

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

Talking Points – LTC [REDACTED]

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

LTC [REDACTED] was assigned as a Battalion Commander of 2-20 FA Battalion, 4th Infantry Division Field Artillery.

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

When allegations of wrongdoing arise, they are carefully investigated. In this case, the actions of LTC [REDACTED] were investigated by the Army's Criminal Investigation Division (CID). Army Commanders take appropriate action in cases of misconduct at the lowest level, consistent with good order and discipline. Available options for dealing with alleged misconduct include a wide-range of administrative and disciplinary measures.

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

In this case, as an administrative matter, the investigations were reviewed by the 4th Infantry Division Commander, MG Odinario, and the CJTF-7 Commander, LTG Sanchez to determine if LTC [REDACTED] should remain in command of 2-20 FA. It was the recommendation of the 4th ID Commander that LTC [REDACTED] should be removed from command. LTG Sanchez approved that recommendation. These are difficult decisions made after great consideration. They are best made by field commanders who are intimately familiar with military operations and the mission in Iraq.

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

Based on the alleged misconduct, a battalion commander in the [REDACTED] - (b)(3)-1 [REDACTED] preferred charges against LTC [REDACTED] regarding three specification of assault by LTC [REDACTED] and one count of threatening to kill the Iraqi detainee.

(b)(3)-1/(b)(2)-2

The charges initiate a military justice process. The process is outlined in the Uniform Code of Military Justice, a federal statute passed by Congress and . They do not mean that the ultimate outcome of the case will be a court-martial trial. In this case, the [REDACTED] has directed a pre-trial investigation under Article 32, UCMJ. The Article 32 hearing will be open to members of the media and public. LTC [REDACTED] and his counsel will be able to call witnesses, cross-examine any accusers and present other evidence in the hearing.

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

The Article 32 Investigating officer, a LTC line officer, will make a recommendation after hearing all the evidence, including facts in mitigation and extenuation. After reviewing the Investigating officer's report, the [REDACTED] can dismiss the charges, take alternate action, or recommend a court-martial to his next superior.

(b)(3)-1/(b)(2)-2

(b)(6)-2 / (b)(7)(C)-2
I was able to reach LTC [REDACTED] SJA, 4th ID today.

Here are the facts that he relayed:

(b)(6)-5 / (b)(7)(C)-5
The Article 32 Investigation on LTC [REDACTED] lasted two full days. The government presented all their evidence. There were about 10 members of the media present for the entire hearing. The summarized transcript is being prepared and the 173rd Bde Commander is awaiting the report of the investigating officer. LTC [REDACTED] was represented by detailed military counsel and a LTC(Ret) [REDACTED] a former USMC JA. (b)(6)-5 / (b)(7)(C)-5

(b)(7)(C)-2 / (b)(6)-2 The case will be processed like all other UCMJ cases. As a senior leader and field commander, the 173rd Bde Cdr, a Colonel, will have multiple options to consider ranging from dismissal of the charges to recommendation of a general courts-martial. It is improper for headquarters officials or others in the government to attempt to influence these decisions.

There was no AR 15-6 investigation in this case. Rather, the 4th Infantry Division Commander directed one of his assistant division commanders to do a "Commander's inquiry" (authorized under RCM 303) to look into a complaint by one of LTC [REDACTED] battery 1SGs.

(b)(6)-5 / (b)(7)(C)-5 (b)(6)-5 / (b)(7)(C)-5
The 1SG's complaints were focused on the command climate of the division artillery, a higher echelon unit above LTC [REDACTED] (and the 1SG's) battalion.

(b)(7)(C)-5 / (b)(6)-5 There was a minor mention in the complaint about alleged rough handling of a detainee by LTC [REDACTED] and alleged rough handling of another detainee by a Macedonia Platoon that is part of the 4th ID Task Force. (b)(6)-5 / (b)(7)(C)-5

(b)(7)(C)-5 / (b)(6)-5 The Commander's Inquiry was thus focused on three parts: The alleged poor command climate of a unit (not [REDACTED] battalion), the alleged rough handling of a prisoner by LTC [REDACTED], and the alleged rough handling of the other detainee by the Macedonia platoon.

There were only 6-7 statements obtained in the commander's inquiry. They were all related to the incident involving the detainee questioned by LTC [REDACTED]. When it appeared criminal action might be involved, the assistant division commander turned over the statements to the staff judge advocate, and they were then turned over to CID to start a criminal inquiry. They will be part of the final CID ROI - which is still pending. (b)(6)-5 / (b)(7)(C)-5

No further statements were obtained regarding any parts of the commander's inquiry. The alleged rough handling of a detainee by the Macedonia platoon and the alleged poor command climate of another unit were inquired into and handled by the senior leaders of the 4th ID. Those matters are considered closed.

The 4th ID's focus is on the on-going military operations in Iraq.

DETAINEE OPERATIONS COMMAND DISPOSITION SUMMARY

TOTAL DEATH CASES: 52

Natural/Undetermined Deaths: 21
Justifiable Homicide: 9
Homicides: 5
Death Investigations Still Pending: 17

Command Disposition in Death Cases:

GOMOR – 2
Insufficient Evidence of Abuse – 2
Administrative Discharge – 1
NJP – 2
Court-Martial – 6 (5 pending, 1 complete)
Command Disposition Pending - 15

OTHER ABUSE CASES:

Assault Investigations: 114
Sexual Assaults: 6
Theft: 20
Unit Investigations: 28

Command Disposition in Other Abuse Cases:

Closed Cases: 85
Of those closed cases:
 No action taken: 39
 Command Action Taken: 35
 Disposition Pending: 11
Pending Investigations: 82
Court-martial (GCM, BCD Special, Special, Summary): 45
NJP: 42
GOMOR: 12
Admin. Sep: 13

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Case breakdown
 Detainee abuse cases

Total cases (as of 6-2-2004)

109

Death Investigations: 36 (40 deaths total)

CID	36
Unit	0
DF	33
Non-DF	3
Natural causes	10
Undetermined	5
Homicide	3
Justifiable homicide	5 (9 detainees total)
Investigations pending	13

Assault 51

CID	28
Unit	23
DF	30
Non-DF	21

Sexual Assault 3

CID	3
Unit	0
DF	2
Non-DF	1

Theft/Robbery 19

CID	18
Unit	1
DF	0
Non-DF	19

Command Dispositions:

91

Court-martial 32

Summary	11
SpecCM	1
BCD Special	4
General	16

Article 15 37

GO	3
Field grade	21
Company	0
Unknown	13

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GOMOR
Admin Separation

8
14

Note: Of the 32 Court Martial cases, 10 are still pending. Six of the pending are related to Abu Gharib, two others are pending in Iraq, one is pending at Ft. Meade, and one is pending awaiting final action on Chapter 10 discharge. Of the completed cases, all but 2 have resulted in convictions. One defendant was acquitted by GCM and another was acquitted by BCD-Special. In 8 cases, command disposition remains pending.

The 4 Cases Referred to Trial are as follows:

SPC [REDACTED] (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 2 Specs

SGT [REDACTED] (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 1 Spec
- Art 107 False Official Statement - 1 Spec
- Art 128 Assault - 2 Specs (both battery)

SSG [REDACTED] - (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 2 Specs
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 5 Specs
- Art 128 Assault - 3 Specs (2 Specs Battery and 1 Spec Aggravated Assault)

SPC [REDACTED] - (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 2 Specs
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 4 Specs
- Art 128 Assault - 4 Specs (2 Specs Battery and 2 Specs Aggravated Assault)

The Three Cases Not Yet Referred to Trial are as follows - (These charges are subject to amendment prior to referral or dismissal):

PFC [REDACTED] - (b)(6)-5/(b)(7)(C)-5
(Article 32 Completed)

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 1 Spec
- Art 134 Indecent Act - 1 Spec (observing detainees masturbate)

SPC [REDACTED] - (b)(6)-5/(b)(7)(C)-5
(Article 32 delayed until June to accommodate schedule of CDC, [REDACTED])

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 5 Specs
- Art 107 False Official Statement - 1 Spec
- Art 128 Assault - 1 Spec (battery)

Article 134 - Conduct Prejudicial to Good Order and Discipline 3 Specs (2 Specs of desecrating a corpse by unzipping body bag and taking or posing for pictures with corpses and 1 Spec of Indecent Act by observing detainees masturbate)

PFC [REDACTED] - (b)(6)-5/(b)(7)(C)-5
(Charged at Fort Bragg)

- Art 81 Conspiracy - 1 Spec
- Art 128 Assault - 3 Specs (all batteries)
- Art 134 - Conduct Prejudicial to Good Order and Discipline - 9 Specs
 - 1 Spec indecent act by observing detainees masturbate
 - 1 Spec wrongfully position a detainee in front of the groin of a masturbating detainee
 - 7 Specs for wrongfully photographing detainees or posing in photographs with detainees

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

Thank you for your inquiry concerning the final status of the cases concerning the 320th Military Police Battalion (320th). The 320th is United States Army Reserve (USAR) unit from Pennsylvania that was mobilized and deployed to Iraq in support of Operation Iraqi Freedom. The charges against the former Master Sergeant [REDACTED], Staff Sergeant [REDACTED], Sergeant [REDACTED], and Specialist [REDACTED]—all members of the 320th—stemmed from an incident on May 12th, 2003 when soldiers from another unit observed these individuals assaulting Iraqi prisoners.

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

As you are aware, the command dealt with these charges through non-judicial means exercising the provisions of Article, 15, Uniform Code of Military Justice, and the administrative separation process. The specifics of each case follow.

In the case of then Master Sergeant [REDACTED], she received a General Officer Article 15 and was found guilty of Dereliction of Duty (Article 92) and Maltreatment (Article 93). Her non-judicial punishment included forfeiture of \$1,671.00 per month for 2 months, 30 days of extra duty, and 30 days of restriction to the limits of Camp Doha, Kuwait. She elected not to appeal the Article 15 findings or punishment. The command initiated separation action for serious misconduct and, after MSG [REDACTED] consulted with her counsel, she waived her right to an administrative discharge board. After considering matters presented by MSG [REDACTED] as well as considering matters she wished to present verbally in person, a General Officer directed that MSG [REDACTED] be separated from the military for commission of a serious offense, given an Other Than Honorable Conditions Discharge (reducing her to the lowest enlisted grade of Private E1), and immediately redeployed from the theater of operations.

In the case of then Staff Sergeant [REDACTED], he received a General Officer Article 15 and was found guilty of Dereliction of Duty (Article 92), Maltreatment (Article 93), and making a False Official Statement (Article 107). His non-judicial punishment included forfeiture of \$1,141.00 per month for 2 months, 30 days of extra duty, 30 days of restriction to the limits of Camp Arifjan, Iraq, and reduction to Sergeant E5. He elected to not appeal the Article 15 findings or punishment. The command initiated separation action for serious misconduct and, after SGT [REDACTED] consulted with his counsel, he waived his right to an administrative discharge board. After considering matters presented by SGT [REDACTED] as well as considering matters he wished to present verbally in person, a General Officer directed that SGT [REDACTED] be separated from the military for commission of a serious offense, given a General, Under Honorable Conditions Discharge, and immediately redeployed from the theater of operations.

In the case of then Specialist [REDACTED], he received a General Officer Article 15 and was found guilty of Dereliction of Duty (Article 92), Maltreatment (Article 93), and making a False Official Statement (Article 107). His non-judicial punishment included forfeiture of \$575.00 per month for 2 months, 30 days of extra duty, 30 days of restriction to the limits of Camp Arifjan, Iraq, and reduction to Private E1. He elected to not appeal the Article 15 findings or punishment. The command initiated separation action. After considering matters presented by Private [REDACTED] as well as considering matters he wished to present verbally in person, a General Officer directed that Private [REDACTED] be separated from the military for commission of a serious offense, given a General, Under Honorable Conditions Discharge, and immediately redeployed from the theater of operations.

As of December 29, 2003, all actions were complete and all three soldiers were redeployed to Fort Dix, New Jersey for separation processing.

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If you require further information, please contact me or LTC [redacted] at [redacted]

BG Swan

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

US v. [REDACTED] - 4ID

CID misreported the details of a detainee abuse case in the 4th ID AOR. The original reporting stated that on 11 September 2003 at the FOB Packhorse detention facility, "an Iraqi detainee died while in US custody. An enlisted Soldier while on guard duty, failed to follow the ROE and shot the detainee who was throwing rocks at him." The synopsis also stated that the "Soldier was charged with Murder. Soldier was reduced to E1 and administratively discharged in lieu of trial by court-martial."

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(b)(7)(C)-4

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The correct information is that on 11 September 2003, SPC [REDACTED] was performing guard duty at FOB Packhorse detention facility. A detainee, [REDACTED] was being held in an isolation cell in flexi cuffs. SPC [REDACTED] was standing in the hallway of the isolation cell when he saw [REDACTED] move toward the wire. He was informed that detainees were not to go nears the wire. SPC [REDACTED] fired his weapon stating that he saw [REDACTED] place his hands near the wire. First aid was administered and [REDACTED] was taken to the aid station. On 7 October 2003, SPC [REDACTED] was charged with violation of Article 119, UCMJ, Manslaughter. SPC [REDACTED] submitted a Chapter 10 request. That request was granted on 12 November 2003. SPC [REDACTED] had no specialized training in handling detainees.

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In addition to the investigations currently being conducted by CID, there have been a number of investigations conducted at the unit level. These investigations involve incidents generally occurring outside a detention facility and may involve allegations of abuse during the original detaining, capture, or the transport of detainees to a detention facility. Unit investigations may be conducted as AR 15-6 investigations, commander's inquiries, or other informal investigations. Units in Iraq are tracking or monitoring sixteen such investigations.

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(b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF Y/N	Comp
1 0059-04-CID369	CID	Assault	Bagram DF	1-Jan-02	20-May-04	Def counsel	Closed	[Redacted]	[Redacted]	Y	
2 0114-02-CID369	CID	Death	Afghanistan	28-Aug-02	25-Sep-02	MI SSG	Closed	[Redacted]	[Redacted]	N	
3 0072-04-CID369	CID	Assault	Kandahar	7-Sep-02	18-Jun-04	Medic	Closed	[Redacted]	[Redacted]		
4 0153-04-CID146	CID	Assault	(b)(3)-1 / (b)(2)-2	7-Oct-02	2-Aug-04	Civilian	Open	[Redacted]	[Redacted]	N	
5 0061-04-CID369	CID	Assault	Peshawar	1-Dec-02	24-May-04	Detainee	Closed	[Redacted]	[Redacted]	Y	
6 0134-02-CID369	CID	Death	Bagram DF	4-Dec-02		MP	Open	[Redacted]	[Redacted]	Y	AC/USAR
7 0137-02-CID369	CID	Death	Bagram DF	10-Dec-02		MP	Open	[Redacted]	[Redacted]	Y	AC/USAR
8 0062-04-CID369	CID	Assault	Gardez, AF	1-Feb-03	24-May-04	CJTF-180	Closed	[Redacted]	[Redacted]	Y	
9 0147-04-CID013	CID	Assault	(b)(3)-1 / (b)(2)-2	1-Mar-03	12-Jul-04	Playboy Magazine	Closed	[Redacted]	[Redacted]	N	
10 0114-04-CID063	CID	Sexual Assault	(b)(3)-1 / (b)(2)-2	19-Mar-03	14-Jun-04	MCI/O-OSI	Open	[Redacted]	[Redacted]	N	
11 0397-04-CID023	CID	Assault	(b)(3)-1 / (b)(2)-2	1-Apr-03	2-Jun-04	Soldier	Open	[Redacted]	[Redacted]		
12 [Redacted]	(b)(5)-1 / (b)(5)-3	Assault	Unknown (Iraq)	1-Apr-03		SJA	Closed	[Redacted]	[Redacted]	N	USAR
13 0087-04-CID519	CID	Assault	Camp Bucca	9-Apr-03	17-Jun-04	Detainee	Open	[Redacted]	[Redacted]		
14 0125-03-CID469	CID	Theft	(b)(5)-1 / (b)(2)-2	10-Apr-03		Soldier	Open	[Redacted]	[Redacted]	N	
15 0139-03-CID469	CID	Assault	(b)(3)-1 / (b)(2)-2	15-Apr-03		Soldier	Open	[Redacted]	[Redacted]	Y	ARNG
16 0035-03-CID259	CID	Death	Camp Bucca	18-Apr-03	18-Apr-03	CJTF-7	Closed	[Redacted]	[Redacted]	Y	
17 0055-03-CID349	CID	Theft	(b)(3)-1 / (b)(2)-2	22-Apr-03	20-May-03	3 ID TOC	Closed	[Redacted]	[Redacted]	N	
18 0048-03-CID349	CID	Theft	(b)(3)-1 / (b)(2)-2	27-Apr-03	1-May-03	MP	Closed	[Redacted]	[Redacted]	N	
19 0074-04-CID342	CID	Assault	Unknown	1-May-03	9-Jul-04	Soldier	Open	[Redacted]	[Redacted]		
20 0121-04-CID469	CID	Assault	(b)(3)-1 / (b)(2)-2	9-May-03	10-Jun-04	Victim	Closed	[Redacted]	[Redacted]	Y	
21 0031-03-CID519	CID	Assault	Camp Bucca	12-May-03	14-May-03	MP	Closed	[Redacted]	[Redacted]	Y	USAR
22 0033-03-CID519	CID	Assault	Camp Bucca	12-May-03	14-May-03	MP	Closed	[Redacted]	[Redacted]	Y	

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Blue = CID Case
Red = Cases Open 180+ Days
Green = Closed

Light Blue = CM Results
Light Yellow = Disposition Taken

(b)(7)(C) / (b)(7)(D)

