G-3 [redacted] [redacted]@us.army.mil]
 Sent: Thursday, September 30, 2004 1:45 PM
 To: (E-mail); [redacted] (E-mail); [redacted] (E-mail); [redacted] (E-mail);
 (TS, (E-mail); [redacted] (E-mail); [redacted] MAJ, HQ 78th Div
 4th Bde, 78th Div; [redacted] LTC, DCS-G3; 385MAT; 385 EOC, 85TSD-3B; E-mail); TSB Bragg, S-3
 P., COL, DCS, G-3
 Cc: [redacted] EOC, Fort Campbell;
 [redacted] MOB, [redacted] MOB, Fort Eustis; MOB, Fort Drum;
 [redacted] EOC, Aberdeen;
 [redacted]@STEWART.ARMY.MIL'; [redacted] army.mil'; MOB, Fort
 Rucker; MOB, Fort Jackson; [redacted] MOB, Fort Benning;
 MAJ 87 TSD [redacted] MAJ 85TSD [redacted] MAJ, G3, HHC 78th Div
 (TS)
 Subject: FW: Detainee OPs TSP



Detainee Ops TSP Table of Cont...
 Detainee Ops TSP Recommended T...
 MNFI Detainee Ops.pdf (203 KB)...

ALCON, <https://www.us.army.mil/suite/folder/915138>

All units performing Detainee Operations must be trained and validated IAW this guidance!

Attached to this e-mail is the AKO link to the USAMPS Detainee Operations TSP. This TSP has been updated to include the latest guidance from in theater to include the MG Miller, MNIF Memorandum, Non-31E MP/ILO Predeployment Training requirements for the Iraqi Theater of Operations, DTG 12 AUG 04. The TSP will not be posted to the AKO site until tomorrow, 1 OCT 04.

Again this TSP incorporates all the mandatory Training requirements for units performing Detainee Operations. Please read this entire email to gain an appreciation for the evolution of the TSP, what tasks have been added, etc. The 2 word documents attached outline the POI and recommended training schedule, and the MNIF Memo.

If you have trouble viewing the TSP on-line call the TSP POC, MSG [redacted] U.S. Army Military Police School, Senior Detainee Operations Advisor, Fort Leonard Wood, MO 65473, FAX: [redacted] He may have to authorize your AKO account to view the documents.

vr

CPT, MP
 1st Army, G3 Training

email: [redacted]

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

From: [redacted] [mailto:[redacted]]
 Sent: Thursday, September 30, 2004 1:01 PM
 To:
 Cc:

Subject: RE: Detainee OPs TSP

Sir, we are in the process of updating the Detainee Ops AKO web site and will have the

information you need NLT COB tomorrow 1 Oct 04. See the following link:
Detainee Operations TSP Link as of 23 Sep 04 <https://www.us.army.mil/suite/folder/915138>

I have attached the updated Table of Contents and recommended training schedule for your review. If you have any further questions please let us know.

Respectfully,

U.S. Army Military Police School
Senior Detainee Operations Advisor
Fort Leonard Wood, MO 65473

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

From: [redacted] mailto:[redacted]
Sent: Wednesday, September 29, 2004 7:39 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Detainee OPs TSP

MSG

I'm with Fifth Army training and thanks for the below info (via FORSCOM). For planning purposes what do you estimate the training days (or hours) are required to complete the revised detainee ops module? This will assist in planning overall training days required for mobilizing units. Thanks,

Fifth Army Ops Center Training Desk

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

From: [redacted]
Sent: Tuesday, September 28, 2004 10:01 AM
To: [redacted]
Subject: FW: Detainee OPs TSP

CPT(P), IN
AFOP-TRO Staff Action Officer

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

From: [redacted] [mailto:[redacted]]
Sent: Monday, September 27, 2004 4:04 PM
To: [redacted] Jr, CPT, DCS, G-3'
Cc: [redacted] - G3, [redacted] - LTC G3; [redacted] CPT DCS, G3
Subject: RE: Detainee OPs TSP

Sir, I have reviewed the attached document and identified which tasks are included within the Detainee Ops TSP in addition to the originally identified ones on this document.

Most of the tasks identified in the attached guidance from MG Miller are covered within the Detainee Ops TSP we developed however, I have identified below those that are not. We are in the process of adding those tasks not covered in the original Detainee Ops TSP to the AKO KCC web site in a separate folder identified as "Detainee Ops Other Tasks" NLT Friday 1 Oct 04.

See the following link:

Detainee Operations TSP Link as of 23 Sep 04 <https://www.us.army.mil/suite/folder/915138>

The following tasks are covered within the Detainee Ops TSP.

Non 31E MP/ILO

Task #

Identified within USAMPS

Detainee Ops TSP Task #

3 Use of Force within Detainee Operations
CD 252

4 Conduct Contraband Control Procedures within Detainee Operations
CD 240

5 Special Housing Unit (SHU)/Procedures within Detainee Operations
CD 410

6 Special Housing Unit (SHU)/Procedures within Detainee Operations
CD 410

7 Perform Security and Control Activities within Detainee
Operations
CD 226

10 Communicate with Detainees (Muslim Cultural Awareness)
CD
206

11 Main Gate/Sally Port Procedures within Detainee Operations
CD 404

13 Main Gate/Sally Port Procedures within Detainee Operations
CD 404

14 Escort Procedures within Detainee Operations
CD 246

15 Conduct Contraband Control Procedures within Detainee Operations
CD 240

16 Forced Cell Move Procedures within Detainee Operations
CD 424

17 Accountability Procedures within Detainee Operations
CD 222

19 Prepare Observation and Disciplinary Reports
CD 242 NEW

20 Meal Procedures within Detainee Operations
CD 412

21 Introduction to Detainee Operations
CD 202

22 Introduction to Detainee Operations
CD 202

23 Conduct Contraband Control Procedures within Detainee Operations
CD 240

24 Collect Evidence within Detainee Operations
CD 664 NEW

32 Respond to a Bomb Threat and/or a Bomb within Detainee
Operations
CD 256

33 Supervise & Control Processes in Order to Ensure Compliance
w/3&4
of the GC CD 103 NEW

35 Tower Guard Duties within Detainee Operations
CD 418 NEW

36 Non-Lethal Weapons Capabilities During Disorders/Disturbances
CD 500

37 Emergency Actions for Fire, Escapes and Disorders
CD 254

The following tasks are not identified in Detainee Ops TSP however, they are within the STP 19-95C1-SM dated: 30 Sep 2003 and should be made available on the AKO KCC web site ASAP.

Non 31E MP/ILO
Item #

STP 19-95C1-SM
Task #

19 Prepare Observation and Disciplinary Reports
191-381-1339 &
1340

The following tasks are covered within the Detainee Ops TSP: Additional Recommended Tasks:
A. Cultural Awareness (Islam) - see CD 206 B. Interpersonal Communications (IPC) Skills -
see CD 206 D. Behavioral Health Sciences (BHS) Training - see CD 206 E. Civil
Disturbance (CD) Training - see CD 500

The following tasks are not covered in our Detainee Ops TSP and we have not developed
these tasks however, they may be supported within the local MNC-I "16th MP BDE" Detainee
Ops SOP.

Additional Recommended Tasks:

C. Maintain Operations Security (OPSEC) See GTMO Camp Delta SOP F. Segregation Measures G.
Storage of Evidence H. Identification of Suspicious Activity

If we can be of further assistance please let us know.

Respectfully,

MSG
U.S. Army Military Police School
Senior Detainee Operations Advisor
Fort Leonard Wood, MO 65473

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

From: [REDACTED] CPT, DCS, G-3 [mailto:[REDACTED]]
Sent: Friday, September 24, 2004 9:47 AM
To:
Cc: [REDACTED] G3 [REDACTED] - LTC G3; [REDACTED] CPT DCS, G3
Subject: Detainee Ops TSP

MSG Baldwin,

We recently received guidance from MNC-I in theater reference mandatory training for
Detainee Operations. I think the tasks listed in this guidance (attached) are covered in
your TSP. Some of the tasks are titled differently or may be covered under the collective
classes in the TSP. Could you take a look at this document from MNC-I and confirm whether
or not your TSP covers these tasks. We need to know soon because we have to update our
guidance to the units preparing for deployment, some of which are training as we speak.

vr

CPT, MP
1st Army, G3 Training

email: [REDACTED]

Detainee Operations Table of Contents

	POI Times	Average Length of Training
CD 202 Introduction to Detainee Operations	3.5 hrs	1hr
CD 206 Communicate with Detainees (Muslim Cultural Awareness)	12 hrs	8hr
CD 113 Geneva Convention (Humane Treatment of Detainees)	1.0 hr	1hr
CD 208 Stress Management within Detainee Operations	1.0 hr	1hr
CD 216 HIV and Universal Precautions within Detainee Operations	1.0 hr	1hr
CD 252 Use of Force within Detainee Operations	1.0 hr	1hr
CD 240 Conduct Contraband Control Procedures within Detainee Operations	7.3 hrs	4hr
CD 250 Restraint Procedures within Detainee Operations	4.4 hrs	3hr
CD 228 Personal Safety Awareness within Detainee Operations	1.0 hr	1hr
CD 260 React using Unarmed Self-Defense Techniques	11.6hrs	8hr
CD 424 Forced Cell Move Procedures within Detainee Operations	8.0 hrs	4hr
CD 256 Respond to a Bomb Threat and/or a Bomb within Detainee Operations	1.5 hrs	1hr
CD 254 Emergency Actions for Fire, Escapes and Disorders	2.7 hrs	1hr
CD 500 Non-Lethal Weapons Capabilities during Disorders/Disturbances	8.7 hrs	3hr
CD 408 Cell Block Operations within Detainee Operations	2.0 hrs	1hr
CD 222 Accountability Procedures within Detainee Operations	1.4 hrs	1hr
CD 226 Perform Security and Control Activities within Detainee Operations	2.0 hrs	2hr
CD 410 Special Housing Unit (SHU)/Procedures within Detainee Operations	2.9 hrs	1hr
CD 404 Main Gate/Sally Port Procedures within Detainee Operations	2.5 hrs	2hr
CD 414 Visitation Procedures within Detainee Operations	2.0 hrs	1hr
CD 246 Escort Procedures within Detainee Operations	2.0 hrs	1hr
CD 412 Meal Procedures within Detainee Operations	3.6 hrs	1hr
CD 418 Tower Guard Duties within Detainee Operations	2.0 hrs	1hr
CD 664 Collect Evidence within Detainee Operations	3.0 hrs	2hr
CD 103 Supervise the Processes to Ensure Compliance with the Geneva Convention	2.0 hrs	2hr
CD 242 Prepare Observation and Disciplinary Reports within Detainee Operations	2.0 hrs	2hr
	TOTAL: 92.1 hrs	TOTAL: 55 hrs

Times are flexible and will adjust based on the instructor's knowledge of the subject.

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Detainee Operations Recommended Training Schedule

	POI Times	Average Length of Training	
Day 1			
CD 202 Introduction to Detainee Operations	3.5 hrs	1hr	10 hrs
CD 206 Communicate with Detainees (Muslim Cultural Awareness)	12 hrs	8hr	
CD 113 Geneva Convention (Humane Treatment of Detainees)	1.0 hr	1hr	
Day 2			
CD 208 Stress Management within Detainee Operations	1.0 hr	1hr	10 hrs
CD 216 HIV and Universal Precautions within Detainee Operations	1.0 hr	1hr	
CD 252 Use of Force within Detainee Operations	1.0 hr	1hr	
CD 240 Conduct Contraband Control Procedures within Detainee Operations	7.3 hrs	4hr	
CD 250 Restraint Procedures within Detainee Operations	4.4 hrs	3hr	
Day 3			
CD 228 Personal Safety Awareness within Detainee Operations	1.0 hr	1hr	9 hrs
CD 260 React using Unarmed Self-Defense Techniques	11.6hrs	8hr	
Day 4			
CD 424 Forced Cell Move Procedures within Detainee Operations	8.0 hrs	4hr	10 hrs
CD 256 Respond to a Bomb Threat and/or a Bomb within Detainee Operations	1.5 hrs	1hr	
CD 254 Emergency Actions for Fire, Escapes and Disorders	2.7 hrs	1hr	
CD 500 Non-Lethal Weapons Capabilities during Disorders/Disturbances	8.7 hrs	3hr	
CD 408 Cell Block Operations within Detainee Operations	2.0 hrs	1hr	
Day 5			
CD 222 Accountability Procedures within Detainee Operations	1.4 hrs	1hr	8 hrs
CD 226 Perform Security and Control Activities within Detainee Operations	2.0 hrs	2hr	
CD 410 Special Housing Unit (SHU)/Procedures within Detainee Operations	2.9 hrs	1hr	
CD 404 Main Gate/Sally Port Procedures within Detainee Operations	2.5 hrs	2hr	
CD 414 Visitation Procedures within Detainee Operations	2.0 hrs	1hr	
CD 246 Escort Procedures within Detainee Operations	2.0 hrs	1hr	
Day 6			
CD 412 Meal Procedures within Detainee Operations	3.6 hrs	1hr	8 hrs
CD 418 Tower Guard Duties within Detainee Operations	2.0 hrs	1hr	
CD 664 Collect Evidence within Detainee Operations	3.0 hrs	2hr	
CD 103 Supervise the Processes to Ensure Compliance with the Geneva Convention	2.0 hrs	2hr	
CD 242 Prepare Observation and Disciplinary Reports within Detainee Operations	2.0 hrs	2hr	

TOTAL: 92.1 hrs TOTAL: 55 hrs

Times are flexible and will adjust based on the instructor's knowledge of the subject.

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REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
OFFICE OF THE DCG-DO
BAGHDAD, IRAQ
APO AE 09342-1400

MNFI-CD

12 August 2004

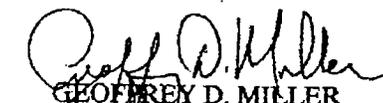
MEMORANDUM FOR C3, MNFI

SUBJECT: Non 31E MP/ILO Pre-Deployment Training Requirements for the Iraqi Theater of Operations

1. Based on a comprehensive review of the 31E / Military Police - Internment/Resettlement Specialist task set and the unique considerations present in this theater for MP / ILO nominated OIF 2/3 units and Individual Augmentees (IAs), we have identified theater (Iraq) specific pre-deployment training requirements for detainee operations. (See enclosure). The task set represents the minimum number of 31E related tasks and other recommended supporting tasks requiring validation during the mobilization process and is in addition to other mandated subject matter / topics required for deployment to the Iraqi theater.
2. Request DIRLAUTH with FORSCOM relative to the deployment cycle training requirements for MPs and ILO MPs identified for duty in the Iraqi theater.
3. MP / ILO units and IAs arriving in support of OIF 2/3 must be trained to standard in the unique task set required in detainee operations in order to facilitate the effective transfer of operations during the rotation of forces without degradation of operational capabilities.
4. Please direct questions regarding this memorandum to the LTC [REDACTED] J3, Detainee Operations at DSN 822 [REDACTED] or e-mail at [REDACTED]@iraq.centcom.smil.mil.

B6

Encl (1)


GEOFFREY D. MILLER
MG, USA
Deputy Commanding General
Detainee Operations

001799

Non 31E MPs/ILO MPs Pre-Deployment Training Task Set

Task	Reference
1. Introduction to Detainee Operations	USAMPS CD 202
2. Perform security and control activities at a detainee camp	USAMPS CD 226
3. Apply priorities of force within a detainee camp	Task 191-381-1324
4. Conduct inspections/shakedowns of detainee areas	Task 191-381-1251
5. Observe detainees in close confinement	Task 191-381-1317
6. Control recreation, shower and shave call within close confinement	Task 191-381-1319
7. Inspect physical security of a Detainee Camp (tents and barracks area)	Task 191-382-2347
8. Interact with detainees	Task 191-381-1290/ USAMPS CD 206
9. Restrain a detainee	Task 191-381-1255/ USAMPS CD 250
10. Detect symptoms of unusual or potentially deviant behaviors of detainees	Task 191-381-1291
11. Control vehicle entry to and exit from a detainee camp	Task 191-381-1304
12. Control packages and materials at sally port	Task 191-381-1305/ USAMPS CD 404
13. Control personnel entry to and exit from a detainee camp	Task 191-381-1306
14. Control detainee movements within a detainee camp	Task 191-381-1332
15. Frisk search a detainee	Task 191-381-1287
16. Perform a forced removal of a detainee	Task 191-381-1861
17. Account for detainees	Task 191-382-2290
18. Brief detainee escorts / escort procedures	USAMPS CD 246
19. Prepare observation and disciplinary reports	Task 191-381-1323
20. Supervise and control procedures during detainee meals	Task 191-382-2348
21. Prepare a DA Form 2823 (Sworn Statement)	Task 191-376-0002
22. Prepare a DA Form 4137 (Evidence/Property Custody Document)	Task 191-376-5138
23. Identify evidence/contraband	Task 191-376-5124
24. Collect evidence	Task 191-376-5125
25. Unarmed Self-Defense (Pressure Point Control Techniques)	USAMPS CD 260
26. Stress Management	USAMPS CD 208
27. Geneva Convention (Humane Treatment of Detainees)	USAMPS CD 113
28. HIV and Universal Precautions	USAMPS CD 216

Enclosure 1 to Non 31E MPs/ILO Pre-Deployment Training Requirements for the Iraqi Theater

001800

29.	*Full Spectrum of Use of Force to include: Verbal persuasion Less than Lethal Weapons -Proper use and operation of a Taser (SEL Individ) -OC (All) -12 Gauge Shotgun (less than lethal munitions – M1013, M1012, 40mm non-lethal and 40mm 1029) *(Incorporate ROE for Iraq)	USAMPS CD 252 (Use of Force), CD 500 (Non-Lethal Weapons) Task 191-381-1294
30.	Emergency Action for Fire, Escapes and Disorders within Detainee Operations	USAMPS CD 254
31.	Special Housing Unit Procedures within Detainee Operations	USAMPS CD 410
32.	React to a bomb threat and/or bomb in a detainee camp	Task 191-381-1250
33.	Supervise and control processes in order to ensure compliance with 3 and 4 of the Geneva Convention	
34.	Personal safety awareness	USAMPS CD 228
35.	Perform as a Tower Guard	Task 191-381-1302
36.	Participate in Riot Control Formations to Control Internees	Task 191-381-1258
37.	Take Action in the Event of Disorder at an Internment Facility	Task 191-381-1321

Additional Recommended Tasks:

- A. Cultural awareness (Islam and Iraq)
- B. Interpersonal communication (IPC) Skills
- C. Maintain Operations Security (OPSEC)
- D. Behavioral Health Sciences (BHS) training
- E. Civil Disturbance (CD) training
- F. Segregation measures
- G. Storage of evidence
- H. Identification of suspicious activity
- I. React to Direct and Indirect Fires

INFORMATION PAPER

DETENTION OF CIVILIANS

During operations ISO OPOD COBRA II, TF IH units will be required to restrain, detain and possibly release civilian internees (CI) and other detainees (OD). Regardless of the situation, TF IH units will comply with the law of war and act in a manner consistent with the humanitarian principles of international law.

1. Definitions:

a. Civilian internee (CI): a person who is interned during armed conflict or occupation if he is considered a security risk, needs protection or has committed an offense (insurgent, criminal) against the detaining power. A CI is protected according to the Geneva Convention Relative To The Protection Of Civilian Persons In Time Of War.

b. Other detainee (OD): a person in the custody of the US armed forces who has not been classified as an EPW, a retained person (RP) or a CI. ODs are treated as EPWs until a legal status is ascertained by competent authority.

c. Probable cause: a reasonable certainty that a crime has been committed or is being committed and that person to be detained has committed, is committing or is aiding another to commit the offense.

d. Reasonable basis: under the circumstances that exist at the time, sufficient facts upon which a reasonable person would rely to make a decision.

e. Retained person (RP): an enemy who falls within one of the following categories: a person who is a member or the medical service of an enemy armed force; a medical person exclusively engaged in searching, collecting, transporting or treating the wounded or sick, preventing disease or administering a medical unit or establishment; a chaplain; or a member of the International Federation of Red Cross and Red Crescent Societies.

f. Serious crime: for the purposes of detention, is any crime considered to be a felony under u.s. law; an offense punishable by confinement of one year or more under the UCMJ; or is a violation of the law of war. The definition includes, but is not limited to, murder, rape, robbery, arson, assault, burglary, larceny or destruction of property with a value in excess of five hundred dollars, or conspiracy, solicitation or acting as an accomplice to one of these offenses. The V Corps SJA may approve additional crimes for which detention is authorized.

2. Detention:

a. TF IH units are authorized to detain civilians who are believed to possess information important to, or are interfering with, mission accomplishment. Unless directed otherwise by a more senior commander, the decision to detain civilians is the responsibility of the senior U.S. soldier on the scene.

1. Coalition forces are authorized to stop all civilian traffic and search all

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vehicles for weapons, explosives, cell phones and other communications devices, GPS, maps, note pads, cameras, uniforms and other identifiable enemy equipment, and evidence of any activity posing a threat to coalition forces, including intelligence gathering.