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF	Y/N	Comp
23	0050-03-CID349	Theft	(b)(7)(C) / (b)(7)(D)	13-May-03	14-May-03	MP	Closed	[Redacted]	[Redacted]	N		
24	0124-03-CID469	Theft	(b)(7)(C) / (b)(7)(D)	25-May-03	24-Aug-03	Soldier	Closed	[Redacted]	[Redacted]	N		
25	0010-03-CID899	Theft	(b)(7)(C) / (b)(7)(D)	26-May-03	2-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		NG
26	0046-03-CID349	Theft	Unknown (Iraq)	28-May-03	29-May-03	MP	Closed	[Redacted]	[Redacted]	N		
27	0049-03-CID469	Theft	(b)(7)(C) / (b)(7)(D)	29-May-03	10-Jun-03	MP	Closed	[Redacted]	[Redacted]	N		
28	0049-03-CID899	Assault	Unknown (Iraq)	29-May-03	9-Jul-03	SJA	Closed	[Redacted]	[Redacted]	N		
29	0011-04-CID679	Theft	[Redacted]	1-Jun-03	12-Jan-04	SJA	Open	[Redacted]	[Redacted]	N		AC
30	0014-03-CID899	Theft	(b)(7)(C) / (b)(7)(D)	4-Jun-03	[Redacted]	MP	Open	[Redacted]	[Redacted]	N		AC
31	0050-03-CID389	Theft	(b)(7)(C) / (b)(7)(D)	6-Jun-03	10-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		AC
32	(b)(7)(C) / (b)(7)(D)	Theft	(b)(7)(C) / (b)(7)(D)	7-Jun-03	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]	N		AC
33	0046-03-CID899	Assault	[Redacted]	11-Jun-03	29-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		
34	0071-04-CID065	Death	Camp Cropper	12-Jun-03	25-Jun-04	Taguba Report	Closed	[Redacted]	[Redacted]	Y		
35	0031-03-CID899	Death	Camp Cropper	13-Jun-03	[Redacted]	MI	Open	[Redacted]	[Redacted]	Y		
36	0374-04-CID093	Assault	(FL)	13-Jun-03	13-Jun-04	"Coop. Witness" Taguba Report	Open	[Redacted]	[Redacted]	N		
37	0145-04-CID146	Death	Camp Vigilant	13-Jun-03	12-Jul-04	Taguba Report	Open	[Redacted]	[Redacted]	Y		
38	0039-03-CID899	Assault	Unknown (Iraq)	20-Jun-03	24-Jun-03	CJTF-7	Closed	[Redacted]	[Redacted]	N		
39	0094-03-CID369	Death	Asadabad FB	21-Jun-03	26-May-04	MP	Closed	[Redacted]	[Redacted]	Y		
40	0041-03-CID899	Assault	Unknown (Iraq)	21-Jun-03	24-Jun-03	MP	Closed	[Redacted]	[Redacted]	N		
41	0038-03-CID899	Assault	[Redacted]	22-Jun-03	24-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		
42	0088-03-CID469	Theft	(b)(7)(C) / (b)(7)(D)	30-Jun-03	25-Jul-03	SJA	Closed	[Redacted]	[Redacted]	N		
43	0260-04-CID023	Theft	(b)(7)(C) / (b)(7)(D)	1-Jul-03	16-Jun-04	Tipline	Closed	[Redacted]	[Redacted]	Y		
44	(b)(7)(C) / (b)(7)(D)	Assault	(b)(7)(C) / (b)(7)(D)	1-Jul-03	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]	N		AC
45	0048-03-CID899	Theft	Unknown (Iraq)	4-Jul-03	5-Jul-03	MP	Closed	[Redacted]	[Redacted]	N		

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Blue = CID Case
 Red = Cases Open 180+ Days
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Light Blue = CM Results
 Light Yellow = Disposition Taken

(b)(7) / (b)(7)(C)

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF Y/N	Comp
46	CID	Assault	(b)(7) / (b)(7)(C)	5-Jul-03	15-Jul-04	SJA/Cdr	Open				
47	CID	Death	MP	12-Jul-03	6-Sep-03	MP	Closed			Y	
48	CID	Theft	(b)(7) / (b)(7)(C)	13-Jul-03	28-May-04	SJA	Open			N	
49	Unit	Assault	(b)(7) / (b)(7)(C)	13-Jul-03			Closed			N	AC
50	CID	Assault	(b)(7) / (b)(7)(C)	14-Jul-03	14-Jul-04	File review	Open			N	
51	CID	Assault	Unknown (Iraq)	21-Jul-03	10-Jun-04	NY Times	Open			Y	
52	CID	Theft	Unknown (Iraq)	23-Jul-03	4-Aug-03	Iraqi	Open			N	
53	CID	Assault	BIAP (b)(7) / (b)(7)(C)	24-Jul-03	2-Aug-04	MI Files	Open				
54	Unit	Assault	(b)(7) / (b)(7)(C)	25-Jul-03			Closed			N	USAR
55	CID	Sexual Assault	Navy SF	1-Aug-03	11-May-04	NY Times	Open			Y	
56	CID	Assault	(b)(7) / (b)(7)(C)	1-Aug-03	17-May-04	MP	Closed			Y	
57	Unit	Assault	(b)(7) / (b)(7)(C)	1-Aug-03		SJA	Closed			N	
58	Unit	Assault	CJSOTF units	1-Aug-03		ICRC	Closed			Y	AC
59	CID	Assault	(b)(7) / (b)(7)(C)	1-Aug-03	30-Jul-04	Soldier	Open			N	
60	Unit	Assault	(b)(7) / (b)(7)(C)	2-Aug-03			Closed			N	
61	CID	Death	Camp Cropper Baghdad Airport	3-Aug-03	3-Aug-03	MP	Closed			Y	
62	CID	Death	Abh Ghraib	7-Aug-03	24-May-04	AFIP	Closed			N	
63	CID	Death	Abh Ghraib	8-Aug-03	9-Aug-03	CJTF-7	Closed			Y	
64	CID	Death	Abu Ghraib	11-Aug-03	16-Aug-03	CJTF-7	Closed			Y	
65	CID	Sex assault	Unknown (Iraq)	11-Aug-03	5-May-04	MP	Closed			N	
66	CID	Death	Abu Ghraib	13-Aug-03	16-Aug-03	CJTF-7	Closed			Y	
67	Unit	Death	4th MP	19-Aug-03			Closed			N	
68	CID	Death	Abu Ghraib	20-Aug-03	21-Aug-03	MP	Closed			Y	
69	CID	Assault	FOB Gunner (b)(7) / (b)(7)(C)	20-Aug-03	20-Aug-03	SJA	Closed			Y	
70	CID	Death	(b)(7) / (b)(7)(C)	22-Aug-03	24-May-04	AFIP	Closed			Y	

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(S)(S) / (S)(S) / (S)(S) / (S)(S)

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Report by	Closed or Open	Status	Notes	DF	Y/N	Comp
71 0473-04-CID023	CID	Assault	[Redacted]	23-Aug-03	24-Jun-04	Invest.	Closed	[Redacted]	[Redacted]			
72 0129-03-CID899	CID	Assault	[Redacted]	31-Aug-03	17-Sep-03	MP	Closed	[Redacted]	[Redacted]		Y	
73 0117-03-CID899	CID	Assault	AMIC, Baghdad	1-Sep-03	8-Sep-03	SJA	Closed	[Redacted]	[Redacted]		Y	
74 0085-03-CID939	CID	Theft	Unknown (Iraq)	7-Sep-03	7-Sep-03	Iraqi	Closed	[Redacted]	[Redacted]		N	
75 0174-03-CID469	CID	Assault	Tikrit DF	8-Sep-03		SJA	Open	[Redacted]	[Redacted]		Y	
76 0149-03-CID469	CID	Death	FOB Packhorse	11-Sep-03	15-Sep-03	SJA	Closed	[Redacted]	[Redacted]		Y	
77 0174-04-CID259	CID	Death	Unknown	13-Sep-03	28-Jul-04	ICRC Report	Open	[Redacted]	[Redacted]		Y	
78 0278-03-CID519	CID	Assault	Camp Bucca	22-Sep-03		MP	Open	[Redacted]	[Redacted]		Y	
79 [Redacted]	[Redacted] Unit	Assault	[Redacted]	24-Sep-03			Closed	[Redacted]	[Redacted]		Y	
80 0003-04-CID149	CID	Assault	Abu Ghraib	1-Oct-03	13-Jan-04		Open	[Redacted]	[Redacted]		Y	USAR
81 0116-04-CID789	CID	Assault	BCCF	1-Oct-03	19-Jul-04	Internet	Closed	[Redacted]	[Redacted]			
82 [Redacted]	[Redacted] Unit	Assault	[Redacted]	1-Oct-03			Closed	[Redacted]	[Redacted]		N	AC
83 0188-04-CID259	CID	Assault	Camp Bucca	1-Oct-03	8-Jul-04	Time Magazine	Open	[Redacted]	[Redacted]		Y	
84 0132-04-CID259	CID	Sexual Assault	Abu Ghraib	3-Oct-03	28-May-04	Victim	Closed	[Redacted]	[Redacted]		Y	
85 0216-03-CID259	CID	Sex assault	Abu Ghraib	7-Oct-03	21-Oct-03	MP	Closed	[Redacted]	[Redacted]		Y	
86 0204-04-CID259	CID	Assault	BCCF	7-Oct-03	6-Jul-04	USA Today	Open	[Redacted]	[Redacted]			
87 [Redacted]	[Redacted] Unit	Assault	[Redacted]	15-Oct-03			Closed	[Redacted]	[Redacted]		Y	AC
88 [Redacted]	[Redacted] Unit	Assault	[Redacted]	25-Oct-03			Closed	[Redacted]	[Redacted]		Y	AC
89 0244-04-CID259	CID	Assault	BIAP	29-Oct-03	2-Aug-04	MI Files	Open	[Redacted]	[Redacted]		Y	
90 [Redacted]	[Redacted] Unit	Assault	[Redacted]	1-Nov-03			Closed	[Redacted]	[Redacted]		Y	AC

8068

000130

Light Blue = CM Results
Light Yellow = Disposition Taken

Red = Cases Open 180+ Days
Green = Closed

(b)(5)-1 / (b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF Y/N	Comp
91	(b)(5) / (b)(2) Unit	Assault	(b)(5) / (b)(2)			ICRC	Open			Y	AC
92	0223-04-CID259	Assault	Karbala (b)(5) / (b)(2)	1-Nov-03	19-Jul-04	Witness	Open				
93	0128-04-CID259	Death	Abu Ghraib	3-Nov-03	28-May-04	CJTF-7	Closed			Y	
94	0237-03-CID259	Death	Abu Ghraib	4-Nov-03		CJTF-7	Open			Y	
95	0174-03-CID369	Death	FOB Gereshk	6-Nov-03		CJTF-180	Open			Y	
96	0260-03-CID259	Assault	Abu Ghraib	22-Nov-03	25-Nov-03	CJTF-7	Closed			Y	
97	(b)(5) / (b)(2) Unit	Assault	4 ID	22-Nov-03		Unknown	Closed			N	
98	0264-03-CID259	Death	Abu Ghraib	24-Nov-03	2-Dec-03	CJTF-7	Closed			Y	
99	0027-03-CID679	Death	(b)(5) / (b)(2)	26-Nov-03		MP	Open			Y	
100	0124-04-CID259	Assault	BCCF	29-Nov-03	29-May-04	NY Times	Closed				
101	0537-04-CID034	Death	Unknown	1-Dec-03	29-Jun-04	Doctor	Open			Y	
102	0197-03-CID899	Theft	Unknown	2-Dec-03	17-Dec-03	1stBde, 11 D	Closed			N	
103	0140-03-CID389	Death	(b)(5) / (b)(2)	29-Dec-03	9-Dec-03	MP	Closed			Y	
104	(b)(5) / (b)(2) Unit	Assault	(b)(5) / (b)(2)	10-Dec-03			Closed			Y	
105	0149-04-CID259	Assault	Unknown	15-Dec-03	3-Jun-04	Victim	Closed			Y	
106	(b)(5) / (b)(2) Unit	Assault	(b)(5) / (b)(2)	17-Dec-03			Closed			N	AC
107	0039-04-CID789	Assault	Abu Ghraib	18-Dec-03	20-May-04	504th MP	Open			Y	
108	0384-04-CID023	Assault	(b)(5) / (b)(2)	21-Dec-03	1-Jun-04	OSD	Closed			Y	
109	0129-04-CID 259	Assault	Ruhwama Palace	24-Dec-03	27-May-04	CJTF-7	Open			Y	
110	0029-04-CID789	Assault	Baghdad CEF (b)(5) / (b)(2)	29-Dec-03	9-May-04	MI	Open			N	
111	0006-04-CID259	Assault	(b)(5) / (b)(2)	31-Dec-03	7-Jan-04	MP	Closed			N	AC
112	0034-04-CID352	Assault	(b)(5) / (b)(2)	1-Jan-04	9-Jun-04	Soldier	Closed			Y	USAR

Blue = CID Case
 Red = Cases Open 180+ Days
 Green = Closed

Light Blue = CM Results
 Light Yellow = Disposition Taken

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(b)(5)(1)/(b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF Y/N	Comp
113 0066-04-CID342	CID	Assault	Unknown	1-Jan-04	15-Jun-04	CID IG	Open				
114 0218-04-CID259	CID	Assault	BCCF	1-Jan-04	19-Jul-04	ICRC	Open				
115 0011-04-CID469	CID	Death	Samarra, Iraq	3-Jan-04	13-Jan-04	DODIG	Closed			N	
116 0007-04-CID259	CID	Death	Abu Ghraib	8-Jan-04	8-Jan-04	MP	Closed			Y	
117 0009-04-CID679	CID	Death	FOB Rifles	9-Jan-04	9-Jan-04	MP	Open			Y	
118 (b)(5) Unit	Unit	Assault		10-Jan-04		Reuters	Open			N	AC
119 0078-04-CID369	CID	Assault		11-Jan-04	24-Jun-04	SJA	Closed				
120 0148-04-CID259	CID	Assault/Robbery	Unknown	12-Jan-04	3-Jun-04	Victim	Open			Y	
121 0127-04-CID259	CID	Assault	Camp Cropper	13-Jan-04	27-May-04	CJTF-7	Open			Y	
122 0153-04-CID259	CID	Assault	BCCF	13-Jan-04	9-Jun-04	Victim	Open			Y	
123 0012-04-CID259	CID	Death	Abu Ghraib	16-Jan-04	16-Jan-04	MP	Closed			Y	
124 (b)(5) Unit	Unit	Assault		18-Jan-04			Closed			Y	AC
125 0271-04-CID014	CID	Death	Balad	18-Jan-04	23-Jun-04	SWS	Open				
126 0243-04-CID259	CID	Assault	Kilometer 22	19-Jan-04	2-Aug-04	MI Files	Open			Y	
127 0251-04-CID259	CID	Assault	Unknown	20-Jan-04	2-Aug-04	Victim	Open			Y	
128 0020-04-CID259	CID	Death	Camp Cropper	31-Jan-04	31-Jan-04	CJTF-7	Open			Y	
129 0068-04-CID388	CID	Assault	Mosul	1-Feb-04	29-May-04	CID IG	Open			N	
130 (b)(5) Unit	Unit	Assault		5-Feb-04		ICRC	Closed			Y	
131 0044-04-CID352	CID	Assault		5-Feb-04	12-Jul-04	Unit	Closed				
132 0025-04-CID469	CID	Death	Tikrit DF	7-Feb-04	8-Feb-04	MP	Closed			Y	
133 0247-04-CID259	CID	Assault	Unknown	before 17 Feb 04	2-Aug-04	MI Files	Open			Y	
134 0036-04-CID259	CID	Death	Abu Ghraib	19-Feb-04	20-Feb-04	CJTF-7	Closed			Y	

Blue = CID Case
Red = Cases Open 180+ Days
Green = Closed

Light Blue = CM Results
Light Yellow = Disposition Taken

000132

(b)(5)-1 / (b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Report by	Closed or Open	Status	Note	DF	Y/N	Comp
135 0246-04-CID259	CID	Assault	Unknown	25-Feb-04	2-Aug-04	News Report	Open	[Redacted]		N		
136 0245-04-CID259	CID	Assault	Unknown	26-Feb-04	2-Aug-04	MI Files	Open	[Redacted]		Y		
137 0256-04-CID259	CID	Assault	Al Habbaniya	28-Feb-04	5-Aug-04	Victims	Open	[Redacted]		Y		
138 0040-04-CID469	CID	Death	Unknown (Iraq)	28-Feb-04	28-Feb-04	SJA	Closed	[Redacted]		N		
139 0098-04-CID369	CID	Assault	Jalalabad	1-Mar-04	4-Aug-04	ICRC Report	Open	[Redacted]		Y		
140 [Redacted]	Unit	Assault	[Redacted]	2-Mar-04	[Redacted]	[Redacted]	Closed	[Redacted]		Y		AC
141 [Redacted]	Unit	Assault	[Redacted]	4-Mar-04	[Redacted]	[Redacted]	Closed	[Redacted]		Y		
142 0190-04-CID259	CID	Assault	BIAP	4-Mar-04	28-Jun-04	Detainee	Open	[Redacted]		Y		
143 0050-04-CID259	CID	Death	Camp Cropper	7-Mar-04	8-Mar-04	MP	Closed	[Redacted]		Y		
144 [Redacted]	Unit	Assault	[Redacted]	8-Mar-04	[Redacted]	Detainee	Closed	[Redacted]		Y		
145 0180-04-CID259	CID	Assault	Unknown	8-Mar-04	22-Jun-04	Detainee	Open	[Redacted]				
146 0219-04-CID259	CID	Assault	BCCF	15-Mar-04	19-Jul-04	ICRC	Open	[Redacted]				
147 0004-04-CID789	CID	Death	Abu Ghraib	28-Mar-04	28-Mar-03	320th MP	Closed	[Redacted]		Y		
148 0217-04-CID259	CID	Assault	BCCF	1-Apr-04	19-Jul-04	ICRC	Open	[Redacted]		Y		
149 0046-04-CID389	CID	Death	LSA Diamondback	2-Apr-04	5-Apr-04	Mortuary Affairs	Closed	[Redacted]		Y		
150 0142-04-CID259	CID	Assault	Unknown	2-Apr-04	2-Jun-04	Victim	Open	[Redacted]		Y		
151 0225-04-CID259	CID	Assault	Unknown	4-Apr-04	19-Jul-04	Detainee	Open	[Redacted]		Y		
152 0106-04-CID259	CID	Assault	Al-Azimiyah	4-Apr-04	12-May-04	MP	Closed	[Redacted]		Y		
153 0117-04-CID259	CID	Assault	Camp Nama	6-Apr-04	20-May-04	Civ. Interrog.	Closed	[Redacted]		Y		
154 0143-04-CID259	CID	Assault	CJ-SODF, BIAP	9-Apr-04	3-Jun-04	Victim	Closed	[Redacted]		Y		
155 0068-04-CID469	CID	Death	Abu Ghraib	10-Apr-04	24-May-04	OAFME	Closed	[Redacted]		Y		
156 0192-04-CID259	CID	Assault	Ramadi	10-Apr-04	28-Jun-04	Detainee	Open	[Redacted]		Y		