2. Adult males present on the battlefield during the hours of darkness will be detained unless, in the judgment of the senior leader on the scene, they are positively identified as posing no threat to coalition forces. The detention of adult males present on the battlefield after dark is essential to the security of coalition forces and to the safety of adult males who are not members of paramilitary forces and might otherwise be engaged as a declared hostile force. Evacuate to the nearest collection point for immediate interrogation.

b. Coalition forces may also detain civilians if they:

1. obstruct the progress of u.s. or coalition forces whether by demonstration, riot, or other means;
2. enter or attempt to enter, without authority, any area controlled by u.s. or coalition forces;
3. commit, attempt, conspire, threaten or solicit another to commit or aid or abet in the commission of a crime; or
4. have been detained pursuant to a warrant, order or indictment issued by competent authority.

c. Commanders are also authorized to take action to prevent looting. Authorized actions include:

1. detention of persons observed in the act, or reasonably suspected, of looting;
2. placement of areas or locations off-limits;
3. establishment of checkpoints that confirm the identity and residence of persons in order to permit them to enter specified areas;
4. use of non-lethal munitions.
5. Use of necessary, graduated force to detain persons observed in the act, or reasonably suspected, of looting is authorized. **DEADLY FORCE IS NOT AUTHORIZED. WARNING SHOTS ARE NOT PERMITTED TO STOP LOOTING.**

d.. Commanders of brigade and larger units, commanders of internment facilities or detention centers or the v corps PMO may approve temporary detention of an individual for up to 21 days if he has probable cause to believe the person satisfies one or more of the criteria of paragraph 2.a.

e. Initial detention will be automatically terminated at 21 days, unless a review is conducted by military magistrate or other competent legal authority as designated by v corps or the TF IH SJA. A record of the review will be maintained by the staff judge advocate.

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f. Continued detention may be directed if the hearing authority determines, upon probable cause, that the detainee has or will commit a serious crime and is awaiting judicial proceedings and the confinement is necessary because it is foreseeable that the detainee will not appear at trial, pretrial hearing, or investigation, or the detainee will commit a serious crime and less severe forms of restraint are inadequate.

g. The hearing officer could also direct continued detention, if he determines, upon probable cause, that the CI or OD fits into Category A listed below.

h. Thereafter, circumstances of detention will be reviewed every 30 days using the standard in paragraph 2-d or the individual's status has been determined by competent authority such as an article 5 tribunal.

i. While U.S. forces will apply the same standards of humanitarian treatment to all detainees, U.S. forces may, for operational and security reasons, classify and segregate detainees based upon the following categories. Designated release authorities may also use these categories to assist them in determining whether they should or should not release particular detainees.

1. Category A consists of civilian non-combatants whose names are contained on the "black list;" who are the subject of any warrants, orders or indictments issued the united states or any internantional tribunal; who are suspected of a violation of the law of war; or who are members of the following international terrorist organizations, or any groups/cells/facilities associated therewith: AL QAIDA, ANSAR ISLAM (AI), TALIBAN, ASBAT AL-ANSAR, EGYPTIAN ISLAMIC GROUP (AKA GAMAAT AL-ISLAMIYYA), HAMAS, HIZBALLAH/ISLAMIC JIHAD ORGANIZATION, AL AQSA MARTYRS BRIGADE, HARAkat UL MUJAHIDIN, LASHKAR E TAYYIBA, PALESTINIAN ISLAMIC JIHAD, EGYPTIAN ISLAMIC JIHAD, JEMAAH ISLAMIYAH, AND THE ISLAMIC MOVEMENT OF UZBEKISTAN.

2. Category B consists of civilian non-combatants who pose a serious threat to U.S. forces, other protected persons, key facilities, or property designated mission-essential; obstruct the progress of coalition forces whether by demonstration, riot or other means; enter or attempt to enter, without authority, any area controlled by coalition forces; commit or attempt to commit any of the following criminal offenses: assault upon any member of coalition forces; murder, rape, kidnapping, arson, aggravated assault; any crime involving a suspect who has been previously detained by v corps; any crime in which a weapon was used in the commission of the crime, and/or any other serious criminal conduct, including aiding or abetting those who commit the above listed offenses, or conspiring to commit the above listed offenses.

3. Category C consists of civilian non-combatants who steal or loot or attempt to steal or loot coalition or protected property, commit or attempt to commit any of the following offenses: burglary, housebreaking, larceny, looting, driving under the influence of alcohol or drugs, prostitution, destruction of property, simple assault,

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harassment, use or possess illegal drugs, possess stolen property, commit or attempt to commit auto theft, carjacking, including aiding or abetting

4. Category D consists of civilian non-combatants who have valuable intelligence information important to mission accomplishment. This category also includes personnel who, through non-violent means, obstruct or attempt to obstruct military operations, commit curfew violations, are drunk and disorderly, commit traffic violations, and/or commit any offense in violation of administration orders.

j. Standard of treatment: U.S. forces will treat all CI and OD in a manner consistent with the humanitarian standards of treatment and protections accorded to EPWs pursuant to the principles outlined in Geneva convention III. U.S. forces will protect CI and OD from physical harm and against insults and public curiosity. U.S. forces will provide CI and OD with protective facilities and instruct them in the procedures to follow in the event of nuclear, biological or chemical attack.

k. Commanders at all levels are responsible to ensure proper handling and treatment of CI and OD. Commanders must ensure that all personnel under their commands understand that CI and OD are not EPW, that they will be processed and housed separately and that they will not be co-mingled.

l. Commander, 18th MP brigade will establish those rules and procedures necessary for the safe and efficient operation of collection points, internment facilities and detention centers. This includes procedures and rules necessary for the proper administration of discipline within the facilities.

3. Rules of engagement:

a. U.S. forces may use force in a manner consistent with the rules of engagement in effect at the time if they are acting in order to defend themselves and their units, enforce facility rules or procedures, protect detainees or prevent detainees from escaping.

b. A commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense of the commander's unit and other us and coalition forces in the vicinity is not, however, limited. A commander must consider the assigned mission, the current situation, higher commanders' intent and all other available guidance in determining the level of force required for mission accomplishment. Use of force will be proportional in that it should be reasonable in intensity, duration and magnitude, based on all facts known to the commander at the time.

c. With respect to CI and OD, the use of force, including deadly force is authorized to respond to hostile acts, demonstration of hostile intent or to prevent the commission of crimes involving death or serious bodily harm and to prevent "Category A" and "Category B" detainees from escaping.

d. With regard to the use of force to prevent an escape, deadly force is a last resort after all other reasonable means have failed.

001805

4. Transfer of detainees: No detainees will be transferred to the control of another coalition partner without SECDEF approval.

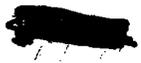
5. Property seizure: complete the property seizure form for any civilian or personal property seized. Provide one copy to detainee and keep one copy with seized property.

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DEPARTMENT OF THE ARMY
HEADQUARTERS,
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ



REPLY TO
ATTENTION OF

AFYB-CG

21 September 2003

CONFIDENTIAL

MEMORANDUM FOR TF Ironhorse Commanders, Leaders and Soldiers

SUBJECT: Treatment of Detainees in the Custody of U.S. Forces

1. The purpose of this memorandum is to provide guidance for the treatment of enemy prisoners of war (EPW), civilian internees (CI) and other detainees (OD) in the custody of U.S. Forces.
2. Commanders at all levels will ensure that EPWs, civilian internees (to include unlawful combatants and terrorists) and other detainees are humanely treated in accordance with AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees; Field Manual 27-10, The Law of Land Warfare; the 1949 Geneva Convention Relative to the Treatment of Prisoners of War; and, the 1949 Geneva Convention Relative to the Protection of Civilians in a Time of War.
3. TF Ironhorse soldiers will treat all detainees with dignity and respect and, at the very least, will meet the standards for humane treatment as articulated in international law. TF Ironhorse soldiers will treat all CI and OD in a manner consistent with the protections afforded EPWs pursuant to the principles outlined in the Geneva Convention. Such treatment will be extended to EPWs, CI, and OD from the moment they fall into the hands of U.S. Forces to the time of their final release or repatriation.
4. EPWs, CI, and OD will be respected as human beings. They will be protected against all acts of violence, including, but not limited to: assault, insults, public curiosity, bodily injury, and reprisals of any kind. While detainees in U.S. custody may be interrogated for intelligence purposes, the use of physical or mental torture, or coercion to compel individuals to provide information is strictly prohibited. Interrogations will be conducted by intelligence or counter-intelligence personnel.
5. Detainees will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. U.S. Forces may, however, segregate detainees by category for operational and security reasons.
6. Inhumane treatment of EPWs, CI, and OD is strictly prohibited. Neither the stresses of combat, nor deep provocation will justify inhumane treatment. Such ill treatment of detainees is a serious crime, punishable under international law and the Uniform Code of Military Justice (UCMJ). All reports of detainee or civilian maltreatment will be investigated and reported to the supporting judge advocate or Division SJA.
7. POC for this memorandum is LTC [REDACTED], Staff Judge Advocate, at DNV [REDACTED]

B3/B6

"STEADFAST AND LOYAL!"

RAYMOND T. ODIERNO
Major General, USA
Commanding

001807

CONFIDENTIAL

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EPW Check List

References:

FM 3-19.40, Military Police - Internment Resettlement Operations
FM 100-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees

- Same sex strip-searches
- Tag and account for personal property: place it in a container, a bag or a tray, mark it with a control number, and take it to a temporary storage area.
- Ensure that Internment Serial Numbers (ISN) are assigned to EPWs
- Use ID Band with ISN on it.
- Initiate personnel records, ID documents, and property receipts
- Maintain accountability of EPWs and their property
- Fingerprint EPWs - identify and record the information on fingerprint cards
- Take Photographs of EPW with ISN and name (photograph name boards)
- Provide receipts for all confiscated items to include money.
- Maintain a manifest that contains the name, rank/status, ISN, power served/nationality, physical condition.
- Treat all EPWs alike, regardless of rank, sex and privileged treatment.
- Maintain and enforce discipline and security and deal with offensive acts promptly.
- Maintain a record of disciplinary actions.

EPWs can

- Submit requests and complaints regarding the conditions of confinement
- Send and receive correspondence provided that it is screened first.
- Attend religious services

Schedule of calls (recommended)

- Reveille, Morning Call, Noon call, Sick, Mess, Evening roll, and Lights out

Standing Orders including rules, procedures, and instructions

- Have an emergency plan for Fire, Natural Disasters, Emergency Evacuations, Blackouts, Escapes, Air Raid
- Hours for religious services
- Procedure for sick call

Medical and Sanitation Considerations

- Provide sufficient showers and latrines and ensuring that they are cleaned and sanitized daily
 - Allow EPWs to shower, shave, and get hair cuts
 - Issue personal-comfort items (toilet paper, soap, toothpaste and toothbrush)
- Provide sufficient potable water for drinking, bathing, laundry and food service
- Dispose of human waste properly to protect the health of all individuals
- Inspect EPWs for signs of illness or injury
- Give immunizations or request immunization support from the supporting medical unit
- Initiate treatment and immunization records
- Issue clothing
 - Clothing worn by EPWs at the time of capture is worn until it is no longer serviceable.
 - Ensure the clothing is marked "PW"
- Ensure the EPWs receive as much water as US soldiers
- Provide adequate space within housing units to prevent overcrowding

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Religion

- EPWs are allowed freedom of worship, including attendance at services of their respective faith held within the facility.

Safety Program

- Set up and administer a safety program for housed personnel.
- Maintain records and reports for the internee safety program.

Security - Internal and External

- Establish a security measures that effectively control housed personnel with minimal use of force.
- Commanders protect housed personnel from threats outside the facility.

Tribunal

- A tribunal is held according to Article 5, Geneva Convention Relative to the Treatment of Prisoner of War. It determines the status of an individual who does not appear to be entitled to EPW status but commits a belligerent act to aid enemy armed forces, engages in a hostile activity to aid the enemy armed forces, asserts that he or she is entitled to treatment as an EPW.

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001811

12 DEC 2003

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

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

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

2. I recommend:

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

b. ___ Nonjudicial punishment under Art. 15.

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

d. ___ That no action be taken at this time */*

3 Encls

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

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

001813

AFZX-CB

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

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

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

2. I recommend:

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

b. _____ Nonjudicial punishment under Art. 15.

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

d. _____ That no action be taken at this time.

3 Encls

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

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

001814

AFZX-CB-EN

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

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

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

3 Encls

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

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CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)

2. SSN

3. GRADE OR RANK

4. PAY GRADE

5. UNIT OR ORGANIZATION

6. CURRENT SERVICE

a. INITIAL DATE
29 May 03

b. TERM
4 years

7. PAY PER MONTH

a. BASIC

b. SEA/FOREIGN DUTY

c. TOTAL

None

8. NATURE OF RESTRAINT OF ACCUSED

None

9. DATE(S) IMPOSED

N/A

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 128.

SPECIFICATION 1: In that about between 15 June 2003 and 15 July 2003, unlawfully shock a detainee with an M34 blasting device.

, U.S. Army, did, at or near Baghdad, Iraq, on or

SPECIFICATION 2: In that about between 15 June 2003 and 15 July 2003, unlawfully shock a detainee with an M34 blasting device.

U.S. Army, did, at or near Baghdad, Iraq, on or

SPECIFICATION 3: In that about between 15 June 2003 and 15 July 2003, unlawfully strike a detainee.

U.S. Army, did, at or near Baghdad, Iraq, on or

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 134.

SPECIFICATION: In that

between 15 June 2003 and 15 July 2003, wrongfully maltreat two detainees by stripping them of their clothing.

, U.S. Army, did, at or near Baghdad, Iraq, on or about

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)

b. GRADE

c. ORGANIZATION OF ACCUSER

e. DATE 06 DEC 2003

d. SIGNATURE OF ACCUSER

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this _____ day of _____, _____, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

Organization of Officer

Grade

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

Signature

THIS EDITION IS OBSOLETE.

001816

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

AFZX-C-CO

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE
09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (In Lieu of
Trial by Court Martial)

1. I recommend **(approval) (disapproval)** of the request for separation from
[redacted], under the provisions of AR
635-200, Chapter 10.
2. I recommend that [redacted] be separated from the service and issued a(n)
(General) (Other Than Honorable Discharge Certificate).
3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that [redacted] not be
transferred to the Individual Ready Reserve (IRR).

Encls
nc

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001818

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

AFZX-CB

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

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (In Lieu of
Trial by Court Martial)

1. I recommend **(approval)** **(disapproval)** of the request for separation from _____
_____, under the provisions of AR
635-200, Chapter 10.

2. I recommend that SSG Peasgood be separated from the service and issued a(n)
(General) **(Other Than Honorable)** Discharge Certificate.

3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that _____ not be
transferred to the Individual Ready Reserve (IRR).

Encls
nc

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001819

DEPARTMENT OF THE ARMY
84th Engineer Company
2d Squadron, 2d Armored Cavalry Regiment
APO AE 09322

AFZX-BC-EN

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

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (Discharge in Lieu
of Trial by Court-Martial)

1. I recommend **(approval)** **(disapproval)** of the request for separation by
under the provisions of AR 635-200, Chapter 10.
2. I recommend that be separated from the service and issued a(n) **(General)**
(Other Than Honorable) Discharge Certificate.
3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that not be transferred
to the Individual Ready Reserve (IRR).

Encls
nc

1. C:\SUI\AI\U\NCUACIU\IAW SEC 01 DEI Memo 01-
CORR-101, dtd 9 Nov 01

001820



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
82D AIRBORNE DIVISION BRANCH OFFICE
FOB RIDGWAY, IRAQ

AFZA-JA-TDS

24 December 2003

MEMORANDUM FOR Commanding General, 1st Armored Division

SUBJECT: Chapter 10 Request, :

1. Request that you approve request for a Chapter 10 for the following reasons:

a. has never been in any trouble in the entire 7 years he has been in the service, to include article 15s.

b. has an exemplary service record (see attached good soldier packet). He was chosen to deploy ahead of the rest of . He saved the lives of numerous Iraqi citizens by destroying DPICM submunitions and other UXOs from neighborhoods in Iraq. He was also on the First Response Team for the United Nations bombing and was involved in evacuating casualties. He destroyed over 10,000 VS-50 AP mines and over 500 DPICM Cluster munitions. He was chosen to deploy with 2nd Squadron within 96 hours over all NCOs in his company. His service record is filled with situations where he risked his life for others. In this particular case, he was involved in the stripping of detainees because he did not want to "rough them up" as ordered or kill them like the guards had done prior. It seems ironic that those who shot looters in violation of ROE have been allowed to continue their military careers while : is facing such severe consequences for the offenses charged.

c. His immediate chain of command recommended that he receive an article 15. The Regimental Commander specifically stated in the preferral packet that the case would be returned to the squadron commander for disposition. However, when that commander attempted to take action, the case was removed from his hands. Furthermore, both the Company Commander and Squadron Commander recommended approval of a chapter 10 on 24 December 2003. They both also stated that they would support a General Discharge given service record and dire family situation.

d. has a four month old baby that was born with two holes in his heart. He also has a two year old son who is being treated at the moment for what the doctor's suspect is Leukemia. Approval of the chapter 10 will deprive him of the medical benefits he desperately needs to care for those children.

2. Based on the circumstances, the accused requests approval of the chapter 10 request with a General discharge. AR 635-200, Chapter 10,

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AFZA-JA-TDS

SUBJECT: Chapter 10 Request,

specifically authorizes such a discharge even though it is rare.

Understands that he can receive an Other Than Honorable discharge from this request although he simply requests that a general discharge be considered. Thank you for your consideration of this matter.

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001822

REQUEST FOR DISCHARGE IN LIEU OF TRIAL BY COURT-MARTIAL

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)

AUTHORITY: 5 USC 301, 10 USC 3013.

PURPOSE: To be used by the commander exercising general trial by court-martial jurisdiction over you to determine approval or disapproval of your request.

ROUTINE USES: Request, with appropriate documentation including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected. Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

AFZA-JA-TDS

24 December 2003

MEMORANDUM FOR Commander, 1st Armored Division

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

1. I, _____, voluntarily request discharge in lieu of trial by court-martial under the provisions of AR 635-200, Chapter 10. I understand that I may request discharge in lieu of trial by court-martial because charges have been preferred against me under the Uniform Code of Military Justice that authorizes the imposition of a punitive discharge. I have been charged with violating Articles 128 and 134 of the Uniform Code of Military Justice.
2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged, have discussed the elements and evidence with a trial defense lawyer detailed to represent me, and understand that I am guilty of a charge against me or of a lesser included offense therein contained which also authorizes the imposition of a punitive discharge.
3. Prior to completing this form, I have consulted with counsel who has fully advised me of the nature of my rights under the Uniform Code of Military Justice; the elements of the offense with which I am charged; any relevant lesser included offense thereto; the facts which must be established by competent

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AFZA-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although I have been provided legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable and furnished an Under Other Than Honorable Conditions Discharge Certificate. I have been advised and understand the possible effects of an Under Other Than Honorable Conditions Discharge and that, as a result of the issuance of such a discharge, I may be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Conditions Discharge. I further understand that there is no automatic upgrading nor review by any Government agency of an Under Other Than Honorable Conditions Discharge and that I must apply to the Army Discharge Review Board or the Army Board for Correction of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded. I further understand that if I am issued an Under Other Than Honorable Conditions Discharge, I will automatically be reduced to the rank of Private (E-1).

5. I understand that once my request for discharge is submitted, it may be withdrawn only with the consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge, even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent.

6. I have been advised that I may submit any statements I desire on my own behalf to accompany my request for discharge. Statements in my own behalf are submitted with this request.

AFZA-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

7. I hereby acknowledge receipt of a copy of this request for discharge.

8. I do not request a separation physical.

9. I request a delay in the processing of all trial by court-martial charges against me pending final action on my request for discharge UP AR 635-200, Chapter 10.

10. Under the provisions of paragraph 10-5, AR 635-200, if the charges are referred to trial and trial results in acquittal or the sentence does not include a punitive discharge, even though one could have been adjudged by the court, withdrawal of this request for discharge is hereby automatically requested without any further action on the part of the accused or his counsel.

*****STATEMENT OF COUNSEL*****

Having been advised by me of the basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice; of the possible effects of an Under Other Than Honorable Discharge if this request is approved; and of the procedures and rights available to him, _____, personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

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RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED <i>(Last, First, MI)</i>	b. GRADE OR RANK	c. UNIT OR ORGANIZATION OF ACCUSED BAGHDAD, IRAQ,	d. SSN
2a. NAME OF CONVENING AUTHORITY <i>(Last, First, MI)</i>	b. RANK	c. POSITION BAGHDAD, IRAQ,	d. ORGANIZATION OF CONVENING AUTHORITY
3a. NAME OF SUMMARY COURT-MARTIAL <i>(If SCM was accuser; so state.)</i>	b. RANK	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL BAGHDAD, IRAQ,	
<i>(Check appropriate answer)</i>			YES N
4. At a preliminary proceeding held on _____ 20 04, the summary court-martial gave the accused a copy of the charge sheet.			X
5. At that preliminary proceeding the summary court-martial informed the accused of the following:			
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.			X
b. The identity of the convening authority.			X
c. The name(s) of the accuser(s).			X
d. The general nature of the charge(s).			X
e. The accused's right to object to trial by summary court-martial.			X
f. The accused's right to inspect the allied papers and immediately available personnel records.			X
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expects to introduce into evidence.			X
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.			X
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.			X
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.			X
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.			X
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.			X
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.			X
n. The accused's right to plead guilty or not guilty.			X
6. At the trial proceeding held on _____ 20 04, the accused, after being given a reasonable time to decide, <input type="checkbox"/> did <input checked="" type="checkbox"/> did not object to trial by summary court-martial. <i>(Note: The SCM may ask the accused to initial this entry at the time the election is made.)</i>			<i>(Initial)</i>
7a. The accused <input type="checkbox"/> was <input checked="" type="checkbox"/> was not represented by counsel. <i>(If the accused was represented by counsel, complete b, c, and d below.)</i>			
b. NAME OF COUNSEL <i>(Last, First, MI)</i>			c. RANK <i>(If any)</i>
d. COUNSEL QUALIFICATIONS			

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8. The accused was arraigned on the following charges and specifications. The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (including any exceptions and substitutions)
<p>CHARGE I: ARTICLE 128, UCMJ.</p> <p>Specification 1: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.</p> <p>Specification 2: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.</p> <p>Specification 3: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.</p>	<p>Guilty.</p> <p>Guilty.</p> <p>Guilty.</p> <p>Guilty.</p>	<p>Guilty.</p> <p>Guilty.</p> <p>Guilty.</p> <p>Guilty.</p>
<p>CHARGE II: ARTICLE 134, UCMJ.</p> <p>Specification: Wrongfully maltreat, between o/a 15 Jun 03 and 15 Jul 03, two detainees by stripping them of their clothing.</p>	<p>Guilty.</p> <p>Guilty.</p>	<p>Guilty.</p> <p>Guilty.</p> <p>COPY RECEIVED ON _____</p>

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9. The following sentence was adjudged: To be _____ and to forfeit \$ _____.

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)

YES NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.

YES NO

12. AUTHENTICATION

_____ Date

Signature of Summary Court-Martial

13. ACTION BY THE CONVENING AUTHORITY

_____ Position of Convening Authority

_____ Rank

_____ Date

Typed Name of Convening Authority

Signature of Convening Authority

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UNITED STATES

v

STIPULATION OF
FACT

9 January 2004

1. It is hereby stipulated between Trial Counsel and Defense Counsel, with the express consent of the accused, that the following facts and attachments are true, susceptible of proof at trial, and admissible under the Military Rules of Evidence. These facts can be considered by the Summary Court-Martial in determining the providency of the accused's pleas of guilty and in determining the appropriate sentence even if the evidence of the facts is otherwise inadmissible. Accused and Counsel agree to waive any possible objections, which may properly be waived, under the Military Rules of Evidence, the United States Constitution, and applicable case law, to matters contained in this stipulation.

2. The accused, _____ is presently a soldier on active duty in the United States Army. He was on active duty and has been continuously on active duty since 15 June 2003.

3. The accused was at Baghdad, Iraq, between 15 June 2003 and 15 July 2003.

4. The accused, _____, unlawfully struck a detainee at or near Baghdad, Iraq between 15 June and 15 July 2003. _____ pushed the detainee to the ground and placed his foot into the detainee's chest. The detainee did not act in any manner to provoke such response by _____.

5. The accused, _____, was present while a subordinate soldier stripped detainees of their clothes. _____ did not do anything to stop this conduct.

6. Striking a detainee unlawfully and allowing a subordinate to strip the detainee of their clothes substantially hinders the rebuilding of Iraq and undermines the trust Iraqi Local Nationals need to facilitate relations between the United States Government and the Iraqi people.

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7. At no time during the events in question was the accused laboring under any mental disease or defect which might have tended to preclude him from appreciating the nature and consequences of his actions.

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UNITED STATES

v.

APPENDIX 1 (QUANTUM)

8 January 2004

1. I, _____, offer to plead guilty to the Charges and Specifications, as stated in the Offer to Plead Guilty, and offer to abide by the other terms and conditions set forth in the Offer to Plead Guilty, provided the Convening Authority withdraws the current charges from a Special Court-Martial and then refers the charges to a Summary Court-Martial.

2. Except as limited above, any other lawful punishments can be approved.

_____, U.S. Army
Commanding

REVISUAL HHO REUACICU LA W SEC 01 DEI MEMO 01 -
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UNITED STATES

v.

OFFER TO PLEAD
GUILTY

8 January 2004

1. I, _____, am accused in a pending court-martial, offer to plead guilty as set forth in this paragraph:

- To Charge I Specification 1: Not Guilty
- To Charge I Specification 2: Not Guilty
- To Charge I Specification 3: Guilty
- To Charge I: Guilty
- To Charge II and its Specification: Not Guilty

2. As part of this offer, I also agree to the following:

a. I agree to enter into a Stipulation of Fact correctly describing the offenses to which I am offering to plead guilty if such stipulation is requested by the Trial Counsel. I also agree that this stipulation may be used to inform the presiding officer of the summary court-martial of matters pertinent to findings and sentence.

b. I understand that if I were tried by general court-martial, I have a right to be tried by a court consisting of at least five officer members (three members if tried by special court-martial), or by a court consisting of at least one-third enlisted members. None of the members would come from my company. I further understand that I have a right to request trial by military judge alone, and if approved, there would be no court members and the judge alone would decide whether I am guilty or not guilty. If the military judge then found me guilty, the judge alone would determine my sentence. Knowing all the above, I request to be tried by summary court-martial.

3. I agree to take the actions above provided that the Charges are referred to a Summary Court-Martial.

4. I understand that I may request to withdraw the plea of guilty at any time before my plea is accepted and that if I do so, this agreement is canceled. This agreement may also be canceled if:

- a. I fail to fulfill any promise contained in the agreement, or
- b. The Stipulation of Fact is modified at any time without my consent; or

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c. The presiding officer of the summary court-martial's inquiry reveals a disagreement as to a material term in the agreement, or

d. My withdrawal from the pretrial agreement (which I understand that I have the right to do at any time).

5. This writing, including Appendix I (Quantum), includes all terms and conditions of this Offer to Plead Guilty and contains all promises made to me or by me concerning my plea of guilty. There are no other terms or conditions that are not contained in this writing.

Date: ___ January 2004

I have explained all terms and provisions of the forgoing Offer to Plead Guilty (to include Appendix I) to the accused and am satisfied that he understands their meaning and effect.

Date: 8 January 2004

The foregoing offer is (accepted) (rejected)

Date: _____

_____, U.S. Army
Commanding

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REPLY TO
ATTENTION OF:

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



AFZX-C-CO

4 September 2003

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

SUBJECT: Recommendations for Action Regarding AR 15-6 Investigation

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

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

REPLY TO
ATTENTION OF:

AFZX-C-JA

28 AUG 2003

MEMORANDUM FOR RECORD

SUBJECT: Chain of command recommendation of relief for cause of

1. On 28 AUG 2003, the soldier's company commander, recommended that _____ be relieved for cause.
2. On 28 AUG 2003, the soldier's squadron commander, recommended that _____ be relieved for cause.
3. On 28 AUG 2003, the soldier's regimental commander, _____ ay, recommended that _____ be relieved for cause.
4. POC is the undersigned at DNVT 587-4512.

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DEPARTMENT OF THE ARMY
 ay, 2d Armored Cavalry Regiment
 Camp Dragoon; Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

During Operation Scorpion Sting our whole platoon was attached to Eagle Troop. We assisted them in cleaning up the streets from copper wire in their sector. We spent two days doing that, and we would take at least 15 truck loads of copper wire to the back of the camp each day. About one week later, we got a call from Cougar x-ray to go link up with Eagle Troop to go pick up some copper wire. When we got there we loaded up the copper wire into our trailers, and headed back to the camp where we had put the copper wire from the week before. As we arrived to the camp, we saw several Iraqi citizens running from where we had put the copper wire the week prior. I chased after them. We didn't catch them, so we headed back where everyone else was at. About 20 minutes later I told the platoon sergeant that he wanted to go after them again. He said ok. When I got back from going after the looters, he came back with five detainees. We down loaded them and had them help the other two unload the trailers. I stayed at my truck because I was hurting from the heat. I also explained to my soldiers why we need to give the detainees water. Then, after we had them finish down-loading the trailers, we took them to the CMOC.

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

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

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

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

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

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

I have been in the Regiment for six of the seven years I have been in the Army. I deployed ahead of the Regiment with 2nd Squadron. Due in large part to my expertise in engineer operations and ability to make quick and sound judgments, I was selected as one of 10 engineers to accompany the squadron. My service to the country and Regiment is a source of great pride for me. I look forward to continuing to serve both as soon as possible.



DEPARTMENT OF THE ARMY
y, 2d Armored Cavalry Regiment
Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

I have worked with _____ for approximately one year. During that year he served as the second squad leader, performing well above the standards. When 2/2 ACR received deployment orders, _____ was chosen to deploy ahead of the rest of the _____. He was selected based on his knowledge on engineer task and his ability to make quick, sound decisions. These were characteristics needed to provide initial advice to the Squadron Commander and the TAC. _____ saved numerous lives of Iraqi citizens by destroying DPICM submunitions and other UXO's from neighborhoods in Iraq. He had always had the best interest of the locals in mind. The platoon started assisting Bulldog Company with looters on Camp Marlboro's "back 40" around mid June 2003. During this time _____ I was involved with detaining several looters from the back 40. On one occasion, that I was present for, 3-4 looters were detained. We attempted to hand them off to Bulldog personnel and were told to take the looters out scare them, rough them up and release them. I return to our platoon AO and sent the others trucks out to release the looters. Just a day or two earlier a looter had been shot and killed on the back 40, therefor the PSG and _____ made a decision to make the detainee strip. This was done to embarrass the looter so he would not return to be shot and possibly killed. The decision may not have been the right one politically, but was effective on saving the lives of those looters. _____ realizes that the wrong decision was made and is prepared to accept the consequences of his actions.

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DEPARTMENT OF THE ARMY
 2nd Armored Cavalry Regiment
 Camp Dragon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

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

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

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

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

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



DEPARTMENT OF THE ARMY
2d Armored Cavalry Regiment
Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

was assigned to 84th Engineer Company as 2nd Platoon Sergeant about two weeks after I took over as the Platoon Leader. Since his first day, he has mentored and coached me to be a leader. His emphasis on taking care of the soldier and living the Army values has set a base for my development as an officer. During Operation Iraqi Freedom, has demonstrated his ability to react to any situation, ranging from helping a depressed soldier to calming upset citizens of Iraq. When the platoon started detaining looters, was the first to make sure they were treated right. He would give water to the thirsty and when informed of possible mistreatments, he talked to the platoon to make sure it would not happen. For a brief period looters were being shot when looter on the back of Camp Marlboro. When told to rough up, scare, and release detainees felt it necessary to embarrass them to the point they would not return to loot and possibly get shot. His decision was to make he detainee strip and walk home nude. The decision may not have been the best, but it worked. is aware that he made a bad choice, but in that choice had saving the lives of the looters in his mind. He is a great asset to the platoon and should not be punished to the point of losing his position as Platoon Sergeant.

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001840

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

AFZX-CB-EN

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Investigating Officer's Report

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

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

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

DATE: 25 Aug 2003
0900 hrs

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

AFZX-CB-EN

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Investigating Officer's Report

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

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

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

DATE: 25 Aug 2003
0910 hrs

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



AFZX-C-CO

23 August 2003

MEMORANDUM FOR

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

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

Encl.

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



AFZX-C-CO

23 August 2003

MEMORANDUM FOR

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

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

Encl.

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15-6 Report
Maltreatment of Detainees
July - August 2003

001845

AFZX-C-JA

12 August 2003

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: 15-6 Report of Investigation, Maltreatment of Detainees, July-August 2003

1. I have reviewed the subject report of investigation. The report is legally sufficient and the recommendations are consistent with the findings.
2. The appointing authority should consult with the trial counsel regarding UCMJ or other adverse actions prior to taking them.
3. For administrative completeness the appointing authority should complete Section VIII of the DA Form 1574.
4. There is no legal objection to approval of the findings and recommendations of the investigating officer.

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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 _____ (Appointing authority)

on 28 JULY 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Marlboro, Baghdad, Iraq at _____ (Place) _____ (Time)

on 29 July - 8 Aug 03 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at 1800hrs (Time) on 8 August 2003 (Date)

and completed findings and recommendations at 1600hrs (Time) on 10 August 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?	X		X
	b. Copy of notice to respondent, if any? (See item 9, below)	X		
	c. Other correspondence with respondent or counsel, if any?	X		
	d. All other written communications to or from the appointing authority?	X		
	e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X

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

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

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

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

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

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

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

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

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

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

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

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

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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)

(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.)

RECEIVED AND RECORDED
CORR-101, dtd 9 Nov 01



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



AFZX-C-CO

28 July 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

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

FOR THE COMMANDER:

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

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

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

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The [REDACTED] with the United States Army and wanted to question me about the following offense(s) of which I am suspected/accused: *stripping Iraqi citizen and beating an Iraqi citizen*

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

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CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

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

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he is with the United States Army and wanted to question me about the following offense(s) of which I am suspected/accused: *stripping of Iraqi citizens and Beating Iraqi citizens*

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

- I do not have to answer any question or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

001853

Personal info redacted IAW Sec 01 UCI Memo 01 - CORR-101, did 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION Camp Muzerall Baghdad Iraq	2. DATE 1 AUG 03	3. TIME 17:00	4. FILE NO.
5. NAME (Last, First MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: Striping Iraqi citizens + Beating Iraqi citizens

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

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

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspect/accused: *Detainee Abuse*

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
 - or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

001855

CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

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

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name is [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: *Detainee Abuse*

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

001857

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION Camp Marlboro Bahadad Iraq	2. DATE 8 Aug 2003	3. TIME 1130hrs	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

~~suspected~~ accused: Detention Abuse

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

001858

CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Camp Marlboro 2/2 ACZ Baghdad Iraq</i>	2. DATE <i>1 Aug 03</i>	3. TIME <i>1245 hrs</i>	4. FILE NO.
5. NAME (Type or Print)	8. ORGANIZATION OR ADDRESS		
6. [REDACTED]	7. GRADE/STATUS	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army
 [REDACTED] and wanted to question me about the following offense(s) of which I am
 suspect/accused: *stripping Iraqi citizens + Beating Iraqi citizens*

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

- I do not have to answer any question or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

001859

Personal Info Redacted IAW DCU OI DVI TRAINING OI
CORR-101, did 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

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

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: **Detainee Abuse**

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

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

001860

CORR-101, dtd 9 Nov 01

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

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

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator, *[REDACTED]*, of the United States Army, and wanted to question me about the following offense(s) of which I am

suspected/accused: *Detainee Abuse*

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

001861

CORR-101, dtd 9 Nov 01

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- Exhibit C
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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: CAMP DRAGON, BAGHDAD IRAQ
2. DATE (YYYYMMDD): 2003 07 28
3. TIME: 1930
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

ON 19 JULY IT WAS BROUGHT TO MY ATTENTION THAT A SOLDIER UNDER MY COMMAND HAD WENT TO THE CHAPLIN. REFERENCE THE POSSIBLE MIS-TREATMENT OF IRAQI CIVILIANS. UPON FINDING THIS OUT, I WENT TO THE [redacted] AND RECEIVED THE INFORMATION THAT WAS BROUGHT TO HIS ATTENTION. UPON HEARING THE POSSIBLE ALLEGATIONS I WENT TO THE PLATOON LEADER & SERGEANT TO GET AN INITIAL READ. THEY BOTH SAID THEY HAD HEARD RUMORS OR TALK BUT KNEW NOTHING. I THEN TALKED WITH A COUPLE OF SOLDIERS. [redacted] WAS THE SOLDIER THAT WENT TO THE CHAPLIN AND HE CONFIRMED WHAT THE CHAPLIN HAD TOLD ME. HE SAID THAT THE PLATOON HAD STRIPPED AN IRAQI CIVILIAN, SHOCKED AN IRAQI CIVILIAN WITH AN M34 BLASTING DEVICE AND ROUGHED A CIVILIAN UP IN THEIR APO. I ALSO TALKED WITH [redacted] WHO STATED THAT THE PLATOON PROVOKED A LOT OF THINGS AND BOTH SOLDIERS STATED THE PLATOON WAS DOING THINGS THEY SHOULD NOT BE DOING. THE FOLLOWING DAY, 20 JULY 03, I HAD THE [redacted] AND [redacted] COME TO MY LOCATION. I THEN BEGAN ASKING THEM QUESTIONS REFERENCE THE PROPOSED ALLEGATIONS. I ALSO SPOKE WITH ALL [redacted] UPON MY QUESTIONING I GATHERED THE FOLLOWING INFORMATION. TO THE BEST OF MY KNOWLEDGE ALL INCIDENTS HAPPENED IN THE ABSENCE OF THE PL. HE STATED HE HAD NO KNOWLEDGE AND HAD HEARD SOME TALK BUT HAD NOT SEEN ANY OF THE ABOVE STATED INCIDENTS. AFTER INITIAL QUESTIONING [redacted] ADMITTED TO BEING PRESENT FOR ALL AND DIRECTING THE STRIPPING OF ONE INDIVIDUAL. [redacted] SEEMS TO HAVE BEEN PRESENT FOR ALL AND TOOK PART IN THE STRIPPING AND SHOCKING INCIDENT. [redacted] ADMITTED TO BEING PRESENT BUT HAD NO DIRECT INVOLVEMENT. [redacted] ALSO ADMITTED TO BEING PRESENT BUT HAD NO DIRECT INVOLVEMENT. UPON QUESTIONING OTHER SOLDIERS TO THE BEST OF MY KNOWLEDGE I BELIEVE IT IS TRUE. SO FROM THE

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

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
001863

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

STATEMENT OF MIKE

TAKEN AT B-DC, Baghdad DATED 28 July 2003

9. STATEMENT (Continued)

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

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

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of July 2003 at Bahadur TA Baghdad Iraq

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

TAKEN AT

R-100, Baghdad

DATED

28 July 05

9. STATEMENT (Continued)

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

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.

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

AR-15-6 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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

PRIVACY ACT STATEMENT

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

1. LOCATION Baghdad
2. DATE (YYYYMMDD) 20030728
3. TIME 21:30
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:
A few days after July 4th at about 1500hrs [redacted] came to me and said you wont believe what I saw. I said what he told me that they had caught an Iraqi stealing. He told me that they had taken a 9 millimeter pistol and hit him with it and knocked him unconscious and left him there bleeding and in zip cuts. Then [redacted] walked up to me and told me the same thing and that he had watched it happen.

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

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

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

001867

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

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

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

CORR-101, did 9 Nov 01

001868

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Marlboro Bahadad Iraq
2. DATE (YYYYMMDD): 20030629
3. TIME: 2010
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:
Before the 4th of July my PI+ was called to pick up a bunch of copper wire from Eagle troops sector. We came back to camp Marlboro to the back 40 and saw a bunch of looters. We chased them on foot to route Aeres one of them was making fun of us as he ran away. We got back to our vehicles and our PS6 had 2 detainees the looters started to come back so my squad dropped on trailer and went out to the Aeres. At that time we caught 2 more looters. We brought them back and [redacted] told me one of the detainees was the one making fun of us. They took him off the truck took him to the front of their truck and roughed him up. Put their foot in his chest. I saw [redacted] whack him with a blasting machine. We went back and dropped them off at the Curoc. When we got back the PS6 asked me if it bothered me and I said yes. The several occasion we picked up looters at the same place. We then drove to a building near the back 40 they pulled the chairs out of the truck and the [redacted] and a few others took them inside. I was sitting in my Humvee and I saw one chair run out naked, about 5 min later the other one came out naked. The third incident we caught one looter and took him to the same place. I did not see him come out. I did see them come out with his clothes.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER 001870

CORR-101, dtd 9 Nov 01

STATEMENT OF _____

TAKEN AT Camp Marlboro

DATED 29 July 2003

9. STATEMENT (Continued)

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

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

AFFIDAVIT

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

X _____
(Signature of person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of July, 2003 at Camp Marlboro, Baghdad, Iraq.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-C
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

XNDW

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

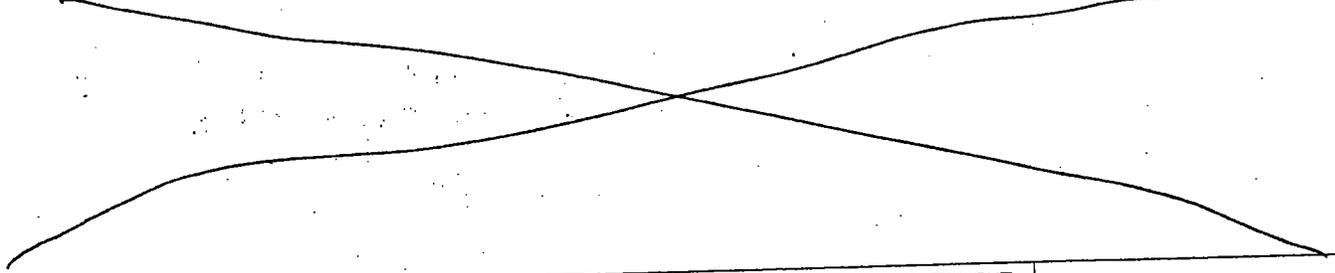
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate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

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

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

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

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



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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
001872

FCISUBJ1110 REDACTED LAW SEC 01 DE1 MCH110 V1 -
CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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

AFFIDAVIT

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

X

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of July, 2003 at Camp Harbora, Blandford, VA

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

15-6
(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

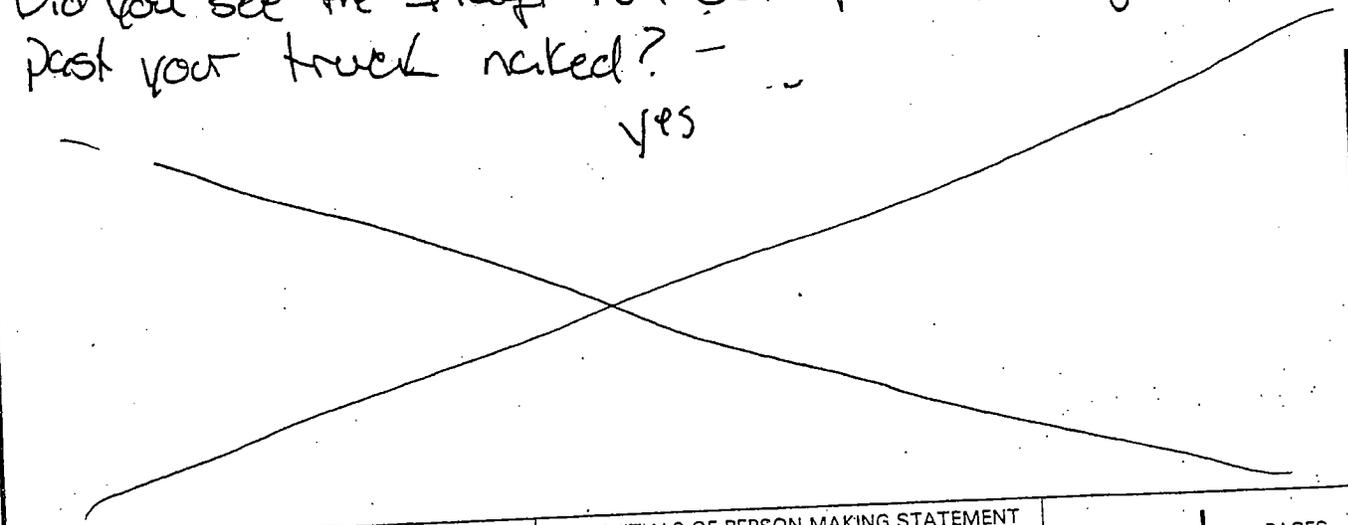
PRIVACY ACT STATEMENT

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

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

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Prior to the 4th of July, EN22, EN23, EN27 seen looters. We detained 1 of them. We then went behind Camp Marlboro. They (I believe then striped the Iraqi of his clothes. While this was going on I was on EN23 pulling security on the .50 cal. Then I seen the Iraqi run out of the building. Then we left and came back to Camp Marlboro.