Blue = CID Case
Red = Cases Open 180+ Days
Green = Closed

Light Blue = CM Results
Light Yellow = Disposition Taken

8071

000133

(b)(5)-1 / (b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Close or Open	Status	Note	DF	Y/N	Comp
157	0019-04-CID789	Death	Abu Gharib	11-Apr-04	11-Apr-04	320th MP	Closed	[Redacted]	[Redacted]		Y	
158	0239-04-CID259	Assault	"Disco"	25-Apr-04	27-Jul-04	Victim	Open	[Redacted]	[Redacted]			
159	0165-04-CID919	Assault	Airbase H3	11-Apr-04	31-May-04	Victim	Open	[Redacted]	[Redacted]		Y	
160	0191-04-CID259	Assault	Baghdad	11-Apr-04	28-Jun-04	Detainee	Open	[Redacted]	[Redacted]		Y	
161	0261-04-CID259	Assault	Unknown	14-Apr-04	9-Aug-04	Detainee	Open	[Redacted]	[Redacted]		Y	
162	0147-04-CID259	Assault	Unknown	15-Apr-04	3-Jun-04	Victim	Closed	[Redacted]	[Redacted]		Y	
163	0138-04-CID259	Assault	Unknown	17-Apr-04	1-Jun-04	Victim	Closed	[Redacted]	[Redacted]		Y	
164	0016-04-CID789	Death	Camp Cropper	19-Apr-04	19-Apr-04	MP	Closed	[Redacted]	[Redacted]		Y	
165	[Redacted]	Assault	[Redacted]	19-Apr-04	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]		Y	
166	[Redacted]	Assault	[Redacted]	21-Apr-04	[Redacted]	Soldiers	Closed	[Redacted]	[Redacted]		N	NA
167	0152-04-CID899	Assault	[Redacted]	23-Apr-04	14-May-04	CoS, 1ID	Closed	[Redacted]	[Redacted]		Y	
168	0173-04-CID259	Assault	Unknown	24-Apr-04	14-Jul-04	Dagbladet (Norway)	Open	[Redacted]	[Redacted]		N	
169	0139-04-CID259	Assault	Tolfah House	27-Apr-04	1-Jun-04	Victim	Open	[Redacted]	[Redacted]		Y	
170	0253-04-CID0259	Assault	Unknown	27-Apr-04	2-Aug-04	Victim	Open	[Redacted]	[Redacted]		N	
171	0262-04-CID259	Assault	Unknown	29-Apr-04	9-Aug-04	Victim	Open	[Redacted]	[Redacted]			
172	0140-04-CID259	Assault	Unknown	1-May-04	1-Jun-04	Victim	Closed	[Redacted]	[Redacted]		Y	
173	0186-04-CID259	Sexual Assault	Camp Bucca	4-May-04	28 Jun 04	Detainee	Closed	[Redacted]	[Redacted]			
174	0259-04-CID259	Assault	Unknown	1-May-04	10-Aug-04	Victim	Open	[Redacted]	[Redacted]			
175	0137-04-CID899	Assault	[Redacted]	7-May-04	9-May-04	1st Cav	Closed	[Redacted]	[Redacted]		N	
176	[Redacted]	Assault	ODA	9-May-04	14-May-04	Detainee	Open	[Redacted]	[Redacted]			
177	0033-04-CID789	Death	Camp Ganci	11-May-04	11-May-04	MP	Closed	[Redacted]	[Redacted]		Y	
178	0131-04-CID259	Assault	Unknown	11-May-04	27-May-04	CJTF-7	Closed	[Redacted]	[Redacted]		Y	
179	0058-04-CID939	Theft	Talili	11-May-04	21-May-04	300th ASG	Closed	[Redacted]	[Redacted]		N	
180	0252-04-CID259	Assault	The Disco	12-May-04	2-Aug-04	Victim	Open	[Redacted]	[Redacted]		Y	

Blue = CID Case
 Red = Cases Open 180+ Days
 Green = Closed

Light Blue = CM Results
 Light Yellow = Disposition Taken

8072

000134

(b)(5) - (S) 1- (S) 19
 (b)(5) - (S) 19

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Role	Closed or Open	Status	Note	DF	Y/N	Como
181 0250-04-CID259	CID	Assault	The Farm	14-May-04	2-Aug-04	Victim	Open	[Redacted]			Y	
182 0064-04-CID369	CID	Assault	Afghanistan	14-May-04	28-May-04	CJTF-76	Open	[Redacted]				
183 0073-04-CID939	CID	Assault	[Redacted]	17-May-04	13-Jul-04	Source	Open	[Redacted]				
184 0171-04-CID259	CID	Death	Baghdad	17-May-04	18-Jun-04	5th SFG	Closed	[Redacted]				
185 0038-04-CID789	CID	Death	Baghdad CFF	19-May-04	19-May-04	MP	Closed	[Redacted]			Y	
186 0144-04-CID259	CID	Death	[Redacted]	21-May-04	25-May-04	1AD	Open	[Redacted]			N	
187 0040-04-CID789	CID	Death	Unknown	22-May-04	22-May-04	MP	Open	[Redacted]			Y	
188 0221-04-CID259	CID	Assault	BCCF	24-May-04	18-Jul-04	Detainee	Open	[Redacted]				
189 0220-04-CID259	CID	Assault	BIAP	24-May-04	18-Jul-04	Detainee	Open	[Redacted]				
190 0039-04-CID469	CID	Death	[Redacted]	24-May-04	27-May-04	Med. Examiner	Closed	[Redacted]				
191 0193-04-CID259	CID	Assault	Ramadi	30-May-04	28-Jun-04	Detainee	Open	[Redacted]				
192 0164-04-CID259	CID	Assault	Unknown	2-Jun-04	14-Jun-04	Victim	Closed	[Redacted]			Y	
193 0084-04-CID519	CID	Assault	Camp Bucca	3-Jun-04	9-Jun-04	Soldier	Closed	[Redacted]			Y	
194	Unit	Assault	[Redacted]	3-Jun-04	30th BCT		Open	[Redacted]			N	
195 0182-04-CID259	CID	Assault	AlHafia	3-Jun-04	22-Jun-04	Detainee	Open	[Redacted]				
196 0232-04-CID259	CID	Assault	Mudia	8-Jun-04	27-Jul-04	Victim	Open	[Redacted]				
197 0059-04-CID789	CID	Death	BCCF	10-Jun-04	10-Jun-04	MP	Open	[Redacted]			Y	
198 0181-04-CID259	CID	Assault	Baghdad	12-Jun-04		Detainee	Closed	[Redacted]				
199 0061-04-CID789	CID	Death	BCCF	14-Jun-04	14-Jun-04	MP	Open	[Redacted]			Y	
200 0222-04-CID259	CID	Assault	Al-Adamiya	15-Jun-04	19-Jul-04	Detainee	Open	[Redacted]				
201 0189-04-CID259	CID	Assault	Radwaniya	15-Jun-04	28-Jun-04	Detainee	Closed	[Redacted]			Y	

8073

000135

Blue = CID Case
 Red = Cases Open 180+ Days
 Green = Closed

Light Blue = CM Results
 Light Yellow = Disposition Taken

(b)(3) - (b)(5) - 3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Ref by	Closed or Open	Status	Note	DF Y/N	Comp
202 0224-04-CID259	CID	Assault	Unknown	20-Jun-04	19-Jul-04	Detainee	Closed	[Redacted]		Y	
203 0184-04-CID259	CID	Assault	BCCF		24-Jun-04	OSI	Open	[Redacted]			
204 0127-04-CID469	CID	Assault	(b)(3) / (b)(2)				Closed	[Redacted]			
205 0205-04-CID259	CID	Assault	MI BAT		24-Jun-04	Prison	Closed	[Redacted]			
206 0210-04-CID259	CID	Assault	Unknown	Unknown	8-Jul-04	File review	Open	[Redacted]		Y	
207 0123-04-CID259	CID	Rape	BCCF	Unknown	14-Jul-04	File review	Open	[Redacted]			
208 0212-04-CID259	CID	Assault	Unknown	Unknown	14-Jul-04	LA Times	Open	[Redacted]			
209 0213-04-CID259	CID	Assault	BIAP	Unknown	15-Jul-04	File review	Open	[Redacted]			
210 0176-04-CID259	CID	Assault	Unknown	2-Jul-04	26-Jul-04	ICRC Report	Open	[Redacted]		N	
211 0177-04-CID259	CID	Assault	Al-Baghadadi	Unknown	26-Jul-04	ICRC Report	Open	[Redacted]		Y	
212 0175-04-CID259	CID	Assault	Unknown	Unknown	27-Jul-04	ICRC Report	Open	[Redacted]		N	
213 0236-04-CID259	CID	Death	BCCF	Unknown	29-Jul-04	MI Files	Closed	[Redacted]		Y	
214 0237-04-CID259	CID	Death	BCCF	Unknown	29-Jul-04	MI Files	Open	[Redacted]		Y	
215 0239-04-CID259	CID	Death	Camp Bucca	Unknown	30-Jul-04	MI Files	Open	[Redacted]		Y	
216 0260-04-CID259	CID	Assault	Unknown	6-Jul-04	10-Aug-04	Victim	Open	[Redacted]			
217 0234-04-CID259	CID	Assault	Unknown	13-Jul-04	2-Aug-04	MP	Closed	[Redacted]		Y	
218 0249-04-CID259	CID	Assault	Taji	16-Jul-04	2-Aug-04	Victim	Open	[Redacted]		Y	
219 0265-04-CID259	CID	Assault	Unknown	16-Jul-04	12-Aug-04	Victim	Open	[Redacted]			
220 0258-04-CID259	CID	Assault	BCCF	2-Aug-04	10-Aug-04	Victim	Open	[Redacted]			

8074

100013

Blue = CID Case
 Red = Cases Open 180+ Days
 Green = Closed

Light Blue = CM Results
 Light Yellow = Disposition Taken

(b)(5)(b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF Y/N	Comp
221 0263-04-CID259	CID	Assault	(b)(3)-1/(b)(2)-2	8-Aug-04	11-Aug-04	1st Cav SIR	Open	[REDACTED]			
222 0326-04-CID056	CID	Death	(b)(3)-1/(b)(2)-2	Unknown	12-Aug-04	Soldier	Open	[REDACTED]			
223 0099-04-CID389	CID	Assault	(b)(3)-1/(b)(2)-2	9-Aug-04	14-Aug-04	Victim	Open	[REDACTED]			
224 0139-04-CID789	CID	Death	(b)(3)-1/(b)(2)-2	18-Aug-04	18-Aug-04	MPs CID liaison to SOF	Open	[REDACTED]			
225 0019-04-CID343	CID	Assault	SOF	Unknown	Unknown		Open	[REDACTED]			

8075

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Blue = CID Case
 Red = Cases Open 180+ Days
 Green = Closed

Light Blue = CM Results
 Light Yellow = Disposition Taken

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(2)

Case No.	Inv. Rep.	Offense	Un/Plac. of Occurrence	Date Reported	By	Case Status	Notes	DF Y/N	Comp.	Court/Martial	Acquit	Relief	COH
0059-04-CID369	CID	Assault	Bagram DF	1-Jan-02	20-May-04	Det Counsel		Y					
0114-02-CID369	CID	Death	Alghanistan	28-Aug-02	25-Sep-02	MI SSG		N					
0072-04-CID369	CID	Assault	Kandahar	7-Sep-02	18-Jun-04	Medic		Y					
0061-04-CID369	CID	Assault	Peshawar	1-Dec-02	24-May-04	Detainee		Y	ACUSAR				
0134-02-CID369	CID	Death	Bagram DF	4-Dec-02		MP		Y	ACUSAR				
0137-02-CID369	CID	Death	Bagram DF	10-Dec-02		MP		Y					
0062-04-CID369	CID	Assault	Gardez, AF	1-Feb-03	24-May-04	CJTF-180		Y					
0114-04-CID083	CID	Sexual Assault	(b)(5)-1 / (b)(2)	9-Mar-03	14-Jun-04	MCI/O-SI							
0397-04-CID023	CID	Assault	(b)(5)-1 / (b)(2)	1-Apr-03	2-Jun-04	Soldier							
(b)(5)-1 / (b)(2)	Unit	Assault	Unknown (Iraq)	1-Apr-03		SJA		N	USAR				
0087-04-CID519	CID	Assault	Camp Bucca	9-Apr-03	17-Jun-04	Detainee							
0125-03-CID469	CID	Theft	(b)(5)-1 / (b)(2)	10-Apr-03	24-Aug-03	Soldier		N					
0139-03-CID469	CID	Assault	(b)(5)-1 / (b)(2)	15-Apr-03		Soldier		Y	ARNG				
0035-03-CID259	CID	Death	Camp Bucca	18-Apr-03	18-Apr-03	CJTF-7		Y					
0055-03-CID349	CID	Theft	(b)(5)-1 / (b)(2)	22-Apr-03	20-May-03	3 ID TOC		N					
0048-03-CID349	CID	Theft	(b)(5)-1 / (b)(2)	27-Apr-03	1-May-03	MP		N					
0121-04-CID469	CID	Assault	(b)(5)-1 / (b)(2)	9-May-03	10-Jun-04	Victim		Y					
0031-03-CID519	CID	Assault	Camp Bucca	12-May-03	14-May-03	MP		Y	USAR				
0035-03-CID519	CID	Assault	Camp Bucca	12-May-03	14-May-03	MP		Y					
0050-03-CID349	CID	Theft	(b)(5)-1 / (b)(2)	13-May-03	14-May-03	MP		N					
0124-03-CID469	CID	Theft	(b)(5)-1 / (b)(2)	25-May-03	24-Aug-03	Soldier		N					
0010-03-CID899	CID	Theft	(b)(5)-1 / (b)(2)	26-May-03	2-Jun-03	SJA		N	NG				
0046-03-CID349	CID	Theft	Unknown (Iraq)	28-May-03	29-May-03	MP		N					
0049-03-CID469	CID	Theft	(b)(5)-1 / (b)(2)	28-May-03	10-Jun-03	MP		N					
0049-03-CID899	CID	Assault	Unknown (Iraq)	1-Jun-03	9-Jul-03	SJA		N					
0011-04-CID679	CID	Theft	(b)(5)-1 / (b)(2)	1-Jun-03	12-Jan-04	SJA		N	AC				
0014-03-CID899	CID	Theft	(b)(5)-1 / (b)(2)	4-Jun-03		MP		N	AC				
0050-03-CID369	CID	Theft	(b)(5)-1 / (b)(2)	6-Jun-03	10-Jun-03	SJA		N	AC				
(b)(5)-1 / (b)(2)	Unit	Theft	(b)(5)-1 / (b)(2)	7-Jun-03				N	AC				
0046-03-CID899	CID	Assault	(b)(5)-1 / (b)(2)	11-Jun-03	29-Jun-03	SJA		N					
0031-03-CID899	CID	Death	Camp Cropper	13-Jun-03		MI		Y					
0039-03-CID899	CID	Assault	Unknown (Iraq)	20-Jun-03	24-Jun-03	CJTF-7		N					
0094-03-CID369	CID	Death	Asadabad FB	21-Jun-03	26-May-04	MP		Y					
0011-03-CID899	CID	Assault	Unknown (Iraq)	21-Jun-03	24-Jun-03	MP		N					

Blue = Open 180+ Days
Red = Open 90-180 Days
Green = Closed

Light Blue = CM Results
Light Yellow = Disposition Taken

000142

(b)(5)(1)/(b)(5)-3

(b)(5)-1/(b)(2)

Case ID	In-Century	Dyn	Unit/Location	Date Reported	File #	Open/Cl. Open	Status	Notes	DE/VN	Com	Admin	PAU	LOF
33	0038-05-CID899	CID	(b)(5)-1/(b)(2)	24-Jun-03	SJA	Open			N				
34	0088-03-CID469	CID	(b)(5)-1/(b)(2)	25-Jul-03	SJA	Open			N				
35	0260-04-CID023	CID	(b)(5)-1/(b)(2)	16-Jun-04	Timeline	Open			Y				
36	(b)(5)-1/(b)(2)	Unit	(b)(5)-1/(b)(2)	4-Jul-03	MP	Open			N	AC			
37	0048-03-CID899	CID	(b)(5)-1/(b)(2)	5-Jul-03	MP	Open			N				
38	0014-03-CID819	CID	(b)(5)-1/(b)(2)	6-Sep-03	MP	Open			Y				
39	0082-03-CID469	CID	(b)(5)-1/(b)(2)	28-May-04	SJA	Open			N				
40	(b)(5)(1)/(b)(2)	Unit	(b)(5)-1/(b)(2)	10-Jun-04	NY Times	Open			N	AC			
41	0119-04-CID469	CID	(b)(5)-1/(b)(2)	4-Aug-03	iraqi	Open			Y				
42	0074-03-CID899	CID	(b)(5)-1/(b)(2)	11-May-04	NY Times	Open			N	USAR			
43	(b)(5)(1)/(b)(2)	Unit	(b)(5)-1/(b)(2)	17-May-04	MP	Open			Y				
44	0050-04-CID369	CID	(b)(5)-1/(b)(2)	1-Aug-03	SJA	Open			N				
45	0100-04-CID452	CID	(b)(5)-1/(b)(2)	1-Aug-03	ICRC	Open			Y	AC			
46	(b)(5)(1)/(b)(2)	Unit	(b)(5)-1/(b)(2)	2-Aug-03		Open			N				
47	0025-03-CID919	CID	(b)(5)-1/(b)(2)	3-Aug-03	MP	Open			Y				
48	0187-04-CID899	CID	(b)(5)-1/(b)(2)	24-May-04	AFIP	Open			N				
49	0136-03-CID259	CID	(b)(5)-1/(b)(2)	9-Aug-03	CJTF-7	Open			Y				
50	0139-03-CID259	CID	(b)(5)-1/(b)(2)	16-Aug-03	CJTF-7	Open			Y				
51	0094-04-CID259	CID	(b)(5)-1/(b)(2)	5-May-04	MP	Open			N				
52	0140-03-CID259	CID	(b)(5)-1/(b)(2)	16-Aug-03	CJTF-7	Open			Y				
53	(b)(5)(1)/(b)(2)	Unit	(b)(5)-1/(b)(2)	13-Aug-03		Open			N				
54	0147-03-CID259	CID	(b)(5)-1/(b)(2)	21-Aug-03	MP	Open			Y				
55	0152-03-CID469	CID	(b)(5)-1/(b)(2)	20-Aug-03	SJA	Open			Y				
56	0168-04-CID899	CID	(b)(5)-1/(b)(2)	24-May-04	AFIP	Open			Y				
57	0473-04-CID023	CID	(b)(5)-1/(b)(2)	24-Jun-04	Invest.	Open							
58	0129-03-CID899	CID	(b)(5)-1/(b)(2)	17-Sep-03	MP	Open			Y				
59	0117-03-CID899	CID	(b)(5)-1/(b)(2)	8-Sep-03	SJA	Open			Y				
60	0085-03-CID939	CID	(b)(5)-1/(b)(2)	7-Sep-03	iraqi	Open			N				
61	0174-03-CID469	CID	(b)(5)-1/(b)(2)	6-Sep-03	SJA	Open			Y				
62	0149-03-CID469	CID	(b)(5)-1/(b)(2)	15-Sep-03	SJA	Open			Y				
63	0278-03-CID519	CID	(b)(5)-1/(b)(2)	22-Sep-03	MP	Open			Y				
64	(b)(5)(1)/(b)(2)	Unit	(b)(5)-1/(b)(2)	1-Oct-03		Open			Y	USAR			
65	0003-04-CID149	CID	(b)(5)-1/(b)(2)	13-Jan-04	(b)(5)-1/(b)(2)	Open			N	AC			
66	(b)(5)(1)/(b)(2)	Unit	(b)(5)-1/(b)(2)	1-Oct-03		Open							