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



10. EXHIBIT: F
11. INITIALS OF PERSON MAKING STATEMENT: X
PAGE 1 OF 1 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
001874

CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Redacted Statement Area]

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at Prison No. 101, Federal Inst.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT
X

PAGE X OF X PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

around the beginning of July a incident took place in our warehouse were EN23 Brought in a Iraqi Civilian apparently for stealing and Me and [redacted] was Changing the tire on Eng. 2A when they came in and took him out the back of the truck he was zip tied + blind folded with a sand bag. When I looked up to see whats going on he was sitting against the wall and they were yelling at him for stealing an how bad it was. Then when we was finished with EN22, us and EN27 Brought the Iraqi to the building in the Back 40 and I got out to smoke a cigarette and then I seen the boy coming out without any clothes on, I just turned around and then we loaded back into vehicles and came back to the warehouse.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER 001876

1. CIRCULAR HEAD INCREASED BY 10% ON 01 NOV 01
CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

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

[REDACTED Signature]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at Car Madison Rockland Ave

[REDACTED Signature]
(Signature of Person Administering Oath)

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

15-C
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

301877

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION CAMP MARLBORO, BAHADIN IRAQ	2. DATE (YYYYMMDD) 20030730	3. TIME 1750	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN		7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS			

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

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

CORR-101, dtd 9 Nov 01

10. EXHIBIT H	11. INITIALS OF PERSON MAKING STATEMENT X	PAGE 1 OF 1 PAGES 001878
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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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Redacted Statement Content]

AFFIDAVIT

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July, 2003 at Camp Marshall, Baghdad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

WITNESSES

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V1.00

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Marlboro Baghdad Iraq
2. DATE (YYYYMMDD): 2003 07 30
3. TIME: 1845
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 ~~was~~ was on 27. Trucks were coming to the back gate when we saw looters stealing copper wire. We chased down 3 looters and detained them. also caught 3 looters and brought them to our location, then got put on perimeter guard. We were making the looters unload wire I was told to go check and make sure they were unloading wire. As I passed by 5 truck I saw him shoot a looter with the M-34 blasting machine. The day I was moved from the squad that night held a mtg and said that if any thing came down from what I said he and I would take full blame for everything.

~~on a looter~~
A week or so earlier we 27 & 22 caught 2 kids looting and took them to the back 40 and took them inside the building and took all their clothes and made them up home with no clothes.

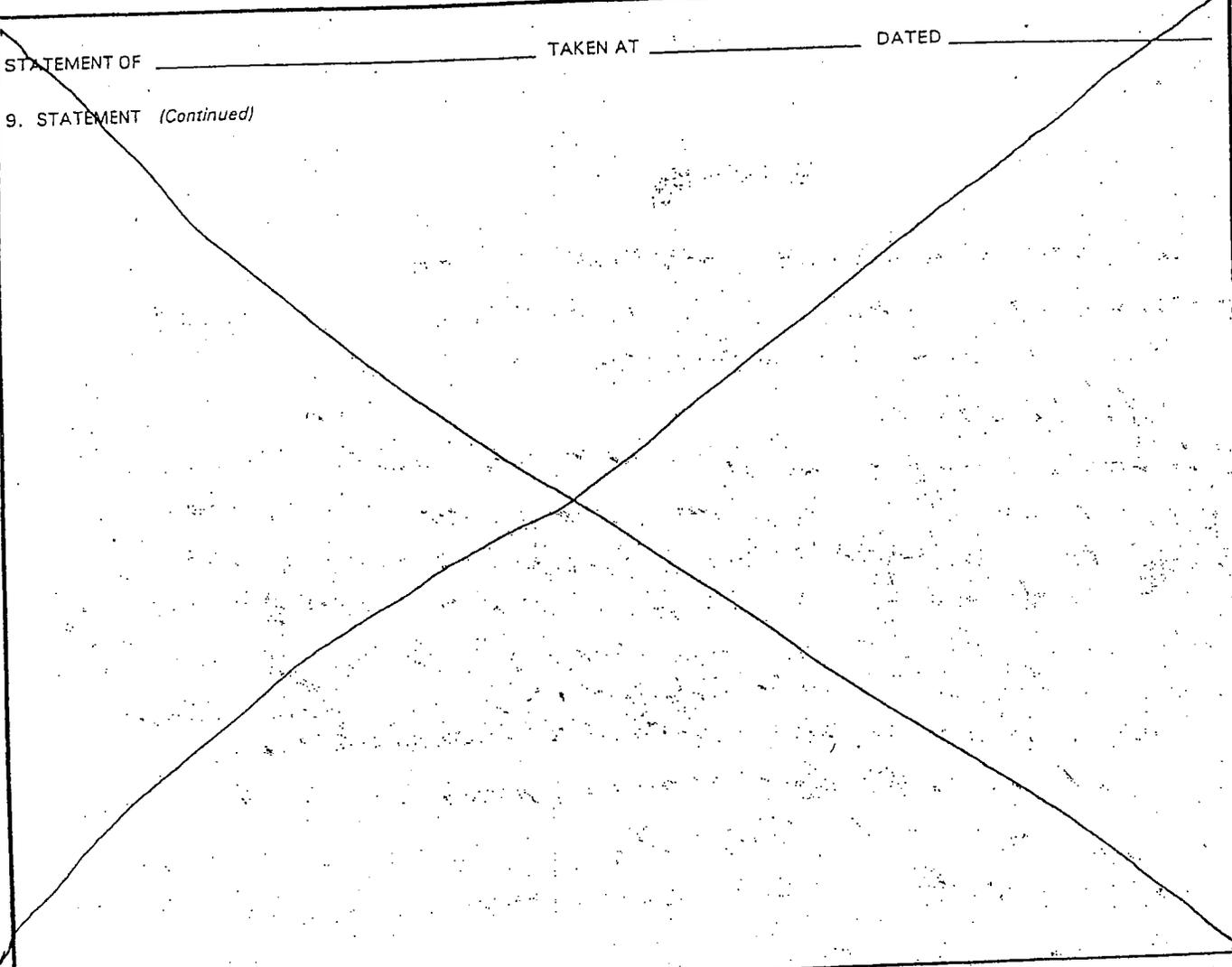
10. EXHIBIT I
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED 001880
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

Personal info redacted LA W Dec 01 JET MCHU 01 - CORR-101, did 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



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

AFFIDAVIT

I, [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 30th day of July, 2003 at Camp Hartboro, Baghdad, Iraq

[REDACTED]
Signature of Person Administering Oath

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V1.00

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION <i>Camp Marlboro Baghdad Iraq</i>	2. DATE (YYYYMMDD) <i>20030530</i>	3. TIME <i>2015</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
B. ORGANIZATION OR ADDRESS [REDACTED]			

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

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

Nothing Follows

10. EXHIBIT <i>J</i>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>1</i> 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 <i>001882</i>		

CORR-101, did 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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

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

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

Camp Harboron, Bechtel Inc

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V1.00

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

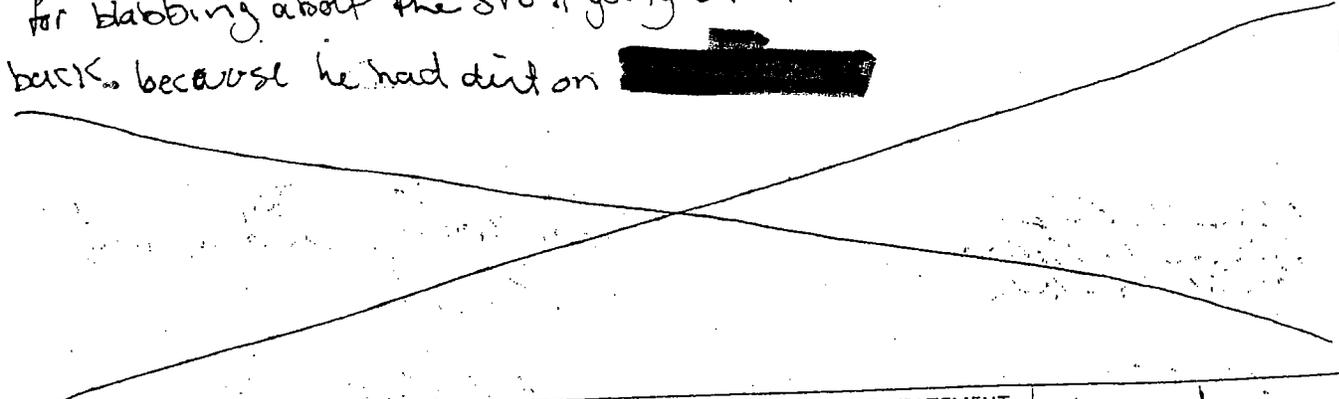
1. LOCATION: Camp Marlboro Baghdad Iraq
2. DATE (YYYYMMDD): 31 July 03
3. TIME: 1700
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

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

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

In another meeting, he was telling us [redacted] was a traitor for blabbing about the stuff going on + that he would get him back, because he had dirt on [redacted]



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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER 301884

CORR-101, did 9 Nov 01

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Faint, mostly illegible handwritten text, possibly containing a confession or statement of facts.]

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of July, 2003
Emp Marlboro, Rachel Fine

(Signature of Person Administering Oath)

(Authority To Administer Oaths)

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

PRIVACY ACT STATEMENT

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

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

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

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

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

10. EXHIBIT L	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" _____ TAKEN AT _____ DATED _____

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

001888

Personal Info Redacted IAW Sec of Def Memo U-1
CORR-101, did 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Faint, mostly illegible handwritten text, possibly describing a statement or affidavit.]

AFFIDAVIT

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

[Redacted signature area]
(Signature of Person Making Statement)

WITNESSES: _____

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

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

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
[Handwritten initials]

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 <i>Camp Marlboro, Baghdad, Iraq</i>	2. DATE (YYYYMMDD) <i>20030731</i>	3. TIME <i>2130</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

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

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

10. EXHIBIT <i>M</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF <i>2</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

001888

STATEMENT OF

TAKEN AT

Camp Marlboro

DATED

31 July 2003

9. STATEMENT (Continued)

up and get back to the warehouse. A few minutes later, Z3 pulled up with the prisoner still in the truck. I took the prisoner out of the truck, and made him sit against the wall. I told me to watch him while everyone was at dawn. The prisoner kept trying to get up and I had to repeatedly push him back to sitting down. He was trying to show me his right hand. When I looked at it, it was turning purple and swelling, so I removed the zip cuff that was on too tight and his blind fold. I then put a new cuff on him not so tight. He looked around and saw a soccerball near by. He said "Mr, football." I grabbed the ball and said, "You like football?" and bounced it off his forehead. He said "I like this" and yelled at me. He then told me I called me over, and yelled that what I did was wrong and that we can't do stuff like that. That night, I told everyone that we weren't going to take care of looters anymore and from that point on, we would just give them to Bullelog and let them handle it how they wanted. We've caught 2 Iraqi personnel stealing electricity since then, and they were taken straight to Bullelog. NOTHING FOLLOWS.

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001889

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

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

AFFIDAVIT

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

WITNESSES:

ORG. _____

ORGANIZATION OR ADDRESS _____

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

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

001890

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

Did not see or do not know anything that happen

nothing follows

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

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

001891

PERSONAL INFO REDACTED IAW SEC 01 USC 11211 (U) 1-
CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Faint, mostly illegible handwritten text, possibly a statement or notes, crossed out with a large X.]

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of July, 2003 at Camp Carlbone, Baxley, Fla.

(Typed Name of Person Administering Oath)

15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

10. EXHIBIT <i>0</i>	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <i>2</i> 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.

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

STATEMENT OF

TAKEN AT

Camp Marlboro

DATED

1 Aug 2003

9. STATEMENT (Continued)

I came and asked if any sodas full of the truck because there were 10 cases of sodas missing. I said no and told him to count them again 2 minutes later. I told me to go and count them so I went to the rear of the warehouse and on the way in I told me we were good. It was a misscount I partially counted them and started to head out to play again on the way out I heard the Iraqi scream I then looked and caught a glance of our medic pouring water on him. I left and started to play again. There was another incident that involved 2 naked guys. We had a mission with I can't fully remember what it was but it was a bullshit mission on our way back to camp we heard over the radio platoon next to go get some looters so we proceeded to go after them the truck I was in (23) we didn't get nobody because our driver was inexperienced when there were no looters left we followed the rest of the trucks (- 21, 22) to some shack our truck waited and everyone else dismounted some to smoke and others to do whatever they did. Well as we waited an Iraqi runner passed us naked I started laughing and [redacted] did so about 5 min later another Iraqi started running naked past our truck again and that's all I saw and know about that incident.

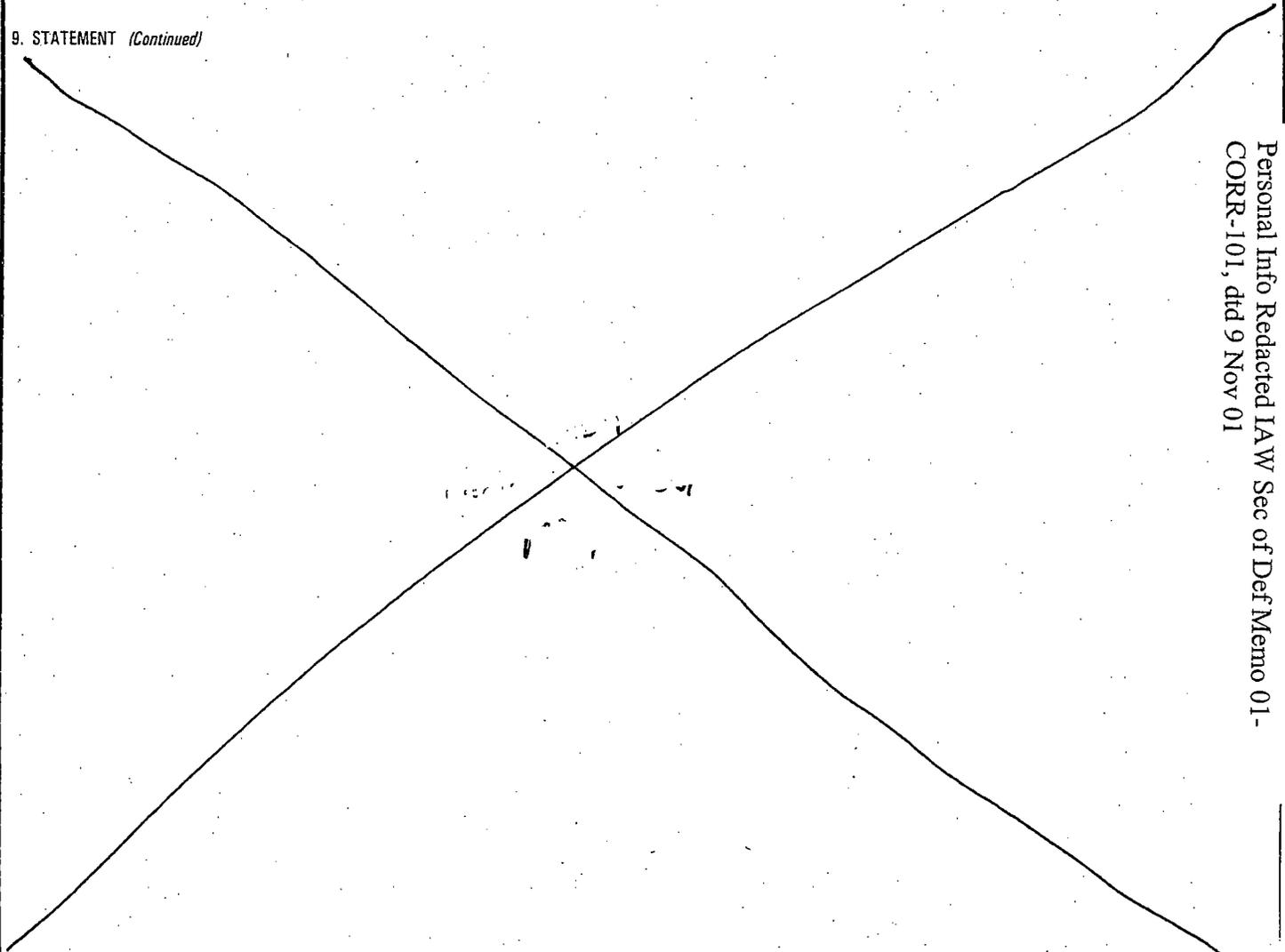
STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

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



AFFIDAVIT

I, [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.

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of August 2003 at Camp Marlboro, Big Island, Iraq

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE OF PAGES

001895

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

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

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

CORR-101, did 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

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

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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:

[Redacted witness information]
ORGANIZATION OR ADDRESS
[Redacted]
ORGANIZATION OR ADDRESS
[Redacted]

[Redacted Signature of Person Making Statement]
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of August, 2003 at Camp Harbore, Baghdad Iraq
[Redacted Signature of Person Administering Oath]
[Redacted Name of Person Administering Oath]
ISG
(Authority To Administer Oaths)

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: Camp Marlboro Baghdad, Iraq
2. DATE (YYYYMMDD): 20030801
3. TIME: 1340
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

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

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

CORR-101, dtd 9 Nov 01

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

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

AFFIDAVIT

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

[Redacted Signature]

(Signature of Person Making Statement)

WITNESSES:

[Redacted Witness Name]

ORGANIZATION OR ADDRESS

[Redacted Witness Name]

ORGANIZATION OR ADDRESS

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

[Redacted Signature]

(Signature of Person Administering Oath)

[Redacted Name]

(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

001899

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

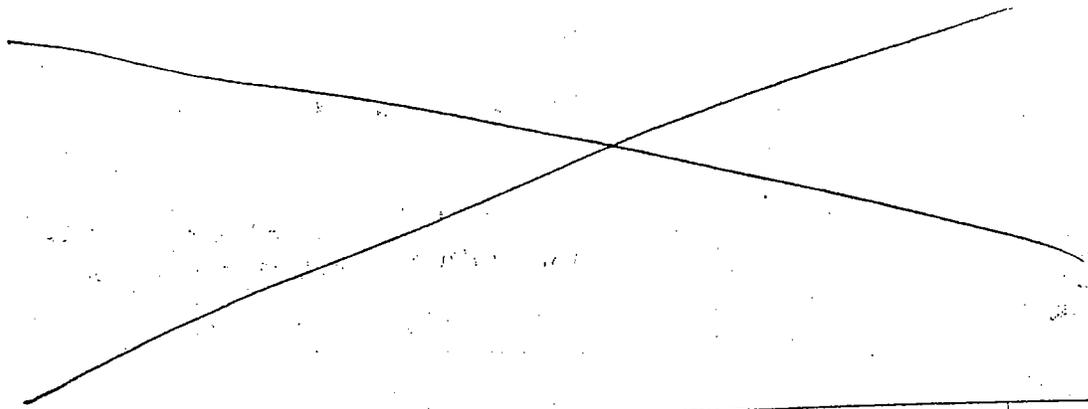
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate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

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

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

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

One day I was gunning on the .50 cal of GN22. We arrived at a building behind our compound that I had never been do before. I stepped down into the back of 22 for a moment to drink some water and load my M-16. When I stepped back up to the .50 cal, I noticed a naked Iraqi run by the vehicle. I took a double take and then we left the area and returned to Camp Marlboro.



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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
001900

CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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

AFFIDAVIT

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of August, 2003 at Camp Marlboro, Baghdad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

IS-C
(Authority To Administer Oaths)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
GAH

PAGE _____ OF _____ PAGES

001901

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

8. ORGANIZATION OR ADDRESS

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

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop it off in the rear fields of Camp Marlboro. The squads that were with me were ENG22, ENG23, & my truck of ENG27. We were heading back from picking up wire when we found some looters in the back field of Camp Marlboro. We ended detaining one looter. We took the looter to the CMOC.

(Bulldog 6) said that we should take the looter and drive around a while, scare him, beat him up, or whatever that we wanted to do. So, we took the looter to a empty building in the rear field of Camp Marlboro. Myself, _____ took the detainee inside the building yelled and screamed at him then I had to make a decision of what I should do next. I heard that a looter was shot and killed earlier this month and the guys who shot him was not punished. I didn't want to kill him so I decided that I needed to teach him a lesson. So, I told _____ strip the man and make him run home and hopefully he would incur some embarassment but at least he would be alive. We had another incident to where we detained two looters in the rear field of Camp Marlboro and instead of taking to CMOC we took them to the same building and then Myself, _____ had the two guys take their clothes off and run home.

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

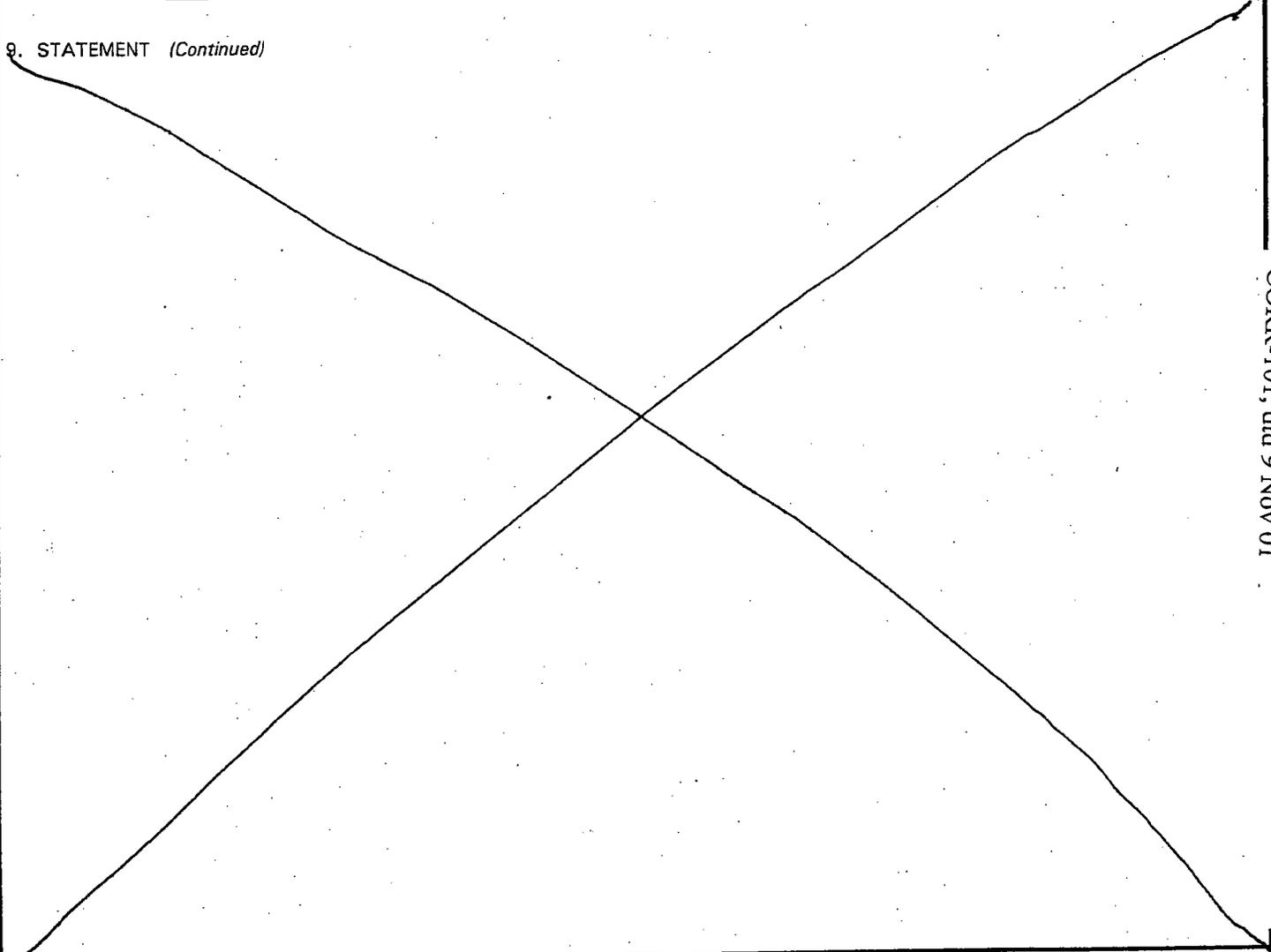
RESOU I made looters strip is. I didn't want to shoot them and agreed with _____ orders "take them back and beat the fuck out of them out ROE at the time we could shoot the looters, I didn't want to shoot or kill unarmed looters, or just let them go, and they can come back and get killed by Bulldog elements.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____ 001903

CORR-101, dtd 9 Nov 01

9. STATEMENT (Continued)



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

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of August, 2003 at Camp Marlboro, Bachelard, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

150
(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

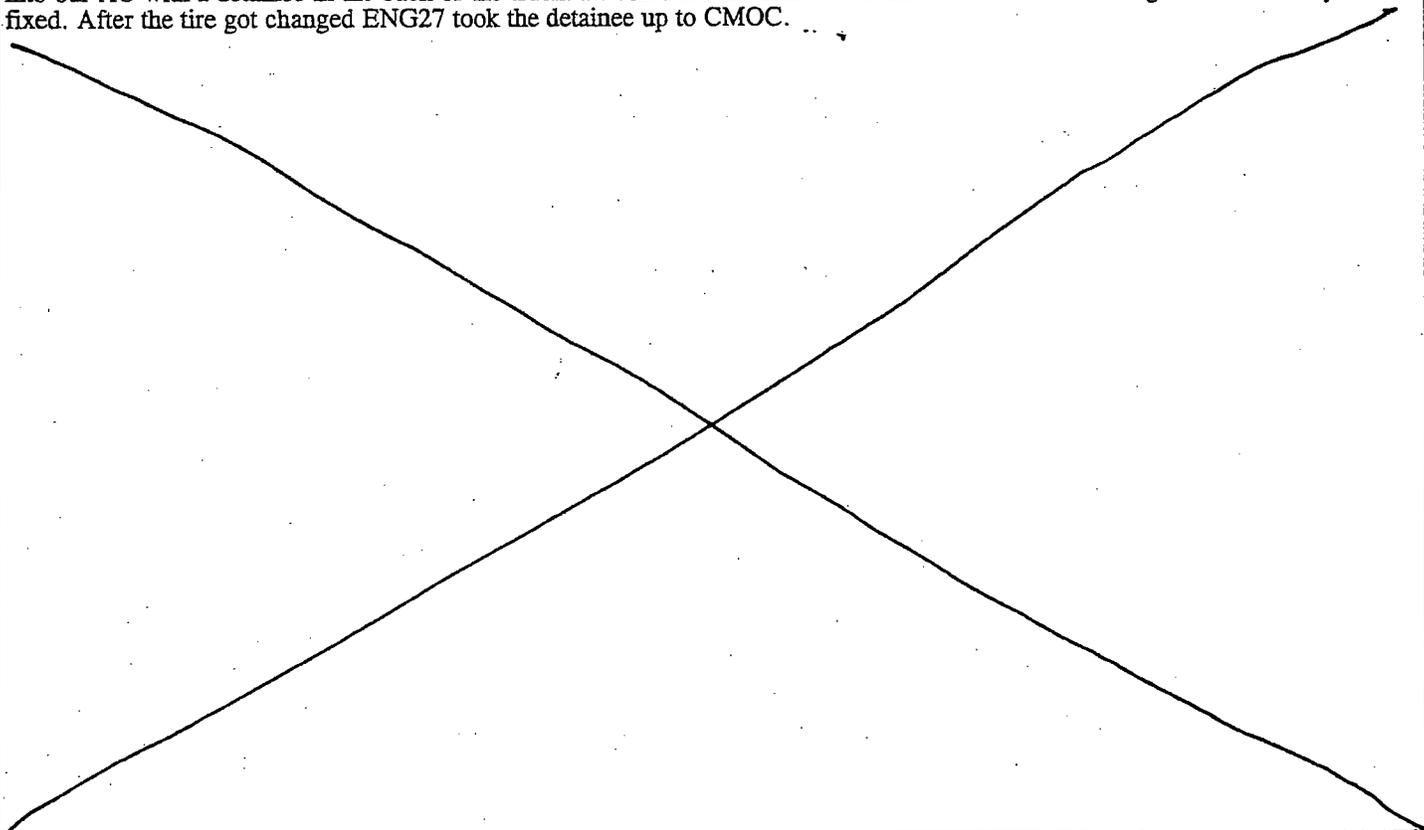
PRIVACY ACT STATEMENT

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

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

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

During Operation Scorpion we had finished picking up wire in Eagle's sector. We were headed back to Cmp to drop off the wire when we saw looters in the rear field behind Camp Marlboro. We chased them down and picked up a total of 7 detainees. We had them download the wire from the back of the trailers and then took them to the CMOC. We were out on mission again and caught one looter stealing the copper wire. We took him to the CMOC to turn him in when _____ was told by Bulldog 6 totake him out and beat him or do whatever you want to with him. So, we took this guy to a building in held behind the camp. _____ old _____ to strip the detainee of his clothes. _____ followed his orders. Then we released the detainee to go home. So he ran outside and went home. We had another incident a few days later to where we detained two looters. We took them to the building again and stripped them of their clothes and made them run home. In both incidents myself were in the building. On the 3rd of July we had to go get sodas for the 4th of July party for SQDN. On our way back we checked the field for looters. There were looters in the back field so we tried to catch them. While trying to catch these looters my truck got a flat tire. So we went back to Camp Marlboro and I told my guys to get the tire fixed. When we got back ENG23 came into our AO with a detainee in the back of the truck. I wasn't around much after that because I wanted to get the tire on my truck fixed. After the tire got changed ENG27 took the detainee up to CMOC.



10. EXHIBIT u	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" _____ TAKEN AT _____ DATED _____

001905

1 ORIGINAL HHS ACQUISITION LAW SEC 01 DEI Memo 01-
CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

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

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of August, 2003 at Camp Harbors, Bayfield, Wis.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

156
(Authority To Administer Oaths)

001906

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

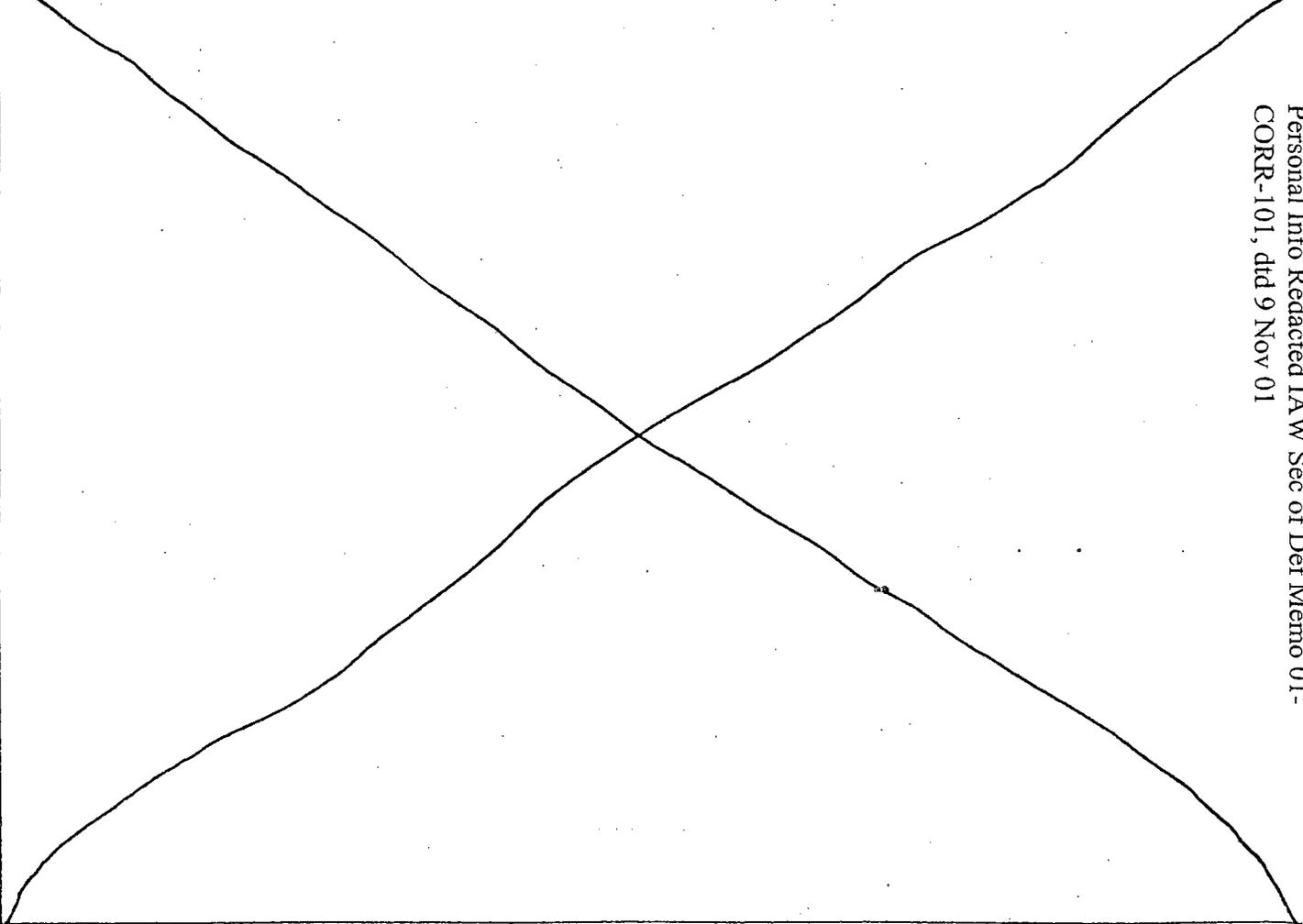
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION <i>Camp Marlboro, Baghdad</i>	2. DATE (YYYYMMDD) <i>20030808</i>	3. TIME <i>1942</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	[REDACTED]		7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
4 2

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

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



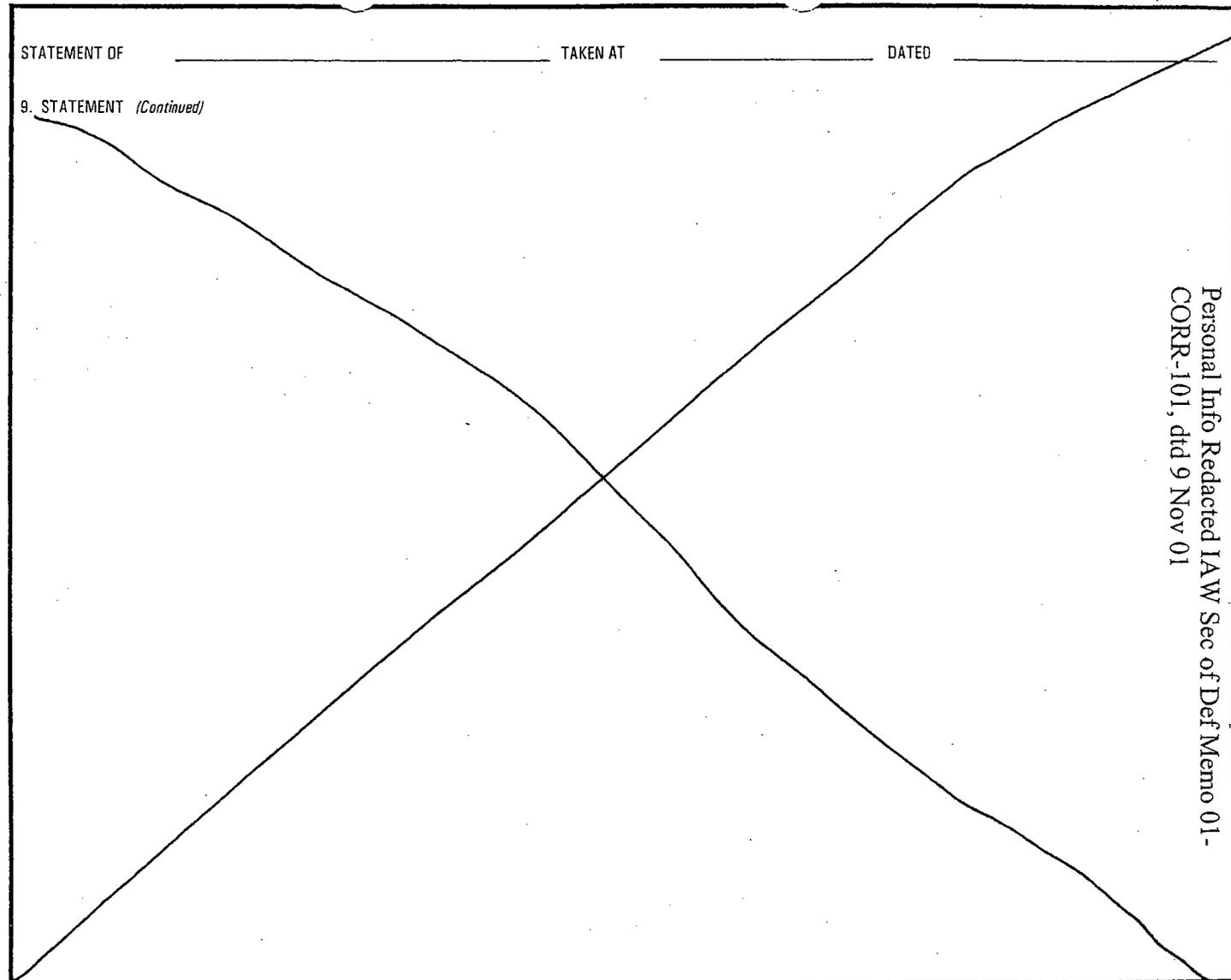
10. EXHIBIT <i>V</i>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>1</i> PAGES
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Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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



AFFIDAVIT

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


(Signature of Person Making Statement)

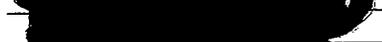
WITNESSES:





ORGANIZATION OR ADDRESS





ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of August, 2003 at Camp Hearlboro, Baghdad, Iraq


(Signature of Person Administering Oath)


(Typed Name of Person Administering Oath)

IS-G
(Authority To Administer Oaths)

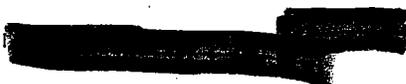
001908

SWORN STATEMENT

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

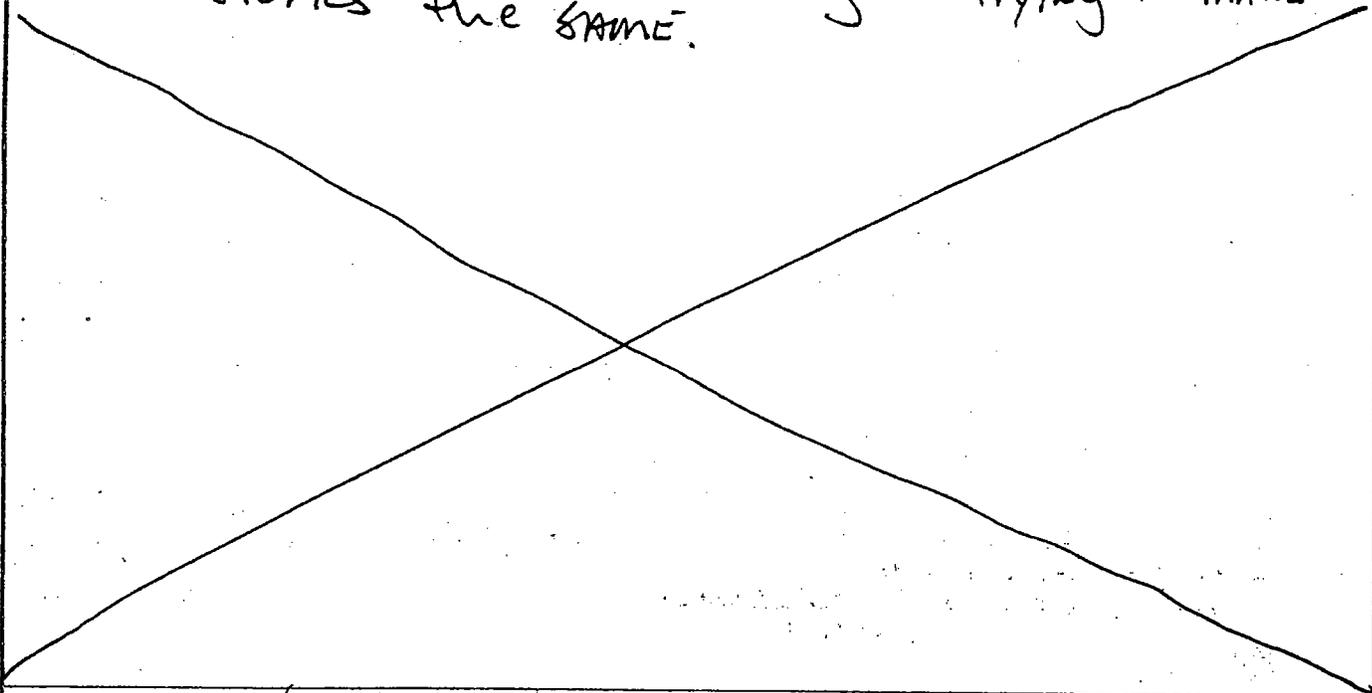
PRIVACY ACT STATEMENT

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

1. LOCATION <i>Camp Marlboro</i>	2. DATE (YYYYMMDD) <i>20030608</i>	3. TIME <i>1200</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			
9. 			