8077

000143

Blu = 36
 Red = Open 160+ Days
 Green = Closed

Light Blue = CIV Results
 Light Yellow = Disposition Taken

(b)(5)-1/(b)(5)-3

(b)(5)-1/(b)(5)-2

Case ID	Offense	Offense Type	Unit/Place	Date	Date Reported	Victim	Case Status	Notes	Def Y/N	Comp	Court	Activity	Panel	LOI
65	0132-04-CID259	CID	Sexual Assault	Abu Ghraib	3-Oct-03	28-May-04	Victim	Open	Y					
66	0216-05-CID259	CID	Sex assault	Abu Ghraib	7-Oct-03	21-Oct-03	MP		Y					
67	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	10-Oct-03				Y	AC				
68	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	25-Oct-03				Y	AC				
69	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	1-Nov-03				Y	AC				
70	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2					Y	AC				
71	0128-04-CID259	CID	Death	Abu Ghraib	3-Nov-03	28-May-04	CJTF-7	Open	Y					
72	0237-03-CID259	CID	Death	Abu Ghraib	4-Nov-03		CJTF-7	Open	Y					
73	0174-03-CID369	CID	Death	FOB Geresth	6-Nov-03		CJTF-180	Open	Y					
74	0280-03-CID259	CID	Assault	Abu Ghraib	22-Nov-03	25-Nov-03	CJTF-7	Open	Y					
75	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	22-Nov-03		Unknown		N					
76	0284-03-CID259	CID	Death	Abu Ghraib	24-Nov-03	2-Dec-03	CJTF-7	Open	Y					
77	0027-03-CID679	CID	Death	(b)(5)-1/(b)(5)-2	26-Nov-03		MP		Y					
78	0124-04-CID259	CID	Assault	BCCF	29-Nov-03	29-May-04	NY Times	Open	Y					
79	0537-04-CID034	CID	Death	Unknown	1-Dec-03	29-Jun-04	Doctor	Open	Y					
80	0197-03-CID899	CID	Theft	Unknown	2-Dec-03	17-Dec-03	181B06,11		N					
81	0160-03-CID369	CID	Death	(b)(5)-1/(b)(5)-2	9-Dec-03		MP		Y					
82	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	10-Dec-03				Y					
83	0149-04-CID259	CID	Assault	Unknown	15-Dec-03	3-Jun-04	Victim	Open	Y					
84	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	17-Dec-03				Y					
85	0039-04-CID789	CID	Assault	Abu Ghraib	18-Dec-03	20-May-04	504th MP	Open	N	AC				
86	0394-04-CID023	CID	Assault	(b)(5)-1/(b)(5)-2	21-Dec-03	1-Jun-04	OSD	Open	Y					
87	0129-04-CID 259	CID	Assault	Ruihwang Palace	24-Dec-03	27-May-04	CJTF-7	Open	Y					
88	0029-04-CID789	CID	Assault	Baqdod CFF	29-Dec-03	9-May-04	MI	Open	N					
89	0006-04-CID259	CID	Assault	(b)(5)-1/(b)(5)-2	31-Dec-03	7-Jan-04	MP		N	AC				
90	0034-04-CID352	CID	Assault	(b)(5)-1/(b)(5)-2	1-Jan-04	9-Jun-04	Soldier	Open	Y	USAR				
91	0066-04-CID342	CID	Assault	Unknown	1-Jan-04	15-Jun-04	CID IG	Open	N					
92	0011-04-CID469	CID	Death	Samarra, Iraq	3-Jan-04	13-Jan-04	DODIG	Open	N					
93	0007-04-CID259	CID	Death	Abu Ghraib	8-Jan-04	8-Jan-04	MP		Y					
94	0009-04-CID679	CID	Death	FOB Riffes	9-Jan-04	9-Jan-04	MP	Open	Y					
95	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	10-Jan-04		Reuters		Y					
96	0078-04-CID369	CID	Assault	(b)(5)-1/(b)(5)-2	11-Jan-04	24-Jun-04	SJA	Open	N	AC				
97	0145-04-CID259	CID	Assault	Unknown	12-Jan-04	3-Jun-04	Victim	Open	Y					
98	0127-04-CID259	CID	Assault	Camp Cropper	13-Jan-04	27-May-04	CJTF-7	Open	Y					
99	0153-04-CID259	CID	Assault	BCCF	13-Jan-04	9-Jun-04	Victim	Open	Y					
100	0012-04-CID259	CID	Death	Abu Ghraib	16-Jan-04	16-Jan-04	MP		Y					
101	(b)(5)-1/(b)(5)-2	Unit	Assault	(b)(5)-1/(b)(5)-2	18-Jan-04				Y	AC				

Blue pen 180+ Days
Red pen 180- Days
Green pen 180- Days

Light blue = CM Results
Light Yellow = Disposition Taken

000144

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)-2

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Relby	Check at Open	Status	Note	Dr/VN	Comp	Court Martial	Article 15	Admin Sep	Relief	LOF
134	CID	Assault	Afghanistan	14-May-04	28-May-04	CJTF-76	Open									
147	CID	Death	Baghdad	17-May-04	18-Jun-04	5th SFG	Closed									
135	CID	Death	Baghdad CFF	19-May-04	19-May-04	MP	Open			Y						
138	CID	Death	(b)(5)-1 / (b)(5)-2	21-May-04	25-May-04	1AD	Open			N						
137	CID	Death	Unknown	22-May-04	22-May-04	MP	Open			Y						
135	CID	Assault	Ramadi	30-May-04	28-Jun-04	Detainee	Open									
138	CID	Assault	Unknown	2-Jun-04	14-Jun-04	Victim	Open			Y						
139	CID	Assault	Camp Bucca	3-Jun-04	9-Jun-04	Soldier	Open			Y						
140	Unit	Assault	(b)(5)-1 / (b)(5)-2	3-Jun-04	3-Jun-04	30th BCT	Open			N						
155	CID	Assault	Alliata	3-Jun-04	22-Jun-04	Detainee	Open									
141	CID	Death	BCCF	10-Jun-04	10-Jun-04	MP	Open			Y						
157	CID	Assault	Baghdad	12-Jun-04		Detainee	Closed									
148	CID	Death	BCCF	14-Jun-04	14-Jun-04	MP	Open			Y						
158	CID	Assault	Radwaniya	15-Jun-04	28-Jun-04	Detainee	Open									
150	CID	Assault	BCCF	(b)(5)-1 / (b)(5)-2	24-Jun-04	OSI	Open									
146	CID	Assault	(b)(5)-1 / (b)(5)-2		24-Jun-04	Prison	Open									

8080

000146

Blue = Open 180+ Days
Red = Open 90-180 Days
Green = Closed

Light Blue = CM Results
Light Yellow = Disposition Taken

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)-3

Case ID	Inv by Unit	GMCA Type	Unit/Place	Date of Incident	Date Reported	SUBJECT	Comp	Invest Status	Disposition	Status / Disposition	Note	DF Y/N
0020U		Assault	Unknown (Iraq)	1-Apr			USAR	Closed				N
0003-04-CID149	CID	Assault	Abu Ghraib	Oct-Dec 03			USAR	Closed				Y
0003U	Unit	Assault	Abu Ghraib	2-Mar-04			AC	Closed				Y
0004-04-CID789	CID	Death	Abu Ghraib	28-Mar-04			AC	Closed				Y
0004U	Unit	Assault	Abu Ghraib	19-Apr-04			NA	Closed				N
0005U	Unit	Assault		5-Feb-04			AC	Closed				N
0006-04-CID259	CID	Assault		31-Dec-03			USAR	Closed				N
0006U	Unit	Assault	Abu Ghraib	25-Jul-03			USAR	Closed				N
0007-04-CID259	CID	Death	Abu Ghraib	8-Jan-04				Closed				Y
0007U	Unit	Assault		1-Aug-03				Closed				N
0008U	Unit	Assault		17-Dec-03			AC	Closed				N
0009-04-CID679	CID	Death	FOB Rifles	9-Jan-04			AC	Open				Y
0009U	Unit	Assault		25-Oct-03			AC	Closed				Y
0010-03-CID899	CID	Theft		26-Mar-03			NG	Closed				N
0010U	Unit	Assault		1-Jul-03			AC	Closed				N
0011-04-CID469	CID	Death	Samarra, Iraq	3-Jan-04				Open				N
0011-04-CID899	CID	Theft		1-Jun-03			AC	Closed				N
0011U	Unit	Assault		1-Nov-03			AC	Closed				N
0012-04-CID259	CID	Death	Abu Ghraib	18-Jun-04				Closed				Y
0012U	Unit	Assault	Abu Ghraib	1-Oct-03			AC	Closed				Y
0013-04-CID289	CID	Death	Abu Ghraib	11-Apr-04				Closed				N
0013U	Unit	Assault		13-Jul-03			AC	Closed				Y
0014-03-CID899	CID	Theft		4-Jun-03			AC	Closed				N
0014-03-CID919	CID	Death	MP	12-Jul-03				Closed				N
0014U	Unit	Assault	Unknown	22-Nov-03				Closed				N
0015U	Unit	Assault		15-Oct-03			AC	Closed				N
0016-04-CID789	CID	Death	Camp Cropper	19-Apr-04				Closed				Y
0016U	Unit	Assault		24-Sep-03				Closed				Y
0017U	Unit	Assault		2-Aug-03				Closed				N
0018U	Unit	Assault	HF	18-Jan-04			AC	Closed				Y
0018U	Unit	Assault		10-Dec-03				Closed				Y
0020-04-CID259	CID	Death	Camp Cropper	28-Jan-04				Open				Y
0020U	Unit	Theft		7-Jun-03			AC	Closed				N
0022U	Unit	Assault	CJSOTF units	1-Aug-03			AC	Closed				Y
0023U	Unit	Assault	392 1 Nov03	1-Nov-03			AC	Open				Y
0024U	Unit	Assault		10-Jan-04			AC	Closed				N
0025-03-CID919	CID	Death	Camp Cropper	3-Aug-03				Closed				Y
0025-04-CID469	CID	Death	Tikrit DF	2-Feb-04				Closed				Y
0025U	Unit	Assault		21-Dec-03				Open				Y
0026U	Unit	Assault		3-Mar-03				Closed				Y
0027U	Unit	Assault		22-Apr-04				Closed				Y
0027-03-CID279	CID	Death		26-Nov-03				Open				Y
0028-04-CID789	CID	Assault	Baghdad CFF	4-Jan-04				Open				N
0031-03-CID519	CID	Assault	Camp Bucca	12-May-03			USAR	Closed				Y
0031-03-CID899	CID	Death	Camp Cropper	19-Jun-03				Open				Y
0033-03-CID519	CID	Assault	Camp Bucca	12-May-03				Closed				Y
0033-04-CID789	CID	Death	Camp Bucca	11-May-04				Open				Y
0035-03-CID259	CID	Death	Camp Bucca	18-Apr-03				Closed				Y
0036-04-CID259	CID	Death	Abu Ghraib	19-Feb-04				Closed				Y

(b)(5)-1 / (b)(5)-3

(b)(3)-1 / (b)(2)-2

Case ID	Inv by	GCMCA	Type	Unit/Piece	Date	SUBJECT	Comp	Status	DF	Y/N
0174-03-CID369	CID		Death	FOB Gareshtik	6-Nov-03			Open		Y
0174-03-CID469	CID		Assault	Ilkiri DP	8-Sep-03			Closed		Y
0197-03-CID989	CID		Theft	Umerowm (Iraq)	2-Oct-03			Closed		N
0216-03-CID259	CID		Sex assault	Abu Ghralb	7-Oct-03			Closed		Y
0235-03-CID259	CID		Death	Abu Ghralb	3-Nov-03			Closed		Y
0237-03-CID259	CID		Death	Abu Ghralb	4-Nov-03			Open		Y
0260-03-CID259	CID		Assault	Abu Ghralb	22-Nov-03			Closed		Y
0264-03-CID259	CID		Death	Abu Ghralb	24-Nov-03			Closed		Y
0278-03-CID519	CID		Assault	Camp Bucca	22-Sep-03			Closed		Y
0072-04-CID369	CID		Assault	Kandahar	7-Sep-02	18-Jun-04		Closed		N
0153-04-CID369	CID		Assault		7-Oct-02	2-Aug-04		Open		N
0147-04-CID013	CID		Assault		1-Mar-03	12-Jul-04		Closed		N
0114-04-CID083	CID		Sex assault		19-Mar-03	14-Jun-04		Open		N
0397-04-CID023	CID		Assault		1-Apr-03	2-Jun-04		Open		N
TOTALS								Comp		
0097-04-CID519										
<p>Note: The following two cases are duplicates of CID cases:</p> <p>0001D CID/Unit</p> <p>0002D CID/Unit</p> <p>0003D CID/Unit</p>										
0021U	Unit		Death	4th MP	13-Aug-03					N

(b)(6)(s)/(b)(7)(c)-5

(UNCLASSIFIED)

EXECUTIVE SUMMARY

(U) ARMY COURT-MARTIAL COMPLETED IN CASE OF PFC [REDACTED]

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

[REDACTED] (DAJA-CL). On 5 August, following a two-day contested General Court-Martial convened by the Commander, 1st Infantry Division, a court-martial panel consisting of five officer and five enlisted members convicted PFC [REDACTED] of

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

voluntary manslaughter. [REDACTED] was charged with the unpremeditated murder of an Iraqi detainee who was apprehended and flex-cuffed by unit personnel following a cordon and search operation on 28 Feb 04, vicinity Taal Al Jal, Iraq. [REDACTED] was assigned to [REDACTED], 25th ID at the time. The panel found

b)(3)-1

[REDACTED] not guilty of murder, but guilty of the lesser-included offense of voluntary manslaughter and sentenced him to a dishonorable discharge, forfeiture of all pay and allowance, reduction to Private (E-1), and three years confinement. The Commander, 1st Infantry Division must review the case and sentence, and, if approved, the Army Court of Criminal Appeals will review the case on appeal. This case is the first tried involving the alleged murder of an Iraqi detainee, but has not received extensive media coverage, as it does not involve misconduct inside a detention facility. There is Army Times media interest. (U) PREPARE MEMO _____.

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

(b)(6)-2/(b)(2)

[REDACTED]

Approved by BG Wright

(UNCLASSIFIED)

BATES PAGE 8085

(EXSUM Related to the Death of MG Mowhoush)

HAS BEEN WITHHELD PURSUANT TO FOIA
EXEMPTION b7(A)

EXECUTIVE SUMMARY

FORT CARSON DETAINEE DEATH CASE. A 14 July article published in the Colorado Springs Gazette reported that Representative Joel Hefly (D- CO) announced that he would call for Congressional hearings on the command disposition of a case involving the death of an Iraqi detainee. The Soldiers involved are stationed at Fort Carson. Officers in the case have been punished nonjudicially while the enlisted Soldiers involved are facing possible court-martial. To date, the case has been active only in the Fort Carson, CO media. The OCPA posture is to refrain from aggressive engagement with the media on the issue. OCLL and OTJAG agree with this assessment. OCLL will continue to coordinate with Rep. Hefley's office. If required, TJAG or TAJAG have agreed to meet personally with Rep. Hefley to discuss the issue.

Information Paper

4 December 2003

SUBJECT: Charges Pending for Abuse of Iraqi Detainees

1. Purpose: To respond to a VCSA tasker requesting an update on UCMJ charges arising from two separate allegations of abuse of Iraqi detainees, one involving LTC [REDACTED] and four soldiers under his command and a second involving the 320th MP Battalion. (b)(6)-5 / (b)(7)(C)-5

2. Information:

a. LTC [REDACTED] Case. (b)(6)-5 / (b)(7)(C)-5

(1) On 6 Oct 03, LTC [REDACTED] was charged with three specifications of assault (pointing the loaded pistol at a detainee, striking the detainee, and firing the pistol near the detainee's head) and communicating a threat (threatening to kill the detainee). These allegations arose from an interrogation of an Iraqi detainee by LTC [REDACTED] and four Soldiers under his command. An Article 32 investigation was directed by the Commander, [REDACTED], on the charges and the hearing was completed on 19 Nov 03. The Investigating Officer is expected to submit his findings and recommendations not earlier than 5 Dec 03. The investigating officer's recommendations may range from dismissing or disposing of the charges at a lower level (e.g., an Article 15) up to referring the charges to a general court-martial. (b)(3)-1

(2) The four other soldiers allegedly involved in the incident (a SFC, a SSG, a SPC, and a PFC) received field grade Article 15s.

(3) At the time of this incident, LTC [REDACTED] was the commander of the 2-20 FA. Following the incident, LTC [REDACTED] chain of command administratively reassigned LTC [REDACTED] to the [REDACTED]. (b)(6)-5 / (b)(7)(C)-5

(4) On 3 Nov 03, LTC [REDACTED] submitted a request to retire. No action on that request has been taken pending receipt of the Article 32 Investigating Officer's report. (b)(3)-1

b. 320th MP Battalion Case. (b)(6)(S) / (b)(7)(C)-5

(1) On 03, charges were preferred against four USAR soldiers assigned to the 320th MP Battalion arising from allegations that they assaulted an Iraqi detainee (three Soldiers allegedly held the detainee down while the fourth kicked him). The charges included assault and obstruction of justice. Following an Article 32 Investigation, the Commander, CFLCC, referred the charges to general courts-martial on 8 Nov 03. The soldiers were arraigned on 15 Nov 03.

(2) One soldier subsequently requested and received a Chapter 10 (In Lieu of Court-Martial) administrative discharge.

(3) Pre-trial motions in the remaining three trials were scheduled to be heard on 3 Jan 04.

The actual trials are currently scheduled for 21 Jan 04, 25 Jan 04, and 30 Jan 04, respectively. In any of these remaining cases, the accused may submit requests for alternate disposition to the convening authority, Commander, CFLCC, for consideration.

c. "Linkage" of the Two Incidents.

(1) Similarities. Both cases involve abuse of Iraqi detainees in the custody of Soldiers. The alleged abuse in each case was significant, but not of a nature to result in permanent injury. In both cases, the respective general courts-martial convening authorities (Commander, 4th ID and Commander, CFLCC) are experienced field commanders.

(2) Differences. In LTC [REDACTED] case, he essentially confessed to facts surrounding the assaults in a statement to CID. The only issue being raised by LTC [REDACTED] is whether his actions were justified by the circumstances (obtaining information critical to force protection). The four enlisted Soldiers involved with LTC [REDACTED] accepted Article 15 punishments for their involvement. In the case of the 320th MP Soldiers, the Soldiers involved were all MPs, trained in and entrusted with the care, custody, and safe transportation of detained persons. Unlike LTC [REDACTED], they have not admitted to facts surrounding the allegations, but rather are alleged to have lied about their actions and obstructed justice. If these allegations are true, the potential for these soldiers retaining their MOS would be minimal.

d. [REDACTED]

(1) [REDACTED]

(2) [REDACTED]

(b)(5)(D)
(b)(5) F

[REDACTED]

Approved by: MG Marchand

(b)(6)-2
(b)(2)

Information Paper

17 Nov 2003

(b)(6)-2/
(b)(2)

SUBJECT: LTC [REDACTED] - (b)(6)-5

POINTS: (b)(6)-5

- LTC [REDACTED] was assigned as a Battalion Commander of 2-20 FA Battalion, 4th Infantry Division Field Artillery. While deployed to Iraq, allegations of wrongdoing arose involving LTC [REDACTED]. These allegations were investigated by the Army's Criminal Investigation Division (CID).

- As an administrative matter, the preliminary investigation was reviewed by the 4th Infantry Division Commander, MG Odierno, and the CJTF-7 Commander, LTG Sanchez to determine if LTC [REDACTED] should remain in command of 2-20 FA pending the conclusion of the investigation into the alleged misconduct and any matters that may arise from the investigation. It was the recommendation of the 4th ID Commander that LTC [REDACTED] should be removed from command. LTG Sanchez approved that recommendation. LTC [REDACTED] was then transferred to the [REDACTED].

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

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

(b)(3)-1

- In October, based on the information then available, charges were preferred against LTC [REDACTED] regarding three specifications of assault and one specification of threatening to kill an Iraqi detainee. The preferral of charges initiated a military justice process. The process is outlined in the Uniform Code of Military Justice, a federal statute passed by Congress. A pre-trial investigation will be conducted under Article 32, UCMJ, and will be open to members of the media and public. LTC [REDACTED] and his counsel will be able to call witnesses, cross-examine any accusers and present other evidence in the hearing. There is currently a delay in the hearing as LTC [REDACTED] counsel arrived in Iraq today.

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

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

(b)(3)-1

- The Article 32 Investigating officer, an officer senior in rank to LTC [REDACTED] will make a recommendation after hearing all the evidence, including facts in mitigation and extenuation. After reviewing the Investigating officer's report, the [REDACTED] can dismiss the charges, take alternate action, or recommend a court-martial to his next superior.

- A soldier involved in a court-martial process does not necessarily receive a court-martial. The process requires a thorough fact-finding investigation, input from the command and the soldier, and decision made by personnel in the process that guarantee the rights of soldiers while making certain that the right thing is done in the case of the particular soldier involved.

Information Paper

15 Sep 2003

(b)(6)-2/
(b)(2)

SUBJECT: 320th MP Soldiers and Allegations of Maltreatment of EPWs

POINTS:

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

- On 13 July 2003, charges were preferred against four military policemen assigned to the 320th MP BN, in connection with the 12 May 2003 alleged maltreatment of seven (7) Iraqi enemy prisoners of war (EPWs) at Camp Bucca, Iraq. The charged soldiers (MSC [redacted], SFC [redacted], SGT [redacted], and SPC [redacted]) were part of a detail assigned to transport prisoners from Talil Air Base, Iraq, to Camp Bucca. All are assigned to an MP battalion that is part of the 800th MP Bde, USAR.
- BG Karpinski, commander of the 800th MP Bde and the Special Court-Martial Convening Authority (SPCMCA), directed a joint Article 32 Investigation and appointed a senior military police officer, a LTC, to conduct it.
- The Article 32 investigation, open to the public, began on 27 August at Camp Bucca, Iraq, with all four accused and their counsel present. The investigating officer heard extensive testimony from both US military witnesses and EPW's. The Article 32 was recessed late in the evening of 29 July and reconvened at Camp Doha, Kuwait, the afternoon of 1 September to hear certain telephonic testimony, as well as the testimony of witnesses returning to Kuwait on Sunday, 31 August.
- The Article 32 Investigating Officer (IO) closed the hearing on 2 September 2003. The IO ordered a verbatim transcript of the entire proceedings, and the CPTCC (PWD) OSJA is currently transcribing the record requested. Once the transcript is completed, the IO will make his findings and recommendations, and it will be forwarded to the Special Court-Martial Convening Authority for review and action as appropriate.
- The preferral of charges against the four accused soldiers was made only after careful review of the criminal investigation. All appropriate actions have been taken to ensure the rights of the accused soldiers are safeguarded and that the alleged misconduct is investigated and processed IAW the UCMJ. It is improper and unlawful command influence for senior commanders or HQDA officials to interfere with the case.
- The accompanying enclosure gives more details about the alleged misconduct and the alleged injuries suffered by the detained EPWs.

Prepared by: [redacted]
Approved by: BG Wright [redacted]

(b)(6)-2

ENCLOSURE

- The collective Charge Sheets reflect allegations of abuse concerning seven (7) separate Iraqi EPWs:

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

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

○ [redacted] -- MSG [redacted] and SGT [redacted] are accused of kicking and striking the EPW in the groin, face, abdomen and head. SSG [redacted] and SPC [redacted] are accused of holding the EPW down, with his legs spread apart, encouraging the beating.

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

○ [redacted] -- MSG [redacted] and SSG [redacted] are accused of dragging the EPW across the ground by his armpits. MSG [redacted] also allegedly kicked and punched the EPW.

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

○ [redacted] -- SSG [redacted] is accused of throwing the EPW to the ground and striking him on the head and legs. MSG [redacted] allegedly kicked the EPW in the face and leg.

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

○ [redacted] -- SSG [redacted] is accused of throwing the EPW to the ground and stepped on his injured arm

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

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

○ [redacted] -- SPC [redacted] and SPC [redacted] are accused of twisting the EPW's previously injured arm.

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

○ [redacted] -- SPC [redacted] is accused of knocking the EPW to the ground, then dragging him across the ground with his (the EPW's) pants around his ankles.

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

○ Unknown Iraqi EPW -- SPC [redacted] is accused of kicking an unknown EPW in the thigh as he walked toward an in-processing tent, causing him to cry out in pain.

- The soldiers have been charged as follows:

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

○ In connection with the 12 May 2003 incidents, MSG [redacted] is charged with Assault (3 specifications); Cruelty and Maltreatment (3 specifications); and Failure to Obey Order or Regulation (2 specifications: dereliction of her duty to safeguard the prisoners, and negligent supervision of other soldiers who allegedly participated in the assaults). On 16 May 2003, MSG [redacted] allegedly gave a sworn statement to CID, in which she denied any participation in, or knowledge of, the assaults; she is charged with Making a False Official Statement. Also, MSG [redacted] is charged with attempting to impede the investigation (a violation of the General Article), in that she allegedly instructed a subordinate (who was also a potential witness and/or subject of the investigation) not to submit to a polygraph. MSG [redacted] is alleged to have told the subordinate, with a wink, that he "didn't see anything."

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

- In connection with the 12 May 2003 incidents, **SSC [REDACTED]** is charged with Assault (5 specifications); Cruelty and Maltreatment (5 specifications); and Failure to Obey an Order or Regulation (dereliction of his duty to safeguard the prisoners). On 16 May 2003, **SSC [REDACTED]** gave a sworn statement to CID, in which he denied any participation in, or knowledge of, the assaults; he is charged with Making a False Official Statement.

- In connection with the 12 May 2003 incidents, **SGT [REDACTED]** is charged with Assault; Cruelty and Maltreatment; and Failure to an Obey Order or Regulation (dereliction of her duty to safeguard the prisoner).

- In connection with the 12 May 2003 incidents, **SFC [REDACTED]** is charged with Assault (4 specifications); Cruelty and Maltreatment (4 specifications); and Failure to Obey an Order or Regulation (dereliction of his duty to safeguard the prisoners). On 15 May 2003, **SFC [REDACTED]** gave a sworn statement to CID, in which he denied any participation in, or knowledge of, the assaults; he is charged with Making a False Official Statement.

Information Paper

4 December 2003

SUBJECT: Status of Charges Pending Against LTC [REDACTED]

1. Purpose: To provide information on the current status of criminal charges pending against LTC [REDACTED] arising from allegations that he assaulted and threatened an Iraqi detainee.

2. Information:

a. On 20 Aug 03 while interrogating an Iraqi detainee at the Gunner Collection Point in northern Iraq, LTC [REDACTED] allegedly assaulted and threatened the detainee if the detainee did not reveal information regarding an alleged plot to kill LTC [REDACTED] and others. During the interrogation process, LTC [REDACTED] allegedly pointed his pistol at and threatened to shoot the detainee. It is also alleged that LTC [REDACTED] subsequently took the detainee to a weapons clearing barrel, held the detainee's head inside the barrel, and fired two shots from his pistol into the barrel next to the detainee's head. LTC [REDACTED] and other soldiers at the scene also allegedly stuck the detainee. The incident was reported to CID on 19 Sep 03 and an investigation was initiated.

b. Based on that investigation, charges were preferred against LTC [REDACTED] on 6 Oct 03 for three specifications of assault (pointing the loaded pistol at the detainee, striking the detainee, and firing the pistol near the detainee's head) and communicating a threat (threatening to kill the detainee). An Article 32 investigation, required by the UCMJ in cases in which a commander is recommending a general court-martial, commenced on 18 Nov 03 and was completed on [or about] 19 Nov 03.

c. Following completion of the transcript of that hearing, the Article 32 investigating officer will submit his recommendation to the commander as to the disposition of the charges. The recommendation of the Investigating Officer has not yet been made. We are informed that it will not be made prior to Friday, 5 December. The investigating officer's recommendations may range from dismissing or disposing of the charges at a lower level (e.g., an Article 15) up to referring the charges to a general court-martial.

c. Four other soldiers allegedly involved in the incident (a SFC, a SSG, a SPC, and a PFC) received field grade Article 15s.

d. At the time of this incident, LTC [REDACTED] was the commander of the 2-20 FA. Following the incident, LTC [REDACTED] chain of command administratively reassigned LTC [REDACTED] to the [REDACTED]

e. On 3 Nov 03, LTC [REDACTED] submitted a request to retire. Because LTC [REDACTED] is currently "flagged," action on that request by LTC [REDACTED] chain of command is pending a determination on the disposition of the court-martial charges.

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

3. Way Ahead.

a. After the Article 32 officer makes his recommendations, LTC [REDACTED] chain of command will make a determination as to the disposition of the charges. The chain of command is not bound by the recommendations of the Article 32 officer, but may take any action ranging from no action to referring the charges to a general court-martial. At any point in the process, LTC [REDACTED], through his defense counsel, may propose an alternate disposition of the charges (e.g., pleading guilty at an Article 32 proceeding). Any such proposal would be submitted to the appropriate commander for consideration.

b. HQDA officials should avoid making any comment about these charges while they are proceeding through the UCMJ process. Any substantive comment on the charges at this juncture risks the possibility of the comment being perceived as an attempt to improperly influence the process (commonly referred to as unlawful command influence).

c. If queried about these charges, HQDA officials should respond to the effect, "the charges are currently being processed in accordance with the UCMJ by experienced, senior field commanders; accordingly it is inappropriate for me to comment on them at this time."

d. Staffers for the HASC were informed at a 1300 meeting on 3 December of the current status of the LTC [REDACTED] case, as well as the 320th MP Cases by OCLL and OTJAG representatives.

INFORMATION PAPER

[REDACTED] (b)(6)-2/
(b)(2)
23 August 2004

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

1. Purpose. To provide information on investigations into allegations of detainee abuse and/or death in Iraq and Afghanistan.

2. Discussion:

a. As of 23 August 2004, there were 225 allegations of detainee abuse that are being or have been investigated by CID or by units, 5 more investigations than reported last week.

	CID INVESTIGATIONS		CID TOTAL	Command Investigations	GRAND TOTAL
	DETENTION FACILITY	ELSEWHERE			
TOTAL DETAINEE ABUSE CASES	141	56	197	28	225*
Detainee Death Investigations	46	7	53		53
Death by Natural or Undetermined Causes	21	0	21		21
Justifiable Homicide	8	1	9		9
Homicide	2	3	5		5
Investigations Pending	15	3	18		18
Other Detainee Abuse Investigations	95	49	144	28	172
Sexual Assault	5	1	6		6
Assault	89	29	118		118
Robbery/Larceny	1	19	20		20
Command Investigations				28	28
COMMAND DISPOSITION BY TYPE*					112*
Court-Martial					45
Article 15					42
GOMOR					12
Administrative Separation					13

*Note: Each case may involve multiple accused.

INFORMATION PAPER

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

b. Command Dispositions: Of the 225 cases reported, 120 have been closed. Of the 225 cases, command disposition has been taken in 110 cases representing a completion rate of 49%. Of the 120 closed cases, command disposition has been taken in 98 cases representing a closure rate of 82%. For purposes of these statistics, "command disposition" includes those closed cases where no further action is required (e.g., death was determined to be due to natural causes), no further investigative leads can be pursued, administrative or judicial action has begun or has been completed in the case, or no action was taken by the command (e.g., no evidence to support the allegations, actions taken were justified, etc.).

CID Input By: [REDACTED]

SJA Input By: [REDACTED]

(b)(6)-1/(b)(2)

(b)(6)-2/(b)(2)

~~000196~~

3 August 2004

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Samarra Bridge Incident

1. Purpose. To provide updated information on the courts-martial involving allegations of abuse against detainees near the Samarra Bridge in the Tigris River.

2. Background. This document outlines the current case status of the courts-martial of four soldiers including one officer, one noncommissioned officer, and two enlisted soldiers charged with abuse of detainees.

3. Summary.

(b)(3) 1
a. Court-martial charges were preferred against four soldiers assigned to [REDACTED], 3rd Brigade, 4th Infantry Division at Ft. Carson, CO. The charges stem from an alleged incident where an Iraqi detainee drowned and another was assaulted vicinity the Tigris River on Jan. 3, 2004, in the city of Samarra, Iraq.

b. First Lt. [REDACTED] and Sgt. 1st Class [REDACTED] were formally charged in June 2004 with manslaughter, assault, conspiracy, false statements and obstruction of justice. (b)(6)-5 / (b)(7)(C)-5

c. Sergeant [REDACTED] and Spec. [REDACTED] were charged June 28, 2004. [REDACTED] is charged with manslaughter and [REDACTED] is charged with assault. Both are also charged with making a false official statement. (b)(6)-5 / (b)(7)(C)-5

d. The Article 32 investigation for all of the soldiers except LT [REDACTED] was held last week at Fort Carson. 4th Infantry Division officials are currently waiting for the Article 32 Investigating Officer to complete his recommendation and report. LT [REDACTED]'s Article 32 Investigation is scheduled for 8 Sep 04 at Fort Hood, TX. LT [REDACTED] has retained Mr. [REDACTED] as his civilian defense counsel. (b)(6)-5 / (b)(7)(C)-5

e. The 4th Infantry Division Commander is the General Court-Martial Convening Authority. The 4th Infantry Division Office of the Staff Judge Advocate is prosecuting all of the cases. (b)(6)-4

~~000197~~

2 August 2004

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

1. Purpose. To provide updated information on the courts-martial involving allegations of military police's abuse against detainees in Abu Gharib Prison in Iraq.

2. Background. This document outlines the current case status of the courts-martial of seven military police charged abuse of detainees.

3. Summary.

a. Charges were preferred on 20 March 2004 against six reserve MP soldiers for detainee abuse at the Baghdad Central Confinement Facility at Abu Ghraib.

b. The charges include: (1) indecent acts for ordering detainees to publicly masturbate; (2) maltreatment of subordinates of non-physical abuse like ordering detainees into nude pyramids and taking pictures of the nude detainees; (3) battery for shoving and stepping on detainees; (4) dereliction of duty; and (5) conspiracy to maltreat subordinates.

c. Additionally, two NCOs were charged with aggravated assault for striking detainees with enough force to cause serious injury, and one soldier was charged with desecrating a corpse by taking pictures with two dead bodies.

d. The command sent a seventh soldier, PFC [REDACTED], to a Fort Bragg MP unit in the states for prosecution because she is pregnant.

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

e. Some of the abuse was photographed with digital cameras and saved on CDs. After obtaining consents to search the personal computers of soldiers at the confinement facility, CID found approximately 100 relevant photographs including (1) detainees being ordered to masturbate in front of guards and other detainees; (2) detainees being ordered to form nude human pyramids; (3) detainees being handcuffed to doors or bed frames; and (4) guards sitting or standing on detainees. CID also found short videos of detainees masturbating and being moved into the nude pyramids.

f. All soldiers are part of the 372d Military Police Company, a reserve unit based out of Cumberland, Maryland. The six soldiers charged in Iraq have been reassigned to [REDACTED] on Victory Base; the command plans to conduct these six courts-martial in Iraq. Two of the guards work as prison guards in their civilian capacities. Charges have been referred to trial in each court-martial except PFC [REDACTED]'s.

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

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

g. The current status of each court-martial is as follows:

1) U.S. v. SSG [REDACTED]. The accused retained Mr. [REDACTED], a civilian defense counsel. The convening authority referred charges to a General Court-Martial on 5 May 2004. SSG [REDACTED] was arraigned on 19 May 2004. A motions hearing is scheduled for 24-26 August 04 and a trial date is set for 12 Sep 04.

2) U.S. v. SGT [REDACTED]. The convening authority referred charges to a General Court-Martial on 28 April 2004. SGT [REDACTED] was arraigned on 19 May 2004. A motions hearing is scheduled for 24-26 August 04. No trial date has been set.