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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



10. EXHIBIT <i>X</i>	INITIALS OF PERSON MAKING STATEMENT 	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT

001909

CORR-101, did 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Redacted area with large X]

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15th
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

_____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In my last statement I wrote that I saw [REDACTED] shokha Iraqi. I am reconfirming this in this statement.

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

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

10. EXHIBIT <i>W</i>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>1</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER

001911

PERSONAL INFO KEUACICU LA W SEC 01 DET MILIND 01 -
CORR-101, did 9 Nov 01

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

1. LOCATION Camp Marlboro 2. DATE (YYYYMMDD) 20030608 3. TIME 1700 4. FILE NUMBER

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

8. ORGANIZATION OR ADDRESS

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

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

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

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

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

001912

CORR-101.dtd 9 Nov 01

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Redacted Statement Area]

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

[Redacted Witness Name]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of August 2003 at Camp Marshall, Baghel, Jharkhand

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

15-10
(Authority To Administer Oaths)

ORGANIZATION ADDRESS
[Redacted]

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001913

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT
001914

CORR-101, dtd 9 Nov 01

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Marlboro Baghdad Iraq
2. DATE (YYYYMMDD): 2003 08 09
3. TIME: 1240
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:

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

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

There was no collaboration of stories for this investigation.

10. EXHIBIT: Z
11. SIGNATURE: [redacted]
PERSON MAKING STATEMENT
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED 001915
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT

CORR-101, dtd 9 Nov 01

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 <i>Camp Marlboro, Baghdad, Iraq</i>	2. DATE (YYYYMMDD) <i>20030808</i>	3. TIME <i>13:10</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

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

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

_____ and several other members of my platoon which I can not remember were hitting, kicking, and tearing at the clothes of the Iraqi detainee. My feelings at the time were excitement. I went to my bunk to get a camera, but when I returned, I took the camera, I turned and went to my truck, 21, to get the water which I had initially gone to the back for.

FBI/DOJ HHSI INCHARGE IN W. DC. OF DOJ EMPLOYEES
CORR-101, dtd 9 Nov 01

10. EXHIBIT <i>AA</i>	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>3</u> PAGES
--------------------------	---	--------------------------

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

001917

STATEMENT OF

EN AT

Camp Marlboro

DATED

8-8-03

9. STATEMENT (Continued)

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

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

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

Camp Marlboro

DATED

8-8-03

9. STATEMENT (Continued)

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

CORR-101, did 9 Nov 01

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

[redacted witness names]

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

[redacted signature]

(Signature of Person Administering Oath)

[redacted name]

(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

001919

1973

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

(b) (3)
(b) (6)

See Notes on Reverse Before Completing Form

NAME	GRADE	SSN	UNIT	PAY (Basic & Sea/Foreign)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$1,356.90

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/} In that you, did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike UCMJ. in the face with your hand. This is in violation of Article 128,

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. ^{2/} If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. ^{3/} In deciding what you want to do you have the right to consult with legal counsel located at M, W, F 0900-1230 & 1400-1730 hours, TDS, Baghdad International Airport. You now have 48 hours to decide what you want to do. ^{4/}

DATE	TIME	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
21 OCT 03	1617	[REDACTED]	[REDACTED]

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)
a. I demand trial by court-martial.
b. I do not demand trial by court-martial and in the Article 15 proceedings:
(1) I request the hearing be Open Closed A person to speak in my behalf Is Is not requested.
(3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
21 OCT 03	[REDACTED]	[REDACTED]

4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/} Reduction to Private (E1); forfeiture of \$575.00 pay per month for two months, suspended, to be automatically remitted if not vacated before 29 April 2004,

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{7/}
6. You are advised of your right to appeal to the Cdr, 1st AD within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
	[REDACTED]	[REDACTED]

7. (Initial appropriate block, date, and sign)
a. I do not appeal b. I appeal and do not submit additional matters ^{8/9/} c. I appeal and submit additional matters ^{8/9/}

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
28 OCT 2003	[REDACTED]	[REDACTED]

8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE

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

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE

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

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}
CID Report with sworn statements and rights advisements(81), DA Form 268, and ERB. AS/M

DEPARTMENT OF THE ARMY
HEADQUARTERS
3RD BRIGADE, 1ST ARMORED DIVISION
BAGHDAD, IRAQ APO AE 09324

AFZN-BB-CO

DATE: 21 06 03

MEMORANDUM OF AGREEMENT

THRU Commander, [REDACTED] APO AE 09324
Commander, [REDACTED] APO AE 09324

FOR PFC [REDACTED]
APO AE 09324

SUBJECT: Dismissal of the Court-Martial Charges Preferred on 18 September 2003.

In the case of [REDACTED] the Charges and their Specifications are hereby dismissed with prejudice to the Government conditioned on [REDACTED] pleading guilty under the provisions of Article 15 to the Charge: Violation of the UCMJ Article 128 and Specification: "In that you did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike [REDACTED] in the face with your hand" and further conditioned on [REDACTED] testifying truthfully at all subsequent pretrial investigations and court-martials in the case of [REDACTED]

[REDACTED]
[REDACTED]
Commanding

[REDACTED]
[REDACTED]
Trial Defense Counsel

[REDACTED]
[REDACTED]
USA

001921

CHARGE SHEET

I. PERSONAL DATA			
1. NAME OF ACCUSED (Last, First, Middle Initial)		2. SSN	3. GRADE OR RANK
[REDACTED]		[REDACTED]	PFC
4. PAY GRADE		5. UNIT OR ORGANIZATION	
E3		[REDACTED]	
6. CURRENT SERVICE		7. PAY PER MONTH	
a. INITIAL DATE		a. BASIC	
20020128		\$1,356.90	
b. TERM		b. SEA/FOREIGN DUTY	
3 years		None	
c. TOTAL		8. NATURE OF RESTRAINT OF ACCUSED	
\$1,356.90		None	
9. DATE(S) IMPOSED		None	

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 93.

THE SPECIFICATION: In that [REDACTED] at or near Baghdad, Iraq, on or about 21 June 2003, was cruel toward [REDACTED] a person subject to his orders, by pointing a pistol at [REDACTED] and saying: "Bang!", or words to that effect.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 128.

THE SPECIFICATION: In that [REDACTED], did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike [REDACTED] in the face with his hand.

III. PREFERRAL			
1a. NAME OF ACCUSER (Last, First, Middle Initial)		b. GRADE	c. ORGANIZATION OF ACCUSER
[REDACTED]		[REDACTED]	[REDACTED]
SIGNATURE OF ACCUSER		e. DATE (YYYYMMDD)	
[REDACTED]		20030918	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 18 day of September, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

Organization of Officer

Grade

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

Signature

12. On 20 September, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me
 (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

 Typed Name of Immediate Commander

 Organization of Immediate Commander

 Signature

13. IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

The sworn charges were received at 1500 hours, 20 SEPT 2003 at _____
 Designation of Command or

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

FOR THE ¹ _____

 Typed Name of Officer

 Official Capacity of Officer Signing

 Grade

 Signature

V. REFERRAL; SERVICE OF CHARGES

4a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE (YYYYMMDD)
---	----------	--------------------

Referred for trial to the _____ court-martial convened by _____

_____, subject to the following instructions:²

By _____ of _____
 Command or Order

 Typed Name of Officer

 Official Capacity of Officer Signing

 Grade

 Signature

On _____, I (caused to be) served a copy hereof on (each of) the above named accused.

 Typed Name of Trial Counsel

 Grade or Rank of Trial Counsel

 Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
 2 - See R.C.M. 601(e) concerning instructions. If none, so state.

001923

COURT-MARTIAL CHARGES TRANSMITTAL FORM

PART I

TO: [REDACTED] FROM: [REDACTED] DATE: 20 SEP 03

Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Forms 2627 and the accused's DA Form 2A and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action UP AR 635-200.

NAME: [REDACTED] RANK: [REDACTED] SSN: [REDACTED]
UNIT: [REDACTED]

- Recommend:
- Summary Court-Martial
 - BCD Special Court-Martial
 - Other *Field Grade Article 15*
 - Special Court-Martial
 - General Court-Martial

NAME OF COMMANDER [REDACTED] SIGNATURE OF COMMANDER [REDACTED]

PART II

TO: [REDACTED] FROM: [REDACTED] DATE: 20 SEP 03

- I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct):
- Summary Court-Martial
 - BCD Special Court-Martial
 - Other
 - Special Court-Martial
 - General Court-Martial

NAME OF COMMANDER [REDACTED] SIGNATURE OF COMMANDER [REDACTED]

PART III

TO: [REDACTED] FROM: [REDACTED] DATE: [REDACTED]

- I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct):
- Summary Court-Martial *with GP and statement*
 - BCD Special Court-Martial
 - Other
 - Special Court-Martial
 - General Court-Martial

NAME OF COMMANDER [REDACTED] SIGNATURE OF COMMANDER [REDACTED]

UNITED STATES

vs.

SERVICE OF DOCUMENTS

ON T D S

[REDACTED]

Baghdad, Iraq APO AE 09324

1. The following document was served on trial defense service at Fort Riley, KS

Chain of Command transmittals
Enlisted Records Brief

2. Service was accomplished at 1 Oct 03, 2002.

[REDACTED]

Receipt acknowledged

[REDACTED]

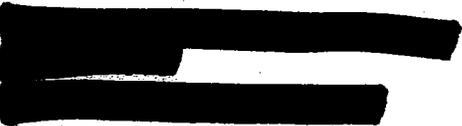
Signature

1
UNITED STATES

vs.

SERVICE OF DOCUMENTS

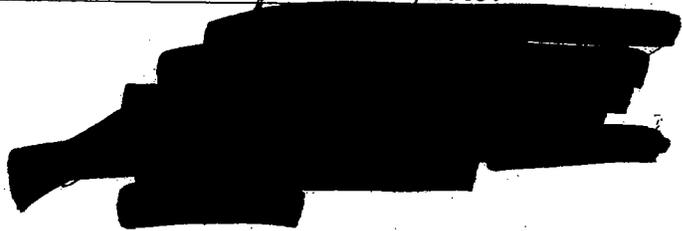
O N T D S / ACCUSED


Baghdad, Iraq APO AE 09324

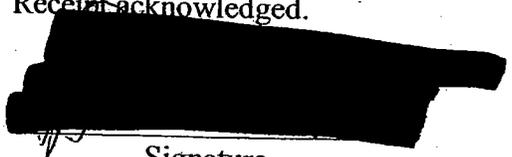
1. The following document was served on trial defense service at Fort Riley, KS

Preferred Charge sheet
Chain of Command transmittals
Enlisted Records Brief
Adverse Action Flag
Allied documents

2. Service was accomplished at 23 Sep, 2003.


Military Paralegal

Receipt acknowledged.


Signature

*Once this document has been signed by soldier
return to Brigade Military Justice Cell in Brigade
TOC.*

001926

UNITED STATES

vs.

SERVICE OF DOCUMENTS

O N T D S



Baghdad, Iraq APO AE 09324

1. The following documents were served on the accused in Baghdad, Iraq

- Preferred Charge sheet
- Chain of Command transmittals
- ~~Enlisted Records Brief~~
- ~~Adverse Action Flag~~
- Allied documents

2. Service was accomplished at _____, 2002.


Military Paralegal

Receipt acknowledged.

26 Sep 03


Signature

NCOIC Trial Defense Services

I did not receive an EEB or Adverse Action Flag 

001927

1881

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

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

<i>See Notes on Reverse Before Completing Form</i>			
NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT Baghdad, Iraq APO AE
			PAY (Basic & Sea/Foreign) \$1,903.50

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/}
 In that you, did, at or near Baghdad, Iraq, on or about 25 October 2003, violate a lawful general order, to wit: paragraph 3.E.(5), FRAGO 383A to OPOD 03-215 (Iron Stability), dated 21 July 2003, by wrongfully slapping, punching, and stomping on detainee's bare feet in your custody. This is in violation of Article 92, UCMJ.

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (*matters of defense*) or why punishment should be very light (*matters of extenuation and mitigation*). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. ^{2/} If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. ^{3/} In deciding what you want to do you have the right to consult with legal counsel located at Baghdad International Airport. You now have 48 hours to decide what you want to do. ^{4/}

DATE 4 Dec 03	TIME 16:30	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
------------------	---------------	--	-------------------------

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

a. I demand trial by court-martial.

b. I do not demand trial by court-martial and in the Article 15 proceedings:

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

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

DATE 29 Dec 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
-------------------	--	-------------------------

4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/}

Found not guilty by battalion commander [REDACTED]

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{7/}

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

DATE 08 Jan 04	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
-------------------	--	-------------------------

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

a. do not appeal b. I appeal and do not submit additional matters ^{8/9/} c. I appeal and submit additional matters ^{8/9/}

DATE 08 Jan 04	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
-------------------	--	-------------------------

8. I have considered the appeal and it is my opinion that:

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

9. After consideration of all matters presented in appeal, the appeal is:

Denied Granted as follows: ^{10/}

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

10. I have seen the action taken on my appeal.

DATE	SIGNATURE OF SERVICE MEMBER
------	-----------------------------

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}

Facts and exhibits from 15-6 Investigation, DA Form 268, ERB [REDACTED]

001928

1882

NOTES

- 1/ Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (Part IV, MCM). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- 2/ Inform the member of the maximum punishment which may be imposed under Article 15.
- 3/ Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- 4/ Give the member copy 5 of this form.
- 5/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- 6/ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (date). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- 7/ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- 8/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 9/ Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (See Article 15e(1) to (7), UCMJ.)
- 10/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.
- 11/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of _____ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.

Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (para 3-38, AR 27-10) will be recorded on DA Form 2627-2.

Suspension, Mitigation, Remission, or Setting Aside

On (date), the punishment(s) of _____ (DATE)
 imposed on (date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before (date)) (mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the punishment) (the successor in command to the imposing commander) (as superior authority).

(Typed name, grade, and organization of commander)

/s/ _____

Racial/ethnic identifiers will be placed in Item 11 (Chapter 15, AR 27-10).

all away from me, then tried to use his superior body weight to make it difficult for me to guide him into the jail. While doing all this he kept talking in arabic. I couldn't understand what he was saying. I had to push him in order to get him to the jail. I told him to stop talking because he kept talking with the other prisoners. He also kept turning around after I had him face the wall. On the 2nd time I made him face the wall he jerked his shoulder and was turning around to face me. Instinctively I ~~hit~~ ^{punched} him ~~the way~~ ~~it's~~ ~~it~~. He was a big guy and I knew I wouldn't hurt him, but I wanted him to stop resisting me. Once he faced me, he cocked his right leg back like he was gonna kick me. The reason I thought that, was because I've had my soldiers kicked by prisoners even after they were flex cuffed so my reaction was to stomp his lead foot and push him into the wall face first. I'm not sure at what point the guard left or came back from getting the zip strips but perhaps we didn't get a chance to see what the prisoners had done to trigger our reaction. The guard said in his statement that I tighten up the prisoners cuffs, which in fact was the opposite. When

ne prisoners complained about the flex cuffs being too tight, I personally loosen them up. I think the guard ~~was~~ misunderstood the situation and made his own assumptions which later on he wrote on a sworn statement. I read the medical report in ~~which~~ which it says that no bruises were found, so how can this be evidence of a beating that supposedly took place for ~~about~~ an hour when in fact we were only there for about 8-10 minutes max.

001931



DEPARTMENT OF THE ARMY

HEADQUARTERS, [REDACTED]
BAGHDAD, IRAQ APO-AE 09324

REPLY TO:
ATTENTION OF

[REDACTED]

8 January 2004

MEMORANDUM FOR Record

SUBJECT: Field Grade Article 15 for [REDACTED]

1. The following factors were considered during the Article 15 proceedings. These factors were not part of the original investigation that initiated the proceedings:

a. Statement submitted by [REDACTED] The statement indicated the following:

(1) Admission of punching the detainee and stomping his feet.

(2) Explanation of the use of force - [REDACTED] was threatened by the actions of the detainee he was attempting to escort. Specifically, the detainee was physically resisting his movement to the holding facility. The detainee was much larger than [REDACTED]. The detainee violently jerked his shoulder to resist direction and was turning to face, resist, and possibly attack [REDACTED]. Additionally, [REDACTED] felt threatened when the detainee cocked his leg back indicating he was going to kick him.

b. [REDACTED] the first-line leader of the primary witness claiming detainee abuse [REDACTED] presented as a witness to question the reliability of [REDACTED] his accuracy, and his ability to assess the events that occurred at the holding facility.

c. The entire chain of command depicted [REDACTED] as a reserved, controlled, individual. [REDACTED] had never displayed abusive behavior in the past, in fact he always set the example in dealing with local nationals with dignity and respect, particularly during military operations.

2. Based on the above information I find no guilt regarding the charge of detainee abuse. [REDACTED] felt threatened by the behavior of the detainee he was attempting to control, and applied the appropriate amount of force to control the situation.

3. [REDACTED]

[REDACTED]
Commanding

PERSONAL FINANCIAL STATEMENT WORKSHEET

NAME: [REDACTED]

DATE: 7 Jan 04

MONTHLY INCOME:

Take Home Pay (Plus Allowances) \$ 1,869.00
Spouse's Take Home Pay (Plus allowances) \$ N/A
Other Regular Income + \$ N/A

LINE 1: Total Monthly Income = \$ 1,869.00

MONTHLY EXPENDITURES:

\$ 122.00 - Kid's Beds
\$ 300.00 - Master Bedroom
\$ 36.67 - Backyard Fence
Payment on Current Debts (Loans/DPP/Chg Accts) \$ 50.00 - Credit card
Rent \$ N/A (post housing)
Food \$ 300.00
Utilities (telephone, etc.) \$ 75.00 - Phone
\$ 55.00 - Cell phone
\$ 100.00 - Cable + Computer access
\$ 20.00 - Home renters insurance
Insurance \$ 120.00 - POV insurance
Transportation & Auto Exp. \$ 125.00 - Gas + maintenance
Car Payment \$ 378.16
Child Care \$ 78.00 - preschool (son)
Other: Casual pay + \$ not included

LINE 2: Total Monthly Expenditures = \$ 1,759.83

ANNUAL EXPENDITURES:

Major Purchases and Repairs \$ N/A
Clothing \$ not included
School Costs \$ 360.00
Other: haircuts (my son and I) + \$ 600.00

LINE 3: Total Annual Expenditures (Divided by 12) = \$ 80.00

SUMMARY

Total Monthly Income (Amount on Line 1) \$ 1,869.00

Total Monthly Expenses (Amount on Lines 2 & 3) - \$ 1,839.83

Current Available Income \$ 28.17

Not included - Casual pay \$ 100.00
Clothing for Children N/A
phone cards \$ 35.00
Cleaners N/A



DEPARTMENT OF THE ARMY

BAGHDAD FIELD OFFICE
APO, AE 09324

REPLY TO
ATTENTION OF

29 December 2003

MEMORANDUM FOR Commander [REDACTED]

SUBJECT: Request For Nonpunitive Measures [REDACTED]
[REDACTED] APO, AE 09324

1. Sir, as a defense counsel, I rarely write on the proper disposition of a case, but I feel compelled to do so in this case. I believe that this situation can be handled through administrative corrective measures and does not require the use of a Company Grade article 15, let alone a Field Grade Article 15.
2. The Manual for Courts-Martial clearly states, "Commanders are responsible for good order and discipline in their commands. Generally, discipline can be maintained through effective leadership including, when necessary, administrative corrective measures. Nonjudicial punishment is ordinarily appropriate when administrative corrective measures are inadequate due to the nature of the offense or the record of the servicemember." [REDACTED] has been in the Army for almost 6 years and does not have any past Article 15's and not even a negative counseling statement. Furthermore, "Commanders should use nonpunitive measures to the fullest extent to further the efficiency the command before resorting to nonjudicial punishment." AR 27-10, paragraph 3-2. Paragraph 3-2 further states that "[n]onjudicial punishment may be imposed to - ..Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures." Included among nonpunitive measures are: denial of pass or other privileges, counseling, administrative reprimands and admonitions and extra training.
3. Non-punitive measures are appropriate for soldiers who have a good record in the company. However, the use of nonjudicial punishment would be more understandable if this action had (1) actually endangered a soldier or an innocent bystander; and/or (2) been the "last straw" in a series of poor judgment calls made by [REDACTED]. Further, [REDACTED] tells me he is an exceptional soldier and you can confirm this with his squad and platoon leaders. He also informed me that his section was not clearly briefed as to the General Order that he allegedly violated nor the Rules of Engagement pertaining to detainees. I understand that ignorance is no defense however under the circumstances [REDACTED] actions were much more of being emotional about the situation and not harboring any malicious intent towards the detainees coupled with the fact that these detainees were apprehended with a large weapons cache and throwing grenades at U.S. soldiers.

001934

[REDACTED]
SUBJECT: Standard of Proof and Request For Nonpunitive Measures [REDACTED]

[REDACTED] APO, AE 09324

4. Sir, in addition, unlike an E-4, an Article 15 imposed on [REDACTED] will be a permanent part of his file because you must determine whether to file it in his restricted or performance fiche. He also informed me that he is due to go to the promotion board sometime next month however due to the impending Article 15, he will more than likely lose the chance to do so. That in and by itself is punishment enough. Therefore, if you believe that [REDACTED] is a good soldier who has potential to continue in the Army, please weigh carefully the interests of the soldier's career against those of the Army to produce and advance only the most qualified personnel for positions of leadership, trust and responsibility. Please take into account his age, grade, and total service.
5. I am usually a defense counsel in Germany and have heard from virtually every soldier in your battalion who has come to my office that you administer UCMJ issues in a fair and impartial manner. I would also like to state that I only write these types of memos personally if there is an issue that I believe needs to be brought to your attention. On behalf of [REDACTED], I request that this article 15 be returned to the company for administrative corrective measures.
6. For the above reasons, I request this matter should be disposed of by nonpunitive measures.

7. Respectfully submitted,

[REDACTED]
[REDACTED]
[REDACTED] Defense Counsel

001935

FACTS:

On 4 November 2003, the Brigade Legal Advisor provided me a directive from [REDACTED] to perform an AR15-6 investigation concerning possible detainee maltreatment at the [REDACTED] Battalion Forward Operating Base. Within the packet was [REDACTED] Inquiry (Exhibit A). I reviewed the Commander's Inquiry and found that [REDACTED] gathered a sufficient amount of information to begin an investigation.

According to the Commander's Inquiry (Exhibit A), the following is collaborated by several statements: On 25 October 2003, [REDACTED] was responsible for escorting prisoners to the Detainee Facility located at the [REDACTED] FOB. At approximately 1400 on the 25 October, a 5-ton cargo with six Iraqi Detainees, escorted by two BFVs with crews, delivered the detainees to the 2-70 Armor Detainee Facility. Soldiers from the [REDACTED] escorted the Detainees to the facility from the vehicle down load site.

In the statement (Exhibit B) made by the facility guard, [REDACTED], he observed five soldiers mistreat the Detainees. To clarify mistreat, [REDACTED] stated the soldiers "started to slap the prisoners in the face and sock them in the gut" and "stomped on grey shirted prisoners bare feet" (misspelled word were corrected from the statements to this document).

1st Armored Division's FRAGO 383A (Exhibit C) issues a General Order making it a military crime for Coalitions Forces and civilians accompanying the Force, to Maltreat persons in Iraq. In the Commander's Intent, he states that Maltreatment of Detainees in Iraq by 1AD Forces during this mission is conduct prejudicial to good order and discipline. In paragraph 3.E.(5) maltreatment is defined by hitting, slapping, kicking, etc.

Considering [REDACTED] statement (Exhibit B) and the Division's FRAGO 383A (Exhibit C), further investigation is required to verify the names of the soldiers that were involved with the maltreatment and to find collaborating information that would confirm the maltreatment occurred.

In [REDACTED] statement, his spelling of the names matched no members of the [REDACTED]. He provided in Exhibit D the following spellings: [REDACTED]. [REDACTED] two more SPC that he could not remember their names. [REDACTED] also stated that he could identify the soldiers in a photo line-up. Prior to my interview with [REDACTED] explained to [REDACTED] that I needed photos of soldiers in the [REDACTED] Platoon. Specifically I needed, photos of [REDACTED] names of soldiers involved with the detainee transfer mission. He had one of his officers, [REDACTED] provide me photos the following day.

Taking the Brigade Legal Advisor advice, I inserted these four photos into four separate groups of six soldiers. The four soldiers from [REDACTED] Platoon were from Hispanic heritage; consequently, the majority of the soldiers that I included in the photo line-up were

Hispanic heritage. Exhibits E, F, G and H are the photo line-ups presented to [REDACTED]

In Exhibit E, [REDACTED] selected the top center photo; the photo he selected is [REDACTED] from [REDACTED] Platoon, [REDACTED]. He stated, the soldier in the photo that he selected did the following to the Iraqi Detainees: "slap, punch, forearm shot to the gut, stomped on their bare feet with his boot."

In Exhibit F, [REDACTED] selected the bottom center photo; the photo he selected is [REDACTED] from [REDACTED] Platoon, [REDACTED]. He stated, the soldier in the photo that he selected "punch them, slap them, and forearm shots to the gut."

[REDACTED] did not recognize anyone in Exhibits G and H; photo line-ups that had photos of [REDACTED] and [REDACTED]. Consequently, I eliminated these two soldiers from my investigation as possible suspects.

After [REDACTED] review of the photo line-up, I asked him two more questions (Exhibit I). He stated one of three unidentified soldiers present for the prisoner maltreatment had name like [REDACTED] or [REDACTED] or something like that—he said this person was a big burly guy that looked like a wrestler named [REDACTED]. He also said this big burly guy was a member of the mortars. I called [REDACTED] once again and asked if there was someone that fit the description according to [REDACTED] statement—he stated that the mortar men were not involved in the detainee mission and none had a name similar [REDACTED] or [REDACTED] and was big and burly.

I met with [REDACTED] on 12 November 03, he showed me the detainee facility (Exhibit J). The main gate is located near the detainee facility, which may have had a guard observe the maltreatment or knew the soldiers involved. He introduced me to a [REDACTED] [REDACTED] had a similar name to that provided by [REDACTED] however he was tall and normal build. I asked him if had any information concerning the event in which I was investigating. He said he had gate duty that day and knew the big burly soldier—his name is [REDACTED]

On 12 November, I visited [REDACTED] and explained the purpose of my investigation. [REDACTED] knew very little about what had happened since his platoon was detached from his command at the time of the prisoner maltreatment. I requested a visit with his soldier named [REDACTED] and his chain of command. [REDACTED] and his Platoon Leader [REDACTED] arrived at the Atlas FOB Headquarters on the evening of 12 November—they both requested a lawyer and completed the forms DA 3881 (Exhibits K and L).

I called the Brigade Legal Advisor to see if I could direct the chain of command to provide photos of all the soldiers in [REDACTED] Platoon, [REDACTED] said I had the authority.

Consequently, I directed [REDACTED] to return to his Company Headquarters and inform his Commander that I would like photos of every member in [REDACTED] Platoon, [REDACTED] and to call me if he had questions. That night, [REDACTED] returned with photos of the [REDACTED] Platoon members.

I printed the photos on 15 pages (Exhibit M) and schedule a visit with [REDACTED] on 14 November. He reviewed the photos and circled [REDACTED]—he wrote above the photo of [REDACTED] that “he was just talking to the prisoners and just watching the prisoners and saw what was going on.” [REDACTED] also circled a photo of soldier named [REDACTED]—he wrote above the picture “he was hitting, smacking, slapping and punching the prisoners.” [REDACTED] could not positively identify the fifth soldier that was present during the detainee maltreatment (Exhibit N).

Exhibit O, is Doctor [REDACTED] statement, which said five detainees had red marking on there wrist presumably left by the flex cuffs—two of the five detainees had numbness in the 4th and 5th fingers. One detainee, [REDACTED] had tenderness to the abdominal area. Another detainee, [REDACTED] had tenderness to the jaw, collarbone, and central abdomen.

Exhibits P and Q are statements of two of the detainees. The statements are consistent with [REDACTED] statements in that four soldiers were hitting the detainees and one soldier named [REDACTED] stood to the side. The soldier standing to the side is likely to have been [REDACTED] which is consistent to [REDACTED] statement.

I had an interview with [REDACTED] on 12 November and requested a statement of [REDACTED] character (Exhibit R). In brief, [REDACTED] states that [REDACTED] is an asset to the company, honest, and has the desire to do what is right.

INDEX OF EXHIBITS

- EXHIBIT A- [REDACTED] Inquiry
- EXHIBIT B-Statement by [REDACTED]
- EXHIBIT C-1st AD FRAGO 383A
- EXHIBIT D- Statement by [REDACTED]
- EXHIBIT E-Photo line-up
- EXHIBIT F- Photo line-up
- EXHIBIT G- Photo line-up
- EXHIBIT H- Photo line-up
- EXHIBIT I-Statement by [REDACTED]
- EXHIBIT J-Photo of Detainee Facility at the [REDACTED] FOB
- EXHIBIT K- [REDACTED] non-waiver of rights
- EXHIBIT L [REDACTED] non-waiver of rights
- EXHIBIT M-Photos of [REDACTED] platoon, [REDACTED]
- EXHIBIT N-Statement by [REDACTED]
- EXHIBIT O [REDACTED] medical examination of detainees
- EXHIBIT P-Detainee statement— [REDACTED]
- EXHIBIT Q-Detainee statement— [REDACTED]
- EXHIBIT R- [REDACTED] Statement of Character for [REDACTED]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB
2. DATE (YYYYMMDD): 20031025
3. TIME: 1730
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

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

At 1700 On 25 Oct 03 I was assigned to guard the jail and prisoners. I escorted the prisoners to the jail and told [redacted] that I was leaving to get some zip ties for a prisoner who wasn't zip tied. When I came back I realized the ties were lighter than they used to be and when I put the zip ties on the other prisoner I tightened it more. Then [redacted] started to slap the prisoners in the face and sock them in the gut. I could not really tell if it was with a closed fist or forearm shot. At the same time [redacted] was messing with the other men's head piece. Then the two other specialists, I don't remember their names, went to the other side of the right wall and started to smack the wall where the prisoners heads were. Then [redacted] stomped on Grey shirted prisoners bear feet. Just before [redacted] started the abused prisoner the old man into the left side of the wall. Before I put them in the jail I frisked them and removed 4 packs of cigarettes and a lighter. Then after they talked badly to them for a little while they rested.

nothing follows

1. EXHIBIT: A
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 1 PAGES

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

PRIVACY ACT STATEMENT

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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.

1. LOCATION [REDACTED] IRAQ	2. DATE (YYYYMMDD) 2003/10/25	3. TIME 1915	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORIGINAL RECEIVING ADDRESS [REDACTED] APO-AE 09324			

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

On the evening of 25 Oct 2003 at approximately 1845, [REDACTED] who is the [REDACTED] asked for the medics to perform physical exams on some Iraqi Detainees which were brought recently to our FOB. [REDACTED] the [REDACTED] and I went immediately down to the EPW Holding Area to examine them. They were brought out of the holding area individually and examined by me or the PA. The following is a summary of the significant physical findings per our examination.

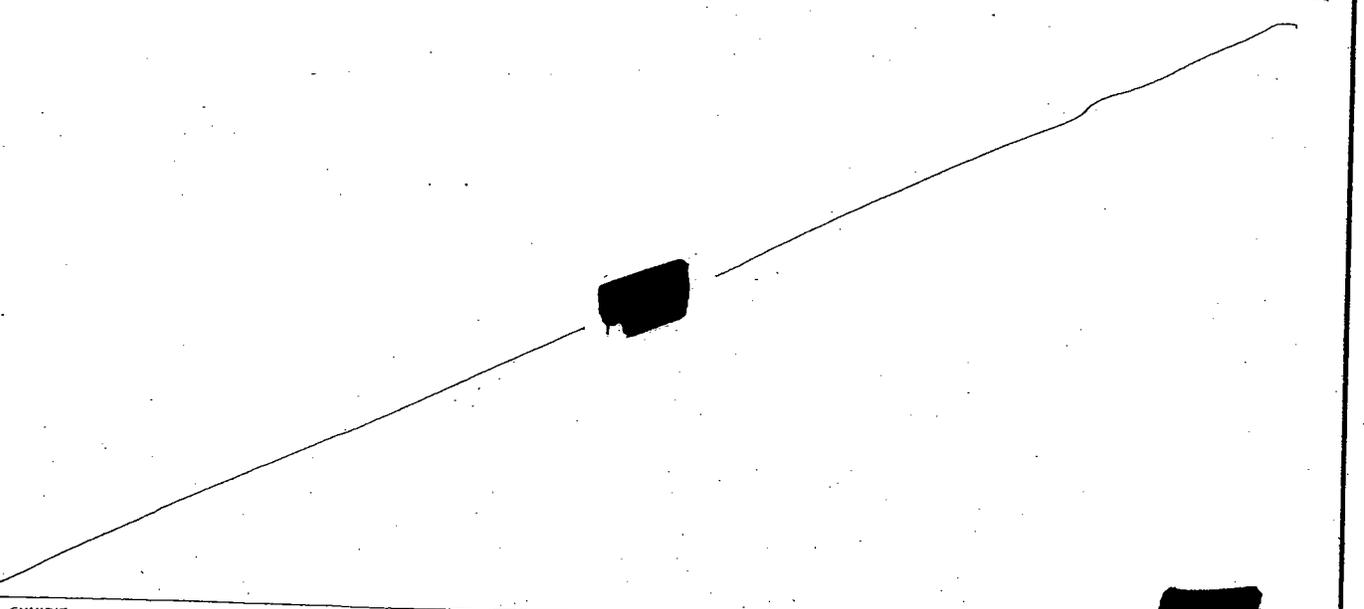
5 of them had linear erythematous (red) markings on their wrists that were presumably left from the Flex-cuffs.

[REDACTED] had subjective numbness of his left 4th and 5th fingers as well as epigastric (upper central) abdominal tenderness to palpation (touch) without evidence of ecchymosis (bruising).

[REDACTED] had tenderness to palpation but no ecchymosis of his left clavicle (collar bone), the right side of his mandible by his temporomandibular joint (jaw), and his periumbilical region (central abdomen). He also had subjective numbness of his 4th and 5th fingers on his left hand. Before leaving, I had [REDACTED] give him 800mg of Ibuprofen to help treat his pain.

The above findings were verbally reported to [REDACTED] who then asked me to document the findings on this form.

NOTHING FOLLOWS



10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 12 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.

001941

[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]
(Signature of Person Making Statement)

WITNESSES:

[Redacted]
[Redacted]

ORGANIZATION OR ADDRESS

[Redacted]
[Redacted]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of OCTOBER, 2003

at [Redacted]
[Redacted]

(Signature of Person Administering Oath)

[Redacted]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted]

PAGE 2 OF 2 PAGES

001942

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: [Redacted] Baghdad, Iraq
2. DATE (YYYYMMDD): 2003 10 25
3. TIME: 2200
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: Iraqi National
8. ORGANIZATION OR ADDRESS: Baghdad, Iraq

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(taken with help of interpreter [Redacted])

I was brought to the prisoner cage this afternoon with 5 other men, all my relatives. When we were brought from the truck into the cage, some soldiers followed us into the cage. It was 5 soldiers. One soldier stood off to the side with my nephew Hassan and didn't let the others touch him. The other 4 soldiers were hitting us, kicking us, and stepping us. One soldier put my face against the wall and hit the back of my head 2 or 3 times. While they were doing this, they were saying bad things about Allah and about our families. They beat on us for about an hour, and then they stopped and left.

Nothing follows

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

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

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

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 25 day of OCT, 03 at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001944

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: FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 2005/02/5
3. TIME: 2230
4. FILE NUMBER
5. NAME, FIRST NAME, MIDDLE NAME
6. SSN: Iraq, National
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: Baghdad, Iraq

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

(Taken help with of interpreter [redacted])

I was brought to the prisoner cage this afternoon with 5 other men, all related to me. When we were brought from the truck into the cage, some soldiers followed us in. It was about 5-7 soldiers. The soldiers started hitting the other prisoners, slapping them in the face, punching them in the body, kicking them, and stepping on their feet. A soldier named [redacted] stood near me and would not let the others hit me, because I spoke a little English. The other soldiers continued to beat the other prisoners until one of the soldiers from the Bradleys, acting as a lookout, said someone was coming. Then, all of the soldiers in the jail left. While this all was going on, the soldiers (except [redacted]) were saying bad things to us, like "I want to fuck your sister" and other things.

Interviewer's Note: M. H. Folson
When I asked the individual to write down a piece of scratch paper the name he saw on the soldier he called [redacted] he wrote [redacted]

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

001945

9. STATEMENT (Continued)

TAKEN AT _____

DATED _____

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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of OCT . 03 at [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

WITNESSES:

[REDACTED]
[REDACTED]
Eusebio

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

TITLES OF PERSON MAKING STATEMENT

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 [REDACTED] <i>FOB, Baghdad, Iraq</i>	2. DATE <i>250903</i>	3. TIME <i>2100</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	<i>Baghdad, Iraq</i>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] *Baghdad, Iraq* and wanted to question me about the following offense(s) of which I am suspected/accused: *mistreatment of Iraq detainees*

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)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

5. TYPED NAME OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

Baghdad, Iraq

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

ATTENTION: THIS WAIVER CERTIFICATE IS NOT A SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 7 91

E.L.H.F.E

001947

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 25 OCT 03	3. TIME 2105	4. FILE NO.
5. NAME (Last, First, Middle) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	Baghdad, Iraq	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] Baghdad, Iraq and wanted to question me about the following offense(s) of which I am suspected/accused: mis-treatment of Iraqi Detainees

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE
[REDACTED]

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

FORM 3881, NOV 89
Exhibit F

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

001948

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

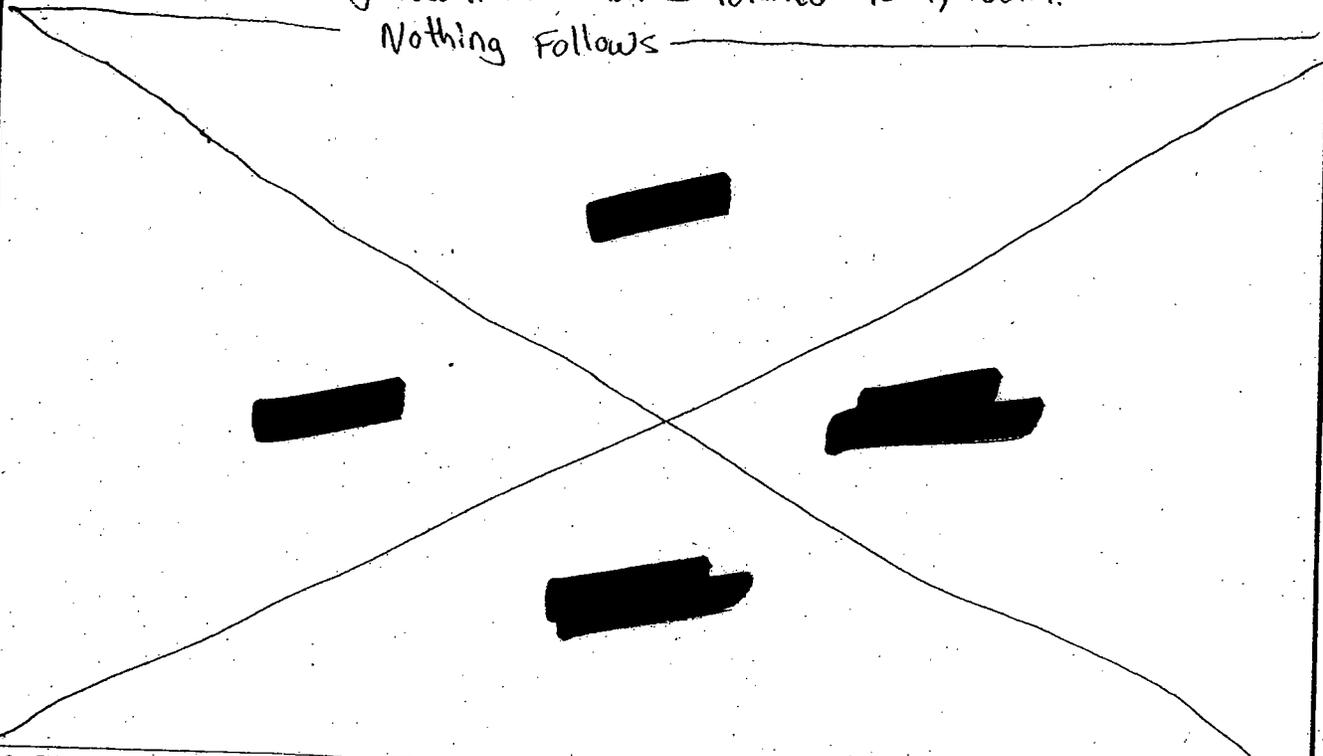
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION Baghdad, Iraq	2. DATE (YYYYMMDD) 2003 10 26	3. TIME 13:00	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION/DEPARTMENT/BRANCH [REDACTED]			
9. [REDACTED]			

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

That during the EPW pickup I was driving the lead Bradley. When we returned to compound we parked our Bradley and cleared our weapon. After this I climbed into the drivers hatch of another Bradley and moved it to the motor pool. during this time I didn't see the EPW or the accused. Nor did I hear anyone talking about it when I returned to my room.