3) U.S. v. SPC [REDACTED]. The Accused retained civilian defense counsel. The convening authority referred charges to a General Court-Martial. A motions hearing is schedule for 24-26 August 04. No trial date has been set.

4) U.S. v. SPC [REDACTED]. The convening authority referred charges to a General Court-Martial on 14 May 2004. SPC [REDACTED] was arraigned on 19 May 2004. A motions hearing is schedule for 24-26 August 2004. No trial date has been set.

5) U.S. v. SPC [REDACTED]. The accused retained Mr. [REDACTED], a civilian defense counsel. The accused also released her detailed defense counsel. The convening authority referred charges to a General Court-Martial.

6) U.S. v. SPC [REDACTED]

Pretrial Actions. The Article 32 hearing was initially delayed by defense until 21 April 2004. Subsequent to the delay request, the accused released his detailed defense counsel. The accused was detailed new defense counsel on 19 April 2004. The defense requested a second delay in the Article 32 hearing. An Article 32 hearing was subsequently not held, and the convening authority referred charges to a Special Court-Martial Empowered to Adjudge a Bad Conduct Discharge on 5 May 2004.

Trial On May 19, 2004, SPC [REDACTED] pled guilty to the following charges: one charge of conspiracy to maltreat subordinates, one charge of dereliction of duty, and one charge (with two separate specifications) of maltreatment of subordinates. The Military Judge found Specialist [REDACTED] guilty of the charges in accordance with his pleas and sentenced him to confinement for one year, a Bad Conduct Discharge, reduction to E-1. While no forfeitures were adjudged, by action of law, automatic forfeitures will occur. SPC [REDACTED] plea of guilty to the offenses charged was part of a pre-trial agreement with the Convening Authority

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

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

who ordered the court-martial. In exchange for SPC [REDACTED] plea of guilty, the Convening Authority committed that he would order the case be tried as a Special Court-Martial. As part of the pre-trial agreement, SPC [REDACTED] agreed to testify truthfully, if called as a witness, in other cases.

7) US v. PFC [REDACTED] The command returned PFC [REDACTED] to Fort Bragg, NC because she is pregnant. She was assigned to a MP unit at Fort Bragg and charges were preferred. The Article 32 Investigation in US v. [REDACTED] is scheduled for 3-6 August 2004.

~~600200~~

INFORMATION PAPER

15 July 2004 (b)(6)-2 / (b)(6)

SUBJECT: Samarra Bridge Incident – 4th Inf. Div. (Mech)

1. Purpose: To provide information regarding alleged detainee abuse by 4th ID Soldiers at the Samarra Bridge in Iraq on 3 January 2004.

2. Alleged Facts:

(b)(1)

a. On 3 January 2004, at 2245 hours, two male Iraqis, Mr. [redacted] and Mr. [redacted], were (b)(6)-4 / (b)(7)(C)-4 stopped at a checkpoint in the city of Samarra, Iraq. They were warned that curfew was about to begin (2300 hours) but were released when they indicated they were close to home and would make it in time. They drove off but were stopped a short distance from the checkpoint by Soldiers from [redacted], 4th ID(M), who requested identification. The patrol initially questioned Mr. [redacted]'s identification, then released both individuals, but shortly thereafter stopped them again. Both Iraqis were then taken into custody and placed into a Bradley fighting vehicle, their hands zip-tied behind their backs.

(b)(1)-5 / (c)-5

b. The Bradley drove to a nearby bridge over the Tigris River. Three members of the platoon, SGT [redacted] SPC [redacted] and SPC [redacted] were instructed by the platoon leader, (b)(6)-5 / (b)(7)(C)-5 1LT [redacted] to push the detainees into the river (1LT [redacted] and the platoon sergeant, SFC [redacted] had made statements earlier in the evening that "someone was going to get wet tonight" and "someone is going for a swim"). SPC [redacted] refused to take part and instead stood guard. SGT [redacted] ordered the zip ties removed and he pushed Mr. [redacted] into the river while SPC [redacted] pushed Mr. [redacted] into the river. They then returned to their vehicle and returned to their Forward Operating Base.

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

c. Mr. [redacted] could not swim and drowned. Mr. [redacted] made it safely to the riverbank, (b)(6)-4 / (b)(7)(C)-4 climbed out and reported the incident to the ICDC soldiers who had stopped him earlier. They searched for Mr. [redacted] but could not find him. The body was recovered by the family (b)(6)-4 / (b)(7)(C)-4 approximately 12 days later and buried. When the family of the drowning victim reported the incident to U.S. forces, members of the platoon initially denied they had pushed Mr. [redacted] and Mr. [redacted] into the river. During a subsequent polygraph examination, one of the Soldiers (b)(6)-4 / (b)(7)(C)-4 indicated that the chain of command (LTC [redacted], Battalion Commander and MAJ [redacted] Battalion XO, and CPT [redacted], Company Cdr.) had instructed the Soldiers to deny that they pushed the Iraqis into the river and to not cooperate with CID investigators. (b)(6)-5 / (b)(7)(C)-5

3. Disposition of Offenses:

a. Obstruction of Justice by the Chain of Command: The 4th ID(M) CG, MG Odierno, punished LTC [redacted] and MAJ [redacted] under Article 15, UCMJ. They received written (b)(6)-5 / (b)(7)(C)-5 reprimands (restricted fiche filing). LTC [redacted] was not relieved of command. CPT [redacted] received a general officer memorandum of reprimand for obstruction of justice (b)(6)-5 / (b)(7)(C)-5 (local filing). All these actions were taken in theater. 101

000205

b. Death/Assault involving Iraqis.

(1) ILT [REDACTED] and SFC [REDACTED] are pending court-martial charges for involuntary manslaughter (Article 119); assault (Article 128), false official statement (Article 107); conspiracy to obstruct justice and conspiracy to commit assault (Article 81), and obstruction of justice (Article 134). In addition, SFC [REDACTED] is charged with assaulting another Iraqi in early Dec 03 when he ordered soldiers to throw an unknown Iraqi civilian into the Tigris River in Balad. Charges were preferred against ILT [REDACTED] and SFC [REDACTED] on 8 Jun 04. (b)(6)-5/(b)(7)(c)-5

(2) SGT [REDACTED] is pending court-martial charges for involuntary manslaughter (Article 119) and false official statement (Article 107). SPC [REDACTED] is pending court-martial charges for assault (Article 128) and false official statement (Article 107). Charges against SGT [REDACTED] and SPC [REDACTED] were preferred on 28 Jun 04. (b)(6)-5/(b)(7)(c)-5

c. Case Status. A joint Article 32 hearing has been delayed at the request of the defense and is now scheduled for 28 – 29 July 2004 at Fort Carson, CO. The Article 32 hearing will be open to the public and press. Although the Article 32 will be held at Fort Carson (the location of the accused Soldiers), 4th ID will exercise UCMJ jurisdiction over these cases as appropriate.

4. Review: The FORSCOM SJA has indicated that, following the Article 32 hearing, a review will be conducted by FORSCOM, III Corps, or 4th ID(M) as to the appropriateness of the punishments previously given to the chain of command.

Prepared by [REDACTED]
Approved by MG Marchand

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(b)(6)-2/(b)(2)

(b)(6)-a / (b)(2)

3 May 2004

INFORMATION PAPER

SUBJECT: Update on Abu Ghraib Prison Misconduct

1. Purpose. To provide an update on investigations into allegations of detainee abuse at the Abu Ghraib Prison.

2. Discussion.

a. On 14 Jan 04, USACID opened a criminal investigation based on information provided by a U.S. Soldier working at the Abu Ghraid detention facility. Some of the abuse was photographed with digital cameras and saved on CDs. The investigation uncovered approximately 100 relevant photographs including (1) detainees being ordered to masturbate in front of guards and other detainees; (2) detainees being ordered to form nude human pyramids; (3) detainees being handcuffed to doors or bed frames; and (4) guards sitting or standing on detainees. CID also found short videos of detainees masturbating and the nude pyramids.

b. Shortly after initiation of the USACID investigation, at the request of the CJTF-7 Commander, the CFLCC Commander directed his deputy to conduct an administrative investigation under AR 15-6 into systemic issues such as command policies and internal procedures relating to detention-operations. A separate assessment of detainee-operations in theater was also requested by CJTF-7 and is being conducted by the DAIG. The DAIG assessment is nearing completion and a final report.

c. On 20 March 2004, BG Kimmit announced at a Coalition Press Briefing that the investigations had resulted in six Soldiers being charged with criminal offenses under the UCMJ and reiterated the Coalition policy to treat detainees with dignity and respect. BG Kimmit provided only summaries of the charges and did not provide Soldier names or units. All charged soldiers were in the 372d MP Company, a USAR unit from Cumberland, MD.

d. The ranks of the Soldiers charged were SSG, SGT, and included four Specialists. The alleged offenses include (1) indecent acts for ordering detainees to publicly masturbate; (2) maltreatment of subordinates for non-physical abuse like ordering detainees into nude pyramids and taking pictures of the nude detainees; (3) battery for shoving and stepping on detainees; (4) dereliction of duty; and (5) conspiracy to maltreat subordinates. Additionally, the two NCOs were charged with aggravated assault for striking detainees with enough force to cause serious injury, and one soldier was charged with desecrating a corpse by taking pictures with two dead bodies. A seventh former-372nd Soldier, a PFC redeployed to Fort Bragg, N.C., is pending preferral of court-martial charges – perhaps this week.

e. The Commander, CFLCC approved the AR 15-6 Investigation findings and some of its recommendations on 6 April 2004. Final adverse administrative actions were approved on 30 April 2004. The Commander CFLCC and CJTF-7 took some form of adverse administrative actions against the entire chain of command, including among others the brigade, battalion, and company commanders.

(b)(6)-a / (b)(2)

Prepared By: [Redacted]

810 Approved by: BG Wright

000239

3 May 2004

INFORMATION PAPER

SUBJECT: Afghanistan and Iraq Detainee Abuse

1. **Purpose.** To provide information on significant investigations into alleged abuse of detainees by U.S. forces in Iraq and Afghanistan.

2. Significant Investigations.

a. Abu Ghraib Prison, Baghdad, Iraq:

(1) **Background:** Between Sep – Nov 03, investigation revealed US soldiers assigned to the isolation cell area, Abu Ghraib Prison Complex, Baghdad, Iraq, conspired with each other to abuse security detainees under their direct control. Detainees brought to the isolation area were assaulted by being punched, dragged, pushed and slapped when they did not comply with orders given, even though there was a language barrier. The detainees were further forced to strip their clothing off and perform indecent acts (including masturbation) with each other in the presence of the US soldiers. During this abuse, the detainees had empty sandbags over their heads and, at times, were handcuffed. At least one detainee was forced to stand on a box and threatened with electrocution if he moved. In another incident, an Army K-9 was introduced by the MPs as means to threaten the detainees, and during this episode, the K-9 bit one detainee. The female detainees were made to pose for soldiers taking pictures, and on one occasion one female was instructed to expose her breasts for a soldier to take her picture. Additionally, the majority of the misconduct, which the detainees were forced to endure, were photographed and downloaded onto computers.

(2) **Subjects/Victims:** To date, there are ten US soldiers listed as subjects. Seven subjects are assigned to the 372^d MP Co, USAR, Cumberland, MD and three subjects are assigned to the [REDACTED], located in Germany. One contractor civilian interpreter, with the Titan Corporation, Fairfax, VA is listed as a subject. Twenty-six (26) detainees have been identified as victims. Five of the soldiers and the civilian interpreter have admitted to participating in various illegal acts. Four soldiers invoked their rights when questioned. Additionally, two of the soldiers initially provided false official statements, which they have subsequently admitted to knowingly providing. SSG [REDACTED] (who appeared on the 60 Minutes II report on 28 Apr 04) invoked his rights when questioned. However, two other subjects advised that he subsequently convinced them to not talk to CID and to get legal counsel. Further, another soldier (a witness) stated that SSG [REDACTED] attempted to persuade him into reporting that CID agents were present during one of the incidents, a claim known to be false. In addition to assault related offenses, SSG [REDACTED] has been titled in the CID report for the offense of Obstruction of Justice. (b)(3)-1

(3) **Status of Criminal Cases:** Charges against the six 372d MP subjects currently in Iraq have been preferred. Preferral is expected this week on the seventh 372d MP Soldier, a Private First Class, at Fort Bragg. The senior Soldier charged criminally is SSG [REDACTED]. The others charged include a SGT and four Specialists. Article 32 hearings have been completed on three soldiers, including SSG [REDACTED] and a fourth Article 32 investigation is expected to conclude on 3 May. The two last Article 32 hearings in Iraq are scheduled to start on 5 and 10 May 04, respectively. One of the Iraq cases is referred to a (b)(6)-5/(b)(7)(C)-5

GCM and more referrals are likely in the next 30 days. The earliest possible court-martial arraignment for the Soldiers charged in Iraq is later in May. Trial dates will come later.

(4) AR 15-6 Investigation and Adverse Administrative Actions. The CFLCC Commander directed his Deputy Commander to conduct an administrative investigation under AR 15-6 to review command policies and internal procedures relating to detention operations. During the course of this investigation, all chain of command personnel at the battalion and company level were suspended or removed from their duties at the prison. The AR 15-6 investigation was reviewed and approved by the CFLCC Commander on 6 April 04 and forwarded to the CJTF-7 Commander for his review and action. Proposed adverse administrative actions required affected Soldiers to be served with redacted copies of the AR 15-6 investigation and provided an opportunity to rebut the proposed adverse actions. All rebuttals have been received and reviewed by the appropriate commanders. Final actions were taken by the CFLCC Commander and the CJTF-7 Commander and included adverse administrative actions against the entire chain of command, including the brigade commander, battalion commander, battalion operations officer, battalion sergeant major, company commander, platoon leader, company First Sergeant, and platoon sergeant.

b. Bagram Prison, AF:

(1) Background: On 4 and 10 Dec 02, two Afghani detainees died while in U.S. custody at the Bagram Collection Point. Autopsies categorized their deaths as homicides. Investigation by Army CID identified fifteen enlisted Soldiers from the 377th MP Co, USAR, Cincinnati, OH, and six enlisted Soldiers (and a former staff sergeant) of [REDACTED] Ft Bragg, NC, as having committed the offenses of assault and maltreatment of a prisoner. Investigation thus far has established that some of the Soldiers excessively struck the detainees on numerous occasions, that the detainees were forced to assume painful positions for extended periods of time, and that the detainees were restrained in a manner to keep them immobile. One detainee died from an embolism that the medical examiner attributed to blows that he received combined with immobility due to restraint. The other detainee died from aggravation of a coronary artery condition. The medical examiner believes that this aggravation was brought on by complications that arose from blows that he received and the stress from being restrained in a standing position.

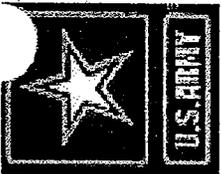
(2) Subject/Victims: To date, there are six soldiers from [REDACTED] and fifteen soldiers from the 377th MP Company listed as subjects: six sergeants and fifteen enlisted soldiers (plus the former sergeant who ETSed).

(3) Status of Investigation: The FORSCOM legal office has taken the lead and provided an experienced field grade trial counsel to support the CID Agents investigating the cases. None of the soldiers have been formally charged as of the writing of this report as follow-on interviews and evaluation of evidence continues. OSJA FORSCOM is considering possible COAs for UCMJ jurisdiction once investigations are final and disposition is necessary, as all of the 377th MP Soldiers are no longer on active duty.

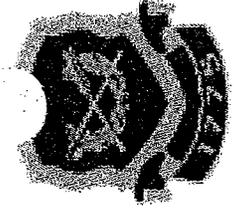
[REDACTED]

(b)(6)-2 / (b)(2)

000243



Secretary of Defense Briefing



Detainee Abuse Cases

Brigadier General Dan Wright
Assistant Judge Advocate General for Military Law and Operations

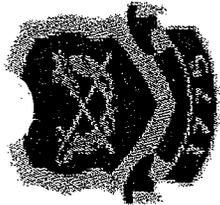
8106

000255



Abu Ghraib, Iraq Cases

(b)(6)-S/(b)(7)(c)-S



➤ Completed Court-Martial

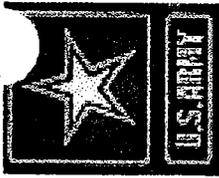
➤ 5 Pending Courts-Martial

➤ Likely Courts-Martial

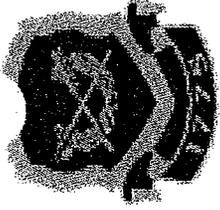
➤ -SPC [REDACTED]

➤ -SPC [REDACTED]

~~600256~~



Samarra, Iraq ases



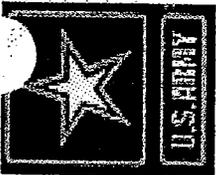
➤ Article 32 Hearings Completed

➤ Potential Charges:

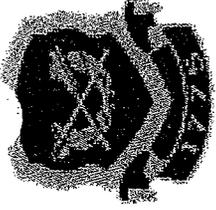
- SPC [REDACTED] – Assault and False Official Statement
- SGT [REDACTED] – Manslaughter and False Official Statement
- SFC [REDACTED] – Manslaughter, Assault, Conspiracy, False Official Statement, and Obstruction of Justice.
- 1LT [REDACTED] - Manslaughter, Assault, Conspiracy, False Official Statement, and Obstruction of Justice.

➤ Issues:

- Insufficient Evidence for Manslaughter Charge until victim's body exhumed and autopsied (underway).
- SPC [REDACTED] and SGT [REDACTED] may testify against SFC [REDACTED] and LT [REDACTED]



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



Bagram Cases

Facts: 2 Detainees died after being assaulted and mistreated by MII (AC) and MP (USAR) Soldiers.

Potential Charges: Dereliction, False Swearing, False Official Statement (CO CDR, 15-6), Failure to Obey Other Lawful Order, Maltreatment, Conduct Unbecoming an Officer, and Negligent Homicide.

Potential Defendants:

CPT [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SGT [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SGT [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SSG [REDACTED] charges

perferred 20 Aug 04

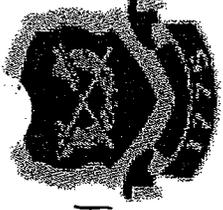


Miscellaneous Cases

Open Investigations

(b)(6)-4/

(b)(7)(c)-4



MG [REDACTED] (Iraq) died while in custody at 3rd ACR, Iraq (FOB Tiger). Cause of death was blunt force injuries and asphyxia. 4 Soldiers are being investigated

LTC [REDACTED] (Iraq) died while in custody at FOB Rifles, Al Asad, Iraq. Cause of death was blunt force injuries and asphyxia. 4 Soldiers are being investigated.