Nothing Follows



10. EXHIBIT G	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.

001949

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

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of October 2003 at [REDACTED] FOB, Baghdad, Iraq.

[REDACTED]
(Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS
[REDACTED]
Baghdad, Iraq

ORGANIZATION OR ADDRESS
[REDACTED]
BAGHDAD, IRAQ

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 26 OCT 03	3. TIME 1300	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED] Baghdad, Iraq		

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 2-70 AR BN, 3 BCT, 1 AD and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

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

1. I do not have to answer any question or say anything. [REDACTED]
2. Anything I say or do can be used as evidence against me in a criminal trial. [REDACTED]
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. [REDACTED]

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. [REDACTED]

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) [REDACTED]	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	[REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] BAGHDAD, IRAQ	[REDACTED]	[REDACTED] Baghdad, Iraq

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

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: FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 13 10 26
3. TIME: 1320
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. OFFICER'S SIGNATURE

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

myself, [redacted] and [redacted] unloaded the prisoners from the 5 ton at the gate. We walked them to the holding area and made sure they were all zip tied. After securing them I and [redacted] walked back to our rooms and [redacted] stayed with the prisoners. At that time the prisoners had suffered no physical damage. It was approximately 10 minutes after unloading the prisoners before [redacted] and I walked away. Nothing follows.

10. EXHIBIT: H
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.

001952

STATEMENT OF

TAKEN AT

DATED

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 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 INTIMIDATION.

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

ORGANIZATION OR ADDRESS

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

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

[REDACTED]

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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 [Redacted] FOB, Baghdad, Iraq	2. DATE 760403	3. TIME 1315	4. FILE NO.
5. NAME (Last, First, MI) [Redacted]	8. ORGANIZATION OR ADDRESS [Redacted]		
6. SSN [Redacted]	7. GRADE/STATUS Baghdad, Iraq		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [Redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print) [Redacted]	3. SIGNATURE OF INTERVIEWEE [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE [Redacted]	4. SIGNATURE OF INVESTIGATOR [Redacted]
2a. NAME (Type or Print) [Redacted]	5. TYPED NAME OF INVESTIGATOR [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE [Redacted]	6. ORGANIZATION OF INVESTIGATOR Baghdad, Iraq

Section C. Non-waiver

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

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

SWORN STATEMENT

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

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.

PRIVACY ACT STATEMENT

1. LOCATION

FOB, Baghdad, Iraq

2. DATE (YYYYMMDD)

20031026

3. TIME

1335

4. FILE NUMBER

5. NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. HOME PHONE/CELL/EMAIL ADDRESS

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH, YESTERDAY D.E.V.

AS MY VEHICLE ROLLED BACK IN APPROXAMITLY 1430. WE PULLED UP BY THE Q.R.F. STAGING POINT FOR Q.R.F. I DISMOUNTED MY VEHICLE AND BEGAN DISCUSSING HOW WE WERE GOING TO MOVE THE ADDITIONAL BRAD BACK TO THE LINE. AFTER WE FINISHED TALKING. I WALKED OVER TO THE BACK OF THE STON AND AT THAT TIME THE E.P.W'S WERE ALREADY DOWN LOADED. I THEN ASKED THE DRIVER OF THE STON TO PULL FORWARD SO WE COULD MOVE THE BRAD AT THAT TIME THE DRIVER PULLED THE STON FORWARD AND AS I WAS WALKING BACK TOWARDS THE CLEARING PIT. THE EPW'S WERE BEING ESCORTED ACROSS THE GRAVEL. FROM THE TIME I DISMOUNTED MY VEHICLE TILL I BEGAN WALKING BACK TO THE BARRACKS IT TOOK ABOUT 5 MINUTES. THE LAST TIME I SAW THE EPW'S WAS AS THEY WERE BEING ESCORTED ACROSS THE GRAVEL.

NOTHING FOLLOWS D.E.V.

NOTHING FOLLOWS [REDACTED]

10. EXHIBIT

I

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.

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 26 OCT 03	3. TIME 1330	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS Baghdad, Iraq		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

- 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 [REDACTED]
 2. Anything I say or do can be used as evidence against me in a criminal trial [REDACTED]
 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 be [REDACTED]

(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 [REDACTED]

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

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

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: FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 20031026
3. TIME: 1350
4. FILE NUMBER
5. NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. OFFICER'S TITLE
9.

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Yesterday afternoon, we had pulled back into the FAB and I was instructed to reposition vehicles and ensure that one track was taken to the parking line. I was in the rear Bradley, as a gunner, I went to the ground and began to move the Bradleys around. I moved one Brad to the clearing pit while I was waiting on the rest of the crews to get ready. Apparently there was no prisoner guard, and [redacted] had not returned immediately. I was standing next to the vehicle parked by the clearing pit and was talking to the driver, [redacted] for about 5-10 minutes. Then [redacted] came up and said the guard was there now and we moved the vehicles. The last time I saw the prisoners was when they got off the truck, they were in front of my Bradley, they were in the way, so then [redacted], [redacted], and [redacted] escorted the prisoners to the cage. I didn't see or hear anything out of the ordinary.

Nothing follows

10. EXHIBIT: J
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.

001958

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

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 26 day of October, 2003 at [REDACTED] OB, Baghdad, Iraq

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 26 OCT 03	3. TIME 1350	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	Baghdad, Iraq	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

- 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 [REDACTED]
 2. Anything I say or do can be used as evidence against me in a criminal trial [REDACTED]
 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 [REDACTED]

(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 [REDACTED] 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 [REDACTED]

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

- 1a. NAME (Type or Print)
[REDACTED]
- b. ORGANIZATION OR ADDRESS AND PHONE
[REDACTED]

3. SIGNATURE OF INTERVIEWEE
[REDACTED]

- 2a. NAME (Type or Print)
[REDACTED]

4. SIGNATURE OF INVESTIGATOR
[Signature]

- b. ORGANIZATION OR ADDRESS AND PHONE
[REDACTED]

5. TYPED NAME OF INVESTIGATOR
[REDACTED]

6. ORGANIZATION OF INVESTIGATOR
Baghdad, Iraq

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

PRIVACY ACT STATEMENT

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

1. LOCATION [REDACTED] FOB, Baghdad, Iraq	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. OFFICIAL/UNIT/ADDRESS [REDACTED]			
9. [REDACTED]			

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

Yesterday afternoon I WAS [REDACTED] A DISMOUNT FOR THE ERW mission when we got back to the FOB we took the prisoners of the truck. It was 6 prisoners and three soldiers; [REDACTED] and me. Then the guard [REDACTED] and [REDACTED] escorted the prisoners down to the prison. The prison guard is about 5'9" white, bald and I think is rank is a private (I couldn't identify this RACK). Then I walk over to the clearing pit, and cleared my weapon after that walk to my room. And the last time I saw the prisoners is when [REDACTED] and the [REDACTED] guard was walking then [REDACTED] to the jail. nothing follows.

10. EXHIBIT K	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.

001961

9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

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

[Redacted Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of October, 2003 at [Redacted] FOB, Baghdad, Iraq.

[Redacted Signature] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Handwritten Signature]

ORGANIZATION OR ADDRESS

Bronikowski, Scott A. CPT, AR

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

CMT

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 26 OCT 03	3. TIME 1410	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	[REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS Baghdad, Iraq	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

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 [REDACTED].
2. Anything I say or do can be used as evidence against me in a criminal trial. [REDACTED]
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. [REDACTED]

- 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. [REDACTED]

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)
[REDACTED]

b. ORGANIZATION OR ADDRESS AND PHONE
[REDACTED]

2a. NAME (Type or Print)
[REDACTED]

b. ORGANIZATION OR ADDRESS AND PHONE
[REDACTED]

3. SIGNATURE OF INTERVIEWEE
[REDACTED]

4. SIGNATURE OF INVESTIGATOR
[REDACTED]

5. TYPED NAME OF INVESTIGATOR
[REDACTED]

6. ORGANIZATION OF INVESTIGATOR
Baghdad, Iraq

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

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: FOB, Baghdad, Iraq
2. DATE (YYYYMMDD)
3. TIME
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 25th Oct 2003 [redacted] and myself [redacted] escorted a five ton truck to a raid site. On arrival we were ask by [redacted] to bring back 6 EPW to the FOB. On entering the FOB they (EPW) were down loaded off the truck. I then ask who was in charge of the holding area a soldier who may be Hispanic or white about 5'6" or 5'5" tall. He was I take from I had 6 EPW a turn over to him this was somewhere between 1400 and 1430hrs. The EPW were march over to the holding area, I saw him march away the wire, then I left to the battalion area to notify [redacted] of the EPW presence. I do believe the [redacted] helped to escort the EPW to the holding area and a 100% certainty. This was the last time I saw the EPW.
Nothing follows

10. EXHIBIT: L
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.

001964

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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 26 day of October, 2003 at FOB, Baghdad, Iraq

[REDACTED]

[REDACTED]
 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS
 [REDACTED]

[REDACTED]
 (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
 [REDACTED]

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 26 OCT 03	3. TIME 1430	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED] Iraq		

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 2-70 AR BN, 3 BCT, 1 AD and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

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
a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
[REDACTED]	[REDACTED]	[REDACTED]
2a. NAME (Type or Print)	[REDACTED]	TYPED NAME OF INVESTIGATOR
[REDACTED]	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	c. ORGANIZATION OF INVESTIGATOR
[REDACTED]	[REDACTED]	Baghdad, Iraq

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

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: FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 2003 10 27
3. TIME: 0845
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 25th OF OCTOBER, UPON RETURNING TO THE BATTALION FOB, [REDACTED] GROUNDS GUIDED ME INTO THE COMPOUND. MY BRADLEY WAS THE LEAD BFM IN THE CONVOY. WHEN WE ENTERED THE COMPOUND THE 5-TON VEHICLE HOLDING THE PRISONERS WAS IN BETWEEN MY BFM AND PFC FIFE'S BFM. WHEN WE WERE INFORMED BY THE SOG THAT WE COULDN'T HAVE 3 BFM'S PARKED AT THE GATE. [REDACTED] BEGAN TO MOVE THE VEHICLE SO I COULD PARK WHILE HE MOVED THE OTHER BFM, I SAT ON MY HATCH AND CONVERSED WITH A CAPTAIN ABOUT THE POUNDS IN HIS WEAPON. AFTER [REDACTED] MOVED THE BFM, [REDACTED] GROUNDS GUIDED ME INTO PARKING. I DID NOT SEE THE PRISONERS WHEN I ENTERED THE FOB.

NOTHING FOLLOWS

[REDACTED]

[REDACTED]

10. EXHIBIT: M
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.

001967

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

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 27 day of October, 2003 at [REDACTED] FOB, Baghdad, Iraq

[REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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 FOB, Baghdad, Iraq	2. DATE 27 09 03	3. TIME 0845	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS	Iraq	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

Before he/she asked me any questions about the offense(s), 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 case.
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	
1a. NAME (Type or Print)	[redacted]	[redacted]	
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]	4. SIGNATURE OF INVESTIGATOR	
2a. NAME (Type or Print)	[redacted]	5. SIGNATURE OF WITNESS	
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]	6. ORGANIZATION OF INVESTIGATOR	
		Baghdad, Iraq	

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

PRIVACY ACT STATEMENT

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

1. LOCATION: [redacted] FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 03/16/27
3. TIME: 0915
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: [redacted]
8. ORGANIZATION/UNIT/ADDRESS: [redacted]

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

On the afternoon of [redacted] Oct. 25 I [redacted] was driving the 5-ton vehicle to pick up prisoners from a location in Abu Ghraib. When we returned to the compound we approached and [redacted] entered the gate. At this point I didn't hear or see any mistreatment. [redacted] got out of the truck at the clearing barrel to let down the back end so the prisoners could get out, he then told me to pull onto the road facing the motor pool. Note this is where the prisoners and infantry men got out. There was 2 to 3 Infantry guys back there. Now I'm facing the motor pool and I then exit the vehicle and go to clear my weapon never focusing my attention on the prisoners again.

nothing follows

10. EXHIBIT: N
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.

001970

9. STATEMENT (Continued)

[REDACTED]

[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 27 day of October, 2003 at MOB, Baghdad, Iraq

[REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

001971

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 FOB, Baghdad, Iraq	2. DATE 27 Oct 03	3. TIME 0916	4. FILE NO.
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS Baghdad, Iraq		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

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. *MCW*
2. Anything I say or do can be used as evidence against me in a criminal trial. *MCW*
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. *MCW*

- 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. *MCW*

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)

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2821) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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: FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 2003 27 10
3. TIME: 1000
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 25 Oct 2003 1400 hrs myself and [redacted] were on Epw Escort
Driving the 5-ton we had three infantry men in the back with
6 EPW. one of the Infantry men was [redacted] The other
I am NOT sure of their names. we pulled into the gate and
Pfc Wilson opened the back of the truck, the three guards jumped
out and then the six EPW's jumped out as they were getting
out I had the crouch down on the side walk. After they all
got off the truck, [redacted] went to find [redacted] at the
front gate to see where they wanted the EPW's. He sent out
one of his guards, I was talking with [redacted] one of the
Interceptors at the gate. I had him tell all of them to stand
up and follow the guard, and do not talk to each other. Once
they all stood up and walked away following the guard I recall seeing
2 or 3 infantry men follow them off, then myself and [redacted]
Returned to the cab of the 5-ton and moved it
to the motor pool. I do not recall the name of the guard
that escorted them to the cage, and he did NOT look familiar to
me.
Nothing follows

10. EXHIBIT: 0
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.

001973

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]

WITNESSES:

[REDACTED]

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

[REDACTED]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[REDACTED]

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

001974

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 [REDACTED] FOB, Baghdad, Iraq	2. DATE 270903	3. TIME 0940	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	Baghdad, Iraq	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees

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 [REDACTED]
2. Anything I say or do can be used as evidence against me in a criminal trial [REDACTED]
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 [REDACTED]

- 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. [REDACTED]

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) [REDACTED]	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	[REDACTED]	4. SIGNATURE OF INTERVIEWER [REDACTED]
2a. NAME (Type or Print) [REDACTED]	[REDACTED]	5. SIGNED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR Baghdad, Iraq

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

001975

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 23, 1943 (ISSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: [redacted] FOB
2. DATE (YYYYMMDD): 20031025
3. TIME: 1730
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. GRADE/STATUS: [redacted]

7. ORGANIZATION OR ADDRESS: [redacted]

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

At 1730 On 25 Oct 03 I was assigned to guard the jail and prisoners. I escorted the prisoners to the jail and told [redacted] that I was leaving to get some zip ties for a prisoner who wasn't zip tied. When I came back I realized the ties were lighter than they used to be and when I put the zip ties on the other prisoner I tighten it more. Then [redacted] started to slap the prisoners in the face and sock them in the gut. I could not really tell if it was with a closed fist or forearm shot. At the same time [redacted] was messing with the other man's head piece. Then the two other specialists, I don't remember their names, went to the other side of the right wall and started to smack the wall where the prisoners heads were. Then Sgt. [redacted] stomped on Grey shirted prisoners bear feet. Just before [redacted] started the abused he pushed the old man into the left side of the wall. Before I put them in the jail I frisked them and removed 4 packs of cigarettes and a lighter. Then after the talked badly to them for a little while they left.
nothing follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

EXHIBIT B

INITIALS TAKEN AT DATED

001976

[REDACTED]
BIAP, IRAQ
210044DJULY03

(U) FRAGO 383A [GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD 03-215 (IRON STABILITY)

(U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY [REDACTED]

SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

(U) REFERENCES:

- A. UNIFORM CODE OF MILITARY JUSTICE
- B. IAD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10
- C. IAD REGULATION / SUPPLEMENT 27-10-1-A

(S) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL

(S) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. COMMANDER IAD ISSUES A GENERAL ORDER MAKING IT A MILITARY CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT PERSONS IN IRAQ.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ BY IAD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE. THE DIVISION CANNOT ACCOMPLISH ITS MISSION, UNLESS [REDACTED] SOLDIERS INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.

3.B. (U) CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND CIVILIANS.

3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR OTHERWISE TASK ORGANIZED TO [REDACTED] - PROMULGATE AND ENFORCE THE TERMS OF THIS ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.

3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.

3.E. (U) COORDINATING INSTRUCTIONS.

3.E. (1) (U) THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2, UCMJ.

3.E. (2) (U) IAD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18, 19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENTCOM AOR BY IAD REGULATION 27-10-1-A.

EXHIBIT C

001977

3.E.(3)(U) THIS GENERAL ORDER IS EFFECTIVE IMMEDIATELY.

3.E.(4)(U) FAILURE TO OBEY THIS GENERAL ORDER IS PUNISHABLE UNDER ARTICLE 92, UCMJ. THE MAXIMUM PUNISHMENT FOR SUCH AN OFFENSE IS A DISHONORABLE DISCHARGE, CONFINEMENT FOR A TERM OF TWO (2) YEARS, TOTAL FORFEITURE OF PAY AND ALLOWANCES, AND REDUCTION TO THE GRADE OF PRIVATE (E-1).

3.E.(5)(U) [REDACTED] PERSONNEL SHALL NOT MALTREAT CIVILIANS OR DETAINEES IN IRAQ WHO ARE SUBJECT TO SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT BY PERSONS ACTING PURSUANT TO COALITION PROVISIONAL AUTHORITY AND/OR U.S. NATIONAL COMMAND AUTHORITY. MALTREATMENT IS AN ACT OR ACTIONABLE OMISSION, WHICH RESULTS IN PHYSICAL PAIN OR MENTAL ANGUISH TO A PERSON WITHOUT JUSTIFIABLE CAUSE, AS PROVIDED BY APPLICABLE STATUTE(S) AND/OR REGULATION(S), UNDER THE UCMJ. MALTREATMENT INCLUDES BUT IS NOT LIMITED TO:

3.E.(5)a. (U) HITTING;

3.E.(5)b. (U) SLAPPING;

3.E.(5)c. (U) KICKING;

3.E.(5)d. (U) BUTT-STROKING;

3.E.(5)e. (U) SPITTING ON;

3.E.(5)f. (U) USING ABUSIVE LANGUAGE; OR

3.E.(5)g. (U) CAUSING MENTAL OPPRESSION.

3.E.(6)(U) [REDACTED] PERSONNEL SHALL NOT TAKE MONEY, PERSONAL PROPERTY OR PERSONAL PAPERS FROM CIVILIANS OR DETAINEES EXCEPT FOR THE FOLLOWING REASONS: (1) AS EVIDENCE OF AN OFFENSE OR, (2) FOR SAFEKEEPING PURSUANT TO DETENTION. ALL RETAINED PROPERTY TAKEN FROM CIVILIANS DURING SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT WILL BE INVENTORIED AND ACCOUNTED FOR ON CAPTURE CARDS OR EVIDENCE CARDS. THIS RETAINED PROPERTY WILL BE PROMPTLY TURNED OVER TO APPROPRIATE DETENTION FACILITY PERSONNEL.

3.E.(7)(U) DEFINITIONS:

3.E.(7)a.(U) SEARCH: INSPECTION OF PERSONS AND/OR PROPERTY BY VISUAL OR TECHNICAL MEANS AND/OR PHYSICAL CONTACT.

3.E.(7)b.(U) QUESTIONING: INTERROGATION OF A PERSON FOR ANY PURPOSE, IN ANY PLACE, WITH OR WITHOUT THE ABILITY TO TRANSLATE QUESTIONS AND ANSWERS.

3.E.(7)c.(U) CAPTURE: THE TAKING OF PERSONS AND/OR PROPERTY INTO CUSTODY FOR CRIMINAL OR INTELLIGENCE EVIDENCE PROCESSING AT DESIGNATED IAD HOLDING AREAS.

3.E.(7)d.(U) DETENTION: RESTRAINING AND/OR RESTRICTING PERSONS FOR SEARCH, QUESTIONING, TRANSPORT AND/OR PROSECUTION.

3.E.(7)e.(U) TRANSPORT: RELOCATION, HOWEVER SLIGHT, OF PERSONS AND/OR PROPERTY FROM POINT OF ORIGIN FOR SEARCH, SEIZURE, QUESTIONING, CAPTURE, OR DETENTION.

001978

4. (U) SERVICE SUPPORT: [NO CHANGE].

5. (U) COMMAND AND SIGNAL: [NO CHANGE].

5.A. (U) COMMAND. [NO CHANGE].

5.B. (U) SIGNAL. [CHANGE]. POC FOR THIS IS [REDACTED] SENIOR TRIAL COUNSEL, [REDACTED] AT
[REDACTED] : [REDACTED]
DNVT 551-0964.

ACKNOWLEDGE

[REDACTED]

001979

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: FOB Baghdad Iraq ATLAS FOB
2. DATE (YYYYMMDD): 2003/11/07
3. TIME: 0915
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

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

1. Concerning the incident on the afternoon of 25 October, where 6 prisoners were delivered to the [redacted] Detainee Holding Area, could you identify the soldiers that mistreated the prisoners in a photo line up?

(Yes) No

2. Please list the names of the soldiers that were involved in the mistreatment of the detainees.

[redacted]
[redacted] Just talking to him not harming the us
2 more Spec. I can't remember their names

3. Is there anything that you would like to add concerning the events of the afternoon of 25 October?

Nothing further to add.

Nothing follows

EXHIBIT D

11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 PAGES
STATEMENT # TAKEN AT DATED
THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

001980