Soldiers caught 2 Iraqis in a car. Both were injured, one terminally. CPT _____ shot terminally injured detainee by firing 2 shots into the back of his head.



OTJAG UPDATE

Summary of Charges

- Indecent Acts (ordering detainees to publicly masturbate)
- Maltreatment of Subordinates (non-physical abuse for ordering detainees into nude pyramids; taking pictures of nude detainees)
- Battery (stepping on and shoving detainees)
- Dereliction of Duty
- Conspiracy to Maltreat Subordinates
- Additionally two NCOs charged with aggravated assault for striking detainees with enough force to cause serious injury
- One Soldier charged with desecration of a corpse for taking pictures with two dead bodies



OTJAG UPDATE

UCMJ ACTIONS

- US v. SSG [REDACTED] – Referred to GCM on 5 May 2004. Arraignment set for 19 May 04.
- US V. SGT [REDACTED] – Referred to GCM on 28 April 2004. Arraignment set for 19 May 04.
- US v. SPC [REDACTED] – Art. 32 hearing completed 3 May 2004; IO completing report. Civilian defense counsel retained.
- US v. SPC [REDACTED] – Referred to GCM on 14 May 04. Arraignment set for 19 May 04.
- US v. SPC [REDACTED] – Art. 32 hearing delayed at the request of civilian defense counsel.
- US v. SPC [REDACTED] – Referred to BCD special on 5 May 2004. Trial set for 19 May 04.
- PFC [REDACTED] – Charges preferred 7 May 04. Transferred to Fort Bragg for medical reasons

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



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

OTJAG UPDATE

ADMINISTRATIVE ACTIONS

- LTC(P) [REDACTED] – Battalion Commander
 - Relief for Cause
 - General Officer Memorandum of Reprimand; filed OMPF
 - Recommendation for Removal from 0-6 Promotion List
- LTC [REDACTED] – JIDC LNO
 - Any action deferred until completion of Procedure 15
- MAJ [REDACTED] – Battalion S-3
 - General Officer Memorandum of Reprimand – (25 May response deadline)

(b)(6) - 2



OTJAG UPDATE

ADMINISTRATIVE ACTIONS (cont'd)

- CPT [REDACTED] – Company Commander
 - General Officer Memorandum of Reprimand (rebuttal submitted)
- 1LT [REDACTED] – Platoon Leader
 - Letter of Admonishment (no rebuttal required)
- SGM [REDACTED] – Operations SGM
 - Relief for Cause
 - General Officer Memorandum of Reprimand – (25 May response deadline)



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

OTJAG UPDATE

ADMINISTRATIVE ACTIONS (cont'd)

- 1SG [REDACTED] – Company First Sergeant
 - General Officer Memorandum of Reprimand (rebuttal submitted)
- SFC [REDACTED] – Platoon Sergeant
 - General Officer Memorandum of Reprimand (rebuttal submitted)
- CPT [REDACTED] – Platoon Leader; GOMOR to be recommended



OTJAG UPDATE

Summary of Charges

- Indecent Acts (ordering detainees to publicly masturbate)
- Maltreatment of Subordinates (non-physical abuse for ordering detainees into nude pyramids; taking pictures of nude detainees)
- Battery (stepping on and shoving detainees)
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(b)(6)-5 / (b)(7)(C)-5



OTJAG UPDATE

UCMJ ACTIONS

- US v. SSG [REDACTED] – CA referred case to GCM on 5 May 2004. Civilian defense counsel has been retained.
- US V. SGT [REDACTED] – CA referred case to GCM on 28 April 2004.
- US v. SPC [REDACTED] – Art. 32 hearing completed 3 May 2004; IO completing report. Civilian defense counsel retained.
- US v. SPC [REDACTED] – Art. 32 hearing completed 26 April 2004; IO completing report.
- US v. SPC [REDACTED] – Art. 32 hearing delayed at the request of civilian defense counsel.
- US v. SPC [REDACTED] – Art. 32 originally scheduled; CA instead referred case to BCD special on 5 May 2004.
- PFC [REDACTED] – pending charges; transferred to Ft. Bragg for medical reasons

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



OTJAG UPDATE

ADMINISTRATIVE ACTIONS

- LTC(P) [REDACTED] – Battalion Commander
 - Relief for Cause
 - General Officer Memorandum of Reprimand
 - Recommendation for Removal from 0-6 Promotion List
- LTC [REDACTED] – JIDC LNO
 - Any action deferred until completion of Procedure 15
- MAJ [REDACTED] – Battalion S-3
 - General Officer Memorandum of Reprimand



OTJAG UPDATE

ADMINISTRATIVE ACTIONS

- Battalion Commander
 - Relief for Cause
 - General Officer Memorandum of Reprimand
 - Recommendation for Removal from O-6 Promotion List
- JIDC LNO
 - Any action deferred until completion of Procedure 15
- Battalion S-3
 - General Officer Memorandum of Reprimand

(b)(6)-5



OTJAG UPDATE

ADMINISTRATIVE ACTIONS (cont'd)

- CPT [REDACTED] – Company Commander
 - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- 1LT [REDACTED] – Platoon Leader
 - Letter of Admonishment (no rebuttal required)
- SGM [REDACTED] – Operations SGM
 - Relief for Cause
 - General Officer Memorandum of Reprimand



OTJAG UPDATE

ADMINISTRATIVE ACTIONS (cont'd)

- Company Commander
 - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- Platoon Leader
 - Letter of Admonishment (no rebuttal required)
- Operations SGM
 - Relief for Cause
- General Officer Memorandum of Reprimand

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



OTJAG UPDATE

ADMINISTRATIVE ACTIONS (cont'd)

- 1SG [REDACTED] – Company First Sergeant
 - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- SFC [REDACTED] – Platoon Sergeant
 - General Officer Memorandum of Reprimand (awaiting his rebuttal)



OTJAG UPDATE

ADMINISTRATIVE ACTIONS (cont'd)

- Company First Sergeant
 - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- Platoon Sergeant
 - General Officer Memorandum of Reprimand (awaiting his rebuttal)

Notes about Documents submitted by OTJAG Criminal Law

BATES PAGES ~~8124-8151~~ HAVE BEEN WITHHELD IN THEIR ENTIRETY PURSUANT TO FOIA EXEMPTION 5, 5 U.S.C. Section 552(b)(5).

46 pages were determined to be nonresponsive and were not Bates Stamped

231 Pages were not Bates Stamped and referred to the following DOD Agencies:

Headquarters, 4th Infantry Division, Public Affairs Office, ATTN: AFYB-PAO (LTC Jonathan Withington), Fort Hood, TX 76544

Crime Records Center, ATTN: FOIA Division (Mr. Robert Dickerson), 6010 6th Street, Fort Belvoir, VA 22060

Deputy Director, Executive Communications and Control (ECC), Office of the Chief of Staff, ATTN: LTC Perry Rearick, Pentagon, Washington, D.C. 20310

Law Division, Office of the Staff Judge Advocate, ATTN: ATZC-JAD (CPT Howard Clayton), 2387 Hatfield Avenue, Fort Huachuca, AZ 85613

Headquarters, Department of the Army, Deputy Chief of Staff, G-3/5/7, ATTN: DAMO-ZC (Ms. Kathryn Condon), 400 Army Pentagon, Room 2E366, Washington, D.C. 20310-0400

Office of the Staff Judge Advocate, Administrative Law Division, ATTN: AFZF-JA (Ms. Monica Binford), 1001 761st Tank Battalion Avenue, Fort Hood, TX 76544-5008

Chief Attorney and Legal Services Directorate, U.S. Army Resource and Programs Agency, Office of Administrative Assistant to the Secretary of the Army, ATTN JDRP-CA (Ms. Suzanne Council), 120 Army Pentagon, Washington, D.C. 20310-0120

Office of the Provost Marshall General, ATTN: DAPM-ZC (MAJ Mark Jackson), Room 1E110, 2800 Army Pentagon, Washington, D.C. 20310-2800

Mr. Charlie Talbot, Department of Defense, Room 2C757, Freedom of Information Act Office, Pentagon, Washington, D.C. 20310



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

B6

REPLY TO
 ATTENTION OF

AFYB-MIB-CDR

6 NOV 2003

MEMORANDUM FOR Staff Sergeant

[REDACTED] b6-5
 , Tikrit, Iraq 09323-2628

SUBJECT: Written Reprimand

1. You are hereby reprimanded for your failure to properly supervise detainee interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). SPC [REDACTED] and SPC [REDACTED] assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring SPCs [REDACTED] were properly trained and that they were aware of and abided by the Geneva Convention and other documents which detail the permissible treatment of detainees. You did not set the proper leadership climate, in that you inadvertently led SPC [REDACTED] to believe that you yourself perhaps condoned certain practices that were outside the established regulations. SPC [REDACTED] is not a trained interrogator, yet he was allowed to force a detainee to cause bodily harm to himself, again, while under your tutelage. b6-2 b6-2
2. Your failure to establish a proper leadership climate and failure to properly supervise interrogation activities under your purview are beneath the standards of professionalism I expect from non-commissioned officers. As NCOIC of the DCCP, it is your duty to train and supervise junior interrogators and interpreters as well as supervise their activities to ensure they do not harm detainees. In this case, you assigned a known difficult interrogation task to a very junior and inexperienced interrogator, but you failed to discern what techniques he would use during the interrogation. You are in a very delicate duty position where you or your subordinates could become subject to discharge or criminal prosecution for violating the rights of detainees. These acts could also bring extreme discredit upon the U.S. Army. The incidents where [REDACTED] abused the detainee show a lack of supervisory judgment on your part. b6-2
3. This reprimand is imposed as an administrative measure and not as punishment pursuant to the Uniform Code of Military Justice. You are advised that in accordance with Army Regulation (AR) 600-37, paragraph 3-4, it is my intention to direct that this reprimand be filed in your local Military Personnel Records Jacket (MPRJ).
4. You will acknowledge receipt of this reprimand IAW AR 600-37 by completing the first memorandum and returning it through your chain of command no later than ten days from the date of service. Any matters in extenuation, mitigation, or rebuttal must accompany your acknowledgment. You were provided a copy of the documents that form the basis of the written reprimand. I do not intend to file them with this reprimand.

Encl
 AR 15-6 Investigation

[REDACTED] b6-2
 LTC, MI
 Commanding

~~000121~~
 008152

13 Nov - mil
 decision not
 to file w/oc.
 ocb

B6

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

AFYB-MIB-CDR

9 NOV 2003

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

SUBJECT: Rebuttal of Staff Sergeant [REDACTED] to Written Reprimand

b6-5

1. I understand that I am being reprimanded for failure to properly supervise SPCs [REDACTED] during interrogations at the TF IH DCCP. I understand that, as NCOIC of the Interrogation Control Element (ICE), it is ultimately my responsibility to ensure that interrogations are conducted in adherence to guidelines established by the Department of the Army. I accept this responsibility. However, even after a very thorough 15-6 investigation, I feel that the incidents surrounding this reprimand are being oversimplified. b6-2

2. Paragraph one of the written reprimand states that I am responsible for ensuring that SPCs [REDACTED] were properly trained. I feel this is untrue. My element is conducting real-world interrogation operations; in a very active combat zone during a resistance movement by a well-funded, hostile, armed force in the early stages of a major insurgency; with very few assets. This being my fourth combat tour in twelve years, I can say with confidence that this is not the environment for training. b6-2

3. SPC [REDACTED] has been assigned to the 104th Military Intelligence Battalion for over two years as a member of the Battalion S3. I am assigned to D Co. and SPC [REDACTED] has never been under my supervision until approximately one month before the incident occurred. As the de facto senior Human Intelligence Collector (97E) for the 4th Infantry Division, and being aware of SPC [REDACTED] duty position in the Battalion S3, I made two attempts, in January 2001 to include SPC [REDACTED] in Sergeant's Time training with D Co. at Fort Hood (There was no MOS training in the S3 for a Human Intelligence Collector). Both of these attempts were unsuccessful due to resistance by his supervisors. These two years would have been the proper time to train SPC [REDACTED] not during real-world operations. b6-2 b6-2 b6-2

4. Paragraph one of the reprimand states that I "... inadvertently led SPC [REDACTED] to believe that..." I myself "... perhaps condoned certain practices that were outside the established regulations". Given specific phrases that I had said to SPC [REDACTED] I recall a conversation that I had with SPC [REDACTED]. However, the topic of this conversation was a contingency plan for a separate interrogation facility, in the event alternative interrogation techniques were authorized and ordered into effect at our echelon. At no point did the topic become the techniques themselves. The facility could not be manned by personnel from Mobile Interrogation Team (MIT) 91, as most did not have a sufficient level of competency. At the time, given my extremely limited assets, SPC [REDACTED] was a prime candidate for this facility. As I recall, I made it clear to SPC [REDACTED] that alternative techniques must be authorized by higher echelons, on a case-by-case basis, and then only at certain facilities. If SPC [REDACTED] took my statements to [REDACTED] b6-2 b6-2

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

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

6. Paragraph two of the reprimand states that I "...assigned a known difficult interrogation task to a very junior and inexperienced interrogator". While this is true, the truth of it is rather relative. All interrogations at the TF IH CCP are difficult due to several factors that have been brought up, through Tac HUMINT Ops, many times. Suggestions made to rectify these problems have been, and continue to be, ignored. With the exception of myself, all interrogators at the TF IH ICE were, and most remain, inexperienced at actual interrogation. The intelligence exploitation of detainees at the TF IH CCP has been limited, largely, to cursory and in-depth screenings of detainees due to insufficient personnel, time and resources. Relatively speaking, few formal interrogations have been carried out, and all of these have been individuals targeted as being of potentially high intelligence value. After two to three weeks of observation and assessment of SPC [REDACTED] performance during joint screenings and interrogations, prior to the incident, SPC [REDACTED] was found to have a level of methodological proficiency above most of the other interrogators at the ICE and had, in fact (as I noted to CW3 [REDACTED] on one occasion), exhibited a preference for "soft" approaches. In short, SPC [REDACTED] is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICE.

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

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

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b6-2

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B6

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

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

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

[REDACTED]
SSG, USA
NCOIC, TF IH ICE

~~TOP SECRET~~
008156



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
BAGHDAD, IRAQ
UNIT 92940, APO AE 09324-2940

REPLY TO
ATTENTION OF:

AFZN-BB-CO

1 October 2003

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq

SUBJECT: Recommendation on Resignation for Good of the Service (ILT [REDACTED])

(b)(6) - 5

1. I have reviewed the enclosed Resignation for the Good of the Service (RFGOS) in lieu of General Court-Martial, submitted by ILT [REDACTED] HHC, 1-13 AR, the recommendations of his battalion commander and supervisors, the letter from his father, and his recent evaluation. After careful consideration, I recommend that the RFGOS be approved, and ILT [REDACTED] service be characterized as General (Under Honorable Conditions).
2. First Lieutenant [REDACTED] committed an egregious lapse in judgment, both in a professional and moral sense. He violated the trust of his superiors and set a bad example for his subordinates. Clearly, he should be separated from the Army - he has lost my confidence in his ability to lead soldiers in combat. However, his characterization of service should encompass his previous outstanding behavior and duty performance, as well as extenuating circumstances I believe were partially responsible for the misconduct.
3. From the moment he arrived in September 2002, ILT [REDACTED] abilities as a Tank Platoon Leader surpassed the majority of his peers. He qualified Tank Table VIII on his first run. He was a "Hero of the Battle" at the National Training Center. He successfully deployed his unit to the CENTCOM AOR in support of Operation Iraqi Freedom. He leads from the front; he is aggressive, resourceful, eager, and his potential is unequalled. As reflected in the letter from his father, the comments of his superiors, and his recent evaluation, ILT [REDACTED] has proudly and capably served his country.
4. I considered the nature of ILT [REDACTED] offenses various serious. However, they did not involve death or injury and there is no evidence he caused any physical harm. While in no way a legal justification, defense, or excuse for his misconduct, extenuating circumstances leading up to his misconduct should be considered in determining a disposition in this case.
 - a. First, ILT [REDACTED] and his fellow soldiers experienced a tremendous amount of frustration and helplessness at the repeated and pervasive looting in their area of responsibility. I do not believe his misconduct was predicated on some sort of demented thinking, but rather was an overly aggressive reaction to events without appropriate approval and supervision.
 - b. Second, there was a breakdown by ILT [REDACTED] senior leadership. As an aggressive young officer who took things personally and passionately, his superiors should have given him

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008157

AFZN-BB-CO

SUBJECT: Recommendation on Resignation for Good of the Service (1LT. [REDACTED])

(b) 6-5

much more supervision and mentoring. His company commander gave him too free a rein. He was independently responsible for a stressful and dangerous mission, with very little oversight. He was a young officer with great raw potential, but given his known aggressive nature, he needed to be kept within clearly delineated boundaries. His leadership let 1LT [REDACTED] down. As a result, we will most likely lose a young officer with great potential.

5. By resigning his commission, 1LT [REDACTED] will be punished by his own actions. He has humiliated himself, his chain of command, and his family. He will not go home proud or with pride and honor deserved. Instead, he will go home in disgrace with neither award nor sense of accomplishment. This is something he will carry with him for the rest of his life. I do not see a requirement to tarnish his record for life with a federal conviction and dismissal at a General Court-Martial. Nor do I believe he should be tarnished for life with the stigma of an Other Than Honorable Conditions label. He still has tremendous potential in society, although not as an Army officer.

6. I recommend 1LT [REDACTED] be eliminated from the Army as expeditiously as possible. He does not deserve an honorable discharge, given the nature of his misconduct. However, the totality of his service warrants a General (Under Honorable Conditions) characterization.

7. Point of contact is the undersigned.

[REDACTED]
[REDACTED]

5 Enclosures

1. RFGOS
2. BN CDR Recommendation
3. BN S3 (Supervisor) Recommendation
4. Letter from Father, 26 Sep 03
5. [REDACTED] OER, 2 Jul 03

COL, AR
Commanding





DEPARTMENT OF THE ARMY
 HEADQUARTERS, 1ST BATTALION, 13TH ARMOR
 3d BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
 FORWARD OPERATING BASE DAKOTA, BAGHDAD
 APO AE 09324-2942



AFZB-JA-TDS

26 September 2003

MEMORANDUM THRU Commander, 1st Armored Division, APO AE 09252

FOR Commander, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, Virginia 22332-0478

SUBJECT: Resignation for the Good of the Service in Lieu of General Court-Martial

(b)(6) - 5

1. I, ILT [redacted] voluntarily tender my resignation from the Army for the good of the service under the provisions of AR 600-8-24, paragraph 3-13. I do not desire to appear before a court-martial or board of officers. I have not been subject to coercion with respect to this resignation and fully understand the implications of this action.

2. I have been advised that prior to submitting this resignation, I may, at my option, consult with and be represented by legally qualified counsel who may be a member of The Judge Advocate General's Corps or may be civilian counsel retained by me. I have been fully advised and counseled in this matter by CPT [redacted] a member of The Judge Advocate General's Corps on 26 September 2003.

b6-2

3. I have been afforded an opportunity to present matters in explanation, mitigation, or defense of my case and such matters are attached.

4. I understand that this resignation, if accepted, may be considered as being under Other than Honorable Conditions. I also understand that a resignation for the good of the Service may be withdrawn only with the approval of HQDA. I further understand that if my resignation is accepted under Other Than Honorable Conditions, I will not be entitled to compensation for unused leave.

5. If my resignation is accepted, regardless of the type of discharge certificate furnished, I understand that I will not receive separation pay and that I will be barred from all rights, based on the period of service from which I will be separated, under any laws administered by the Department of Veterans Affairs, except War Risk, US Government (converted), National Service Life Insurance, or Servicemen's Group Life Insurance policies that I may hold.

6. My Present duty station is with the 1st Armored Division, presently in Baghdad, Iraq, with home station at Fort Riley, Kansas.

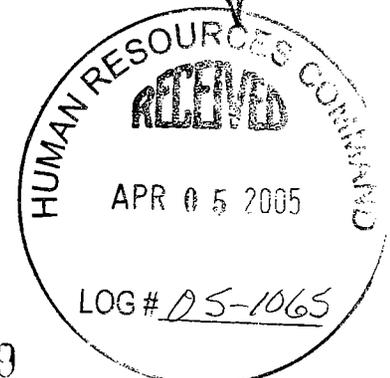
7. I do not desire separation overseas.

8. My mailing address after separation will be: [redacted]

9. I understand that if I participated in certain advanced programs, I may be required to reimburse the US Government as stated in written agreement made by me with the US Government under law and regulations.

File prep for
CG Action.

[redacted]
[redacted]
[redacted]
[redacted]
ILT, AR



008159



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 1ST BATTALION, 13TH ARMOR
 3d BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
 FORWARD OPERATING BASE DAKOTA, BAGHDAD
 APO AE 09324-2942



AFZN-BB-C

27 September 2003

(b) 6

MEMORANDUM THRU Commander, 3rd Brigade Combat Team, 1st Armored Division, APO AE 09324

FOR: Commander, 1st Armored Division, APO AE 09252

SUBJECT: Recommendation for an Honorable Discharge for ILT. [redacted] b6-5

1. ILT [redacted] b6-5 duty performance has been well above his peers. Late one evening this past September, I meet 2LT [redacted] b6-5 facing in front of the battalion headquarters waiting for me to return from a tank gunnery range. His desire to be the best platoon leader in the battalion was immediately apparent when he requested to accompany me as I returned to the range. I instructed him to place his TA-50 in my truck and was not surprised to learn that two weeks later, he qualified first time down range. A remarkable achievement that characterizes his service to the Army.

2. ILT [redacted] b6-5 fully acknowledges the terrible mistake he made when he deviated from procedures and will now lose the military career he strove to create. To [redacted] b6-5 this is punishment enough. Therefore, I respectfully recommend that ILT [redacted] b6-5 resignation be under Honorable conditions given his outstanding performance over the past 13 months. [redacted] b6-5

3. The point of contact for this memorandum is the undersigned at DNVT

[redacted] b6-2
 LTC, AR
 Commanding

008160



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 1ST BATTALION, 13TH ARMOR
 3d BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
 FORWARD OPERATING BASE DAKOTA, BAGHDAD
 APO AE 09324-2942



AFZN-BB-S3

26 September 2003

MEMORANDUM FOR Commander, 1st Armored Division

SUBJECT: Evaluation of Job Performance of ILT [REDACTED] b6-5

(b)(6)

1. Purpose. The purpose of this paper is to recommend that ILT [REDACTED] be offered the opportunity to resign under honorable conditions in lieu of general courts martial. b6-5

2. Discussion.

A. ILT [REDACTED] worked for me for 2 months upon arriving to the unit in October of 2002 before going down to become a Tank Platoon Leader in A/1-13. During that time, his performance was nothing short of phenomenal. After evaluating his abilities, I was able to give ILT [REDACTED] tasks which I normally reserved for a captain in the operations office. These tasks included preparation of the Battalion's QTB, organization of the training calendar which featured preparation for a NTC rotation, as well as multiple other operational tasks. As a newly commissioned second lieutenant, he completed all of the tasks assigned to him at an exemplary level expected of officers with multiple years of experience. During the entire time he worked for me, ILT [REDACTED] was the consummate professional and was an excellent performer. b6-5

B. After being moved from his position as Tank Platoon Leader pending the consequences of the legal actions which are currently being considered, ILT [REDACTED] was reassigned to the battalion operations cell. Despite the external pressures of the impending legal actions, ILT [REDACTED] continued to perform at a superior level. Knowing his capabilities, I immediately assigned him as the Battalion LNO to brigade where he has excelled. He completed all of his duties as LNO while simultaneously acting as a TOC OIC and organizing the entire Battalion FPS program (including the training/emplacing of guards, management of their pay, and eventual TOA of several sites with different ministerial representatives). He has never let his legal condition get in the way of his professionalism as well as exemplary job performance. b6-5

3. Conclusion. I do not deny that ILT [REDACTED] made a mistake in his actions involving the Iraqi prisoner. However, based on the professionalism he has always displayed in fulfilling all of his military responsibilities while working for me, I do whole heartedly believe that this was an isolated incident. I therefore recommend that ILT [REDACTED] be offered the opportunity to resign under honorable conditions in lieu of general courts martial. b6-5

4. The POC for the above is the undersigned at DNVT: [REDACTED] b6-2

MAJ, AR
 Operations Officer



008161

September 26, 2003

To Whom It May Concern:

I am writing this letter for my wife and myself. The purpose of this letter is to appeal to you, as a parent, for relief for my son (1st Lt. [REDACTED] b6-5) in his current situation. I understand that the U.S. Army wants to court martial him and send him to prison. Without getting into the specifics of the charges against him I simply want to appeal to you, as a father, to allow him to resign with an honorable discharge. My son is not the type of person that deserves to be placed in prison. He has never been in any trouble what so ever until these charges.

I know you don't know me, or my son, so if you don't mind please read this letter because it is important to me that you know who I am, and more importantly, who my son is before you make a recommendation about how to treat him.

First, so that you know a little about me and my perspective on young men I have written a little about my background. I have been in secondary education for 30 years. I have been a [REDACTED] b6-2 for 10 years. This June, Florida Governor Jeb Bush appointed me as [REDACTED] b6-2

[REDACTED] b6-2 Our school system has 40,000 students and 5,200 employees. My headquarters are located in [REDACTED] b6-2 a small city that is the home to Congressman Cliff Stearns and former Florida governor Buddy McKay. So you understand that I evaluate the quality and nature of my employees and interact with my community's leaders on a weekly basis. I am also heavily involved in activities with our Veteran's groups.

My family is very important to me and all of us are totally involved in our community. My wife recently retired after spending 17 years as the business manager of our 1,000-member church. My two daughters and their husbands are teachers. One daughter recently became our church's full time youth director. We are committed to our city, our county, and our country.

My son, [REDACTED] b6-5 has always been a leader academically and athletically, and has excelled at everything he has attempted. He has been chosen by adults throughout his life to be a leader in boy scouts, chosen as a camp counselor on several occasions, and represented our local VFW and our high school at Boys' State. This will be his first failure.

Quite frankly I find it hard to believe that he is not wanted and needed in our Army. He used to want to be a career officer. He had a great attitude and, I believe, the right morals to make the tough decisions every time. It breaks my heart to know that he no longer feels wanted by a country that he so wants to

(b)(6)



serve. Here are a couple of examples of what [redacted] has written to us in his letters from Iraq:

b6-5

(b)(6)

April 12, 2003—"... You both can't possibly imagine how appreciative I am of you. Not just thankful, but proud. Proud to be raised by you both. Proud to be in such a strong family with such strong morals... you never asked why I joined but today I know why more than ever. I am here to embrace those values, those memories that you gave me. Only by sharing, and in this case leading others, do I feel I can possibly repay the debt that I owe you and the society that would allow for such a life to exist...I couldn't think of a happier time in my life. I am doing exactly what it is I have always wanted to do. Without this experience I would feel incomplete for the rest of my life, debts unpaid and talents unrealized."

July 12, 2003—At the start of the investigation by the Army he writes: "Needless to say the Army has made a decision, or helped me make a decision, that I will only serve for 4 years. I still love my country and have faith in her virtues, though she has none in mine. If this goes to court martial it will be broadcast over the news and my name, and yours, will be tarnished forever. You didn't sign up for that, but I did. If this happens I apologize in advance. All I ever wanted to do was to serve and protect those who loved me, and spread freedom to others less fortunate...I have brought hundreds of criminals to prison, captured countless weapons, saved lives of coalition and civilian personnel, have my life threatened on a daily basis from insurgents and criminals alike. Yet all I ever wanted was to be left alone with my platoon so I could continue doing what I love the most..."

As you can tell my son loves his country and I assure you he is not a criminal. Please allow him to keep his dignity and pride. If he must be released from the Army, then please allow him to resign his commission and receive an honorable discharge. I often hear that Generals are treated as gods from my friends who have served. Please act like a compassionate god, and a reasonable man, and allow my son to be released from all charges with dignity. I beg of you, as a father, for my son's life.

Sincerely,

[redacted signature]

[redacted signature]

b6-2



(b)(6)

OFFICER EVALUATION REPORT

For Use of 2nd Lt, 1st Lt, Capt, 1st Sgt, 2nd Sgt, 3rd Sgt, 4th Sgt, 5th Sgt, 6th Sgt, 7th Sgt, 8th Sgt, 9th Sgt, 10th Sgt, 11th Sgt, 12th Sgt, 13th Sgt, 14th Sgt, 15th Sgt, 16th Sgt, 17th Sgt, 18th Sgt, 19th Sgt, 20th Sgt, 21st Sgt, 22nd Sgt, 23rd Sgt, 24th Sgt, 25th Sgt, 26th Sgt, 27th Sgt, 28th Sgt, 29th Sgt, 30th Sgt, 31st Sgt, 32nd Sgt, 33rd Sgt, 34th Sgt, 35th Sgt, 36th Sgt, 37th Sgt, 38th Sgt, 39th Sgt, 40th Sgt, 41st Sgt, 42nd Sgt, 43rd Sgt, 44th Sgt, 45th Sgt, 46th Sgt, 47th Sgt, 48th Sgt, 49th Sgt, 50th Sgt, 51st Sgt, 52nd Sgt, 53rd Sgt, 54th Sgt, 55th Sgt, 56th Sgt, 57th Sgt, 58th Sgt, 59th Sgt, 60th Sgt, 61st Sgt, 62nd Sgt, 63rd Sgt, 64th Sgt, 65th Sgt, 66th Sgt, 67th Sgt, 68th Sgt, 69th Sgt, 70th Sgt, 71st Sgt, 72nd Sgt, 73rd Sgt, 74th Sgt, 75th Sgt, 76th Sgt, 77th Sgt, 78th Sgt, 79th Sgt, 80th Sgt, 81st Sgt, 82nd Sgt, 83rd Sgt, 84th Sgt, 85th Sgt, 86th Sgt, 87th Sgt, 88th Sgt, 89th Sgt, 90th Sgt, 91st Sgt, 92nd Sgt, 93rd Sgt, 94th Sgt, 95th Sgt, 96th Sgt, 97th Sgt, 98th Sgt, 99th Sgt, 100th Sgt

OFF PRIVACY ACT STATEMENT ON DA FORM 87-8, 1

PART I - ADMINISTRATIVE DATA

1. NAME (Last, First, Middle Initial) **b6-5**

2. GRADE **2LT** 3. DATE OF RATE **2001 12 15** 4. BRANCH **AR** 5. SERVICE NUMBER **19**

6. UNIT AND STATION (If code in RPO, Major Command) **A COMPANY, 1ST BATTALION, 13TH ARMOR, FORT RILEY, KS 66442 FORSCOM**

7. REASON FOR OMISSION **03** 8. CHANGE OF RATER **12 Sep 03**

9. PERIOD COVERED

Year	Month	Day	Year	Month	Day
2002	08	29	2003	07	02

10. RATED MONTHS **10** 11. UNSRATED CODES **Ø** 12. NO. OF BRNCS **Ø**

13. NATURE OF RATER COPY (Check one and date)

1. Origin is Other 2. Forwarded to Office **12 Sep 03**

14. OMB CODE **HC** 15. FBI CODE **1525**

PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Part I and the administrative data is correct)

1. NAME OF RATER (Last, First, MI) **b6-2** 2. GRADE **CPT** 3. POSITION **Company Commander**

4. NAME OF INTERMEDIATE RATER (Last, First, MI) **b6-2** 5. GRADE **LTC** 6. POSITION **Battalion Commander**

7. NAME OF SENIOR RATER (Last, First, MI) **b6-2** 8. GRADE **AR** 9. POSITION **DSN 856-4511**

10. RATER'S ORGANIZATION **HHC, 1ST BATTALION, 13TH ARMOR, FORT RILEY, KS 66442 FORSCOM**

11. SIGNATURE OF RATER **b6-5** 12. DATE **2 JUL 03**

PART III - DUTY DESCRIPTION

1. PRINCIPAL DUTY TITLE **Tank Platoon Leader**

2. SIGNIFICANT DUTIES AND RESPONSIBILITIES, REFER TO PART IV, DA FORM 87-8

Platoon Leader for a CONUS-based FORSCOM MIAI Tank Platoon with the mission to deploy, build combat power, and fight to win as part of a Company/Team. Responsible for the maintenance and operational readiness of four MIAI Main Battle Tanks and their associated MTOE equipment valued in excess of 12.5 million dollars. Responsible for the training, health, welfare, morale, professional growth, and safety of 15 soldiers and non-commissioned officers. Additionally, responsible for ensuring the highest quality of life for those soldiers and their families. Additional duties include: Unit Movement Officer and Safety Officer.

PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (RATER)

CHARACTER (Qualities of character, demonstration of values, attributes, and skills affecting leader actions)

1. ARMY VALUES (Comments mandatory for all OER ratings. Use PART VI.)

1. HONOR: Adherence to the Army's publicly declared code of values	2. COURAGE: Manifested physical and moral bravery	3. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier	4. RESPECT: Recognizes dignity, civility, fairness, & tact	5. SELFLESS SERVICE: Places Army priorities before self	6. DUTY: Holds professional, legal, and moral standards
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

LEADER ATTRIBUTES / SKILLS / ACTIONS: (Rate with "YES" or "NO" for each block. Spread, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Conceptual and Interpersonal) and three from ACTIONS (Leadership). Rate as "X" in the appropriate numbered box with optional comments in PART VI. Comments are mandatory in 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 9.1, 9.2, 9.3, 10.1, 10.2, 10.3, 11.1, 11.2, 11.3, 12.1, 12.2, 12.3, 13.1, 13.2, 13.3, 14.1, 14.2, 14.3, 15.1, 15.2, 15.3, 16.1, 16.2, 16.3, 17.1, 17.2, 17.3, 18.1, 18.2, 18.3, 19.1, 19.2, 19.3, 20.1, 20.2, 20.3, 21.1, 21.2, 21.3, 22.1, 22.2, 22.3, 23.1, 23.2, 23.3, 24.1, 24.2, 24.3, 25.1, 25.2, 25.3, 26.1, 26.2, 26.3, 27.1, 27.2, 27.3, 28.1, 28.2, 28.3, 29.1, 29.2, 29.3, 30.1, 30.2, 30.3, 31.1, 31.2, 31.3, 32.1, 32.2, 32.3, 33.1, 33.2, 33.3, 34.1, 34.2, 34.3, 35.1, 35.2, 35.3, 36.1, 36.2, 36.3, 37.1, 37.2, 37.3, 38.1, 38.2, 38.3, 39.1, 39.2, 39.3, 40.1, 40.2, 40.3, 41.1, 41.2, 41.3, 42.1, 42.2, 42.3, 43.1, 43.2, 43.3, 44.1, 44.2, 44.3, 45.1, 45.2, 45.3, 46.1, 46.2, 46.3, 47.1, 47.2, 47.3, 48.1, 48.2, 48.3, 49.1, 49.2, 49.3, 50.1, 50.2, 50.3, 51.1, 51.2, 51.3, 52.1, 52.2, 52.3, 53.1, 53.2, 53.3, 54.1, 54.2, 54.3, 55.1, 55.2, 55.3, 56.1, 56.2, 56.3, 57.1, 57.2, 57.3, 58.1, 58.2, 58.3, 59.1, 59.2, 59.3, 60.1, 60.2, 60.3, 61.1, 61.2, 61.3, 62.1, 62.2, 62.3, 63.1, 63.2, 63.3, 64.1, 64.2, 64.3, 65.1, 65.2, 65.3, 66.1, 66.2, 66.3, 67.1, 67.2, 67.3, 68.1, 68.2, 68.3, 69.1, 69.2, 69.3, 70.1, 70.2, 70.3, 71.1, 71.2, 71.3, 72.1, 72.2, 72.3, 73.1, 73.2, 73.3, 74.1, 74.2, 74.3, 75.1, 75.2, 75.3, 76.1, 76.2, 76.3, 77.1, 77.2, 77.3, 78.1, 78.2, 78.3, 79.1, 79.2, 79.3, 80.1, 80.2, 80.3, 81.1, 81.2, 81.3, 82.1, 82.2, 82.3, 83.1, 83.2, 83.3, 84.1, 84.2, 84.3, 85.1, 85.2, 85.3, 86.1, 86.2, 86.3, 87.1, 87.2, 87.3, 88.1, 88.2, 88.3, 89.1, 89.2, 89.3, 90.1, 90.2, 90.3, 91.1, 91.2, 91.3, 92.1, 92.2, 92.3, 93.1, 93.2, 93.3, 94.1, 94.2, 94.3, 95.1, 95.2, 95.3, 96.1, 96.2, 96.3, 97.1, 97.2, 97.3, 98.1, 98.2, 98.3, 99.1, 99.2, 99.3, 100.1, 100.2, 100.3

1.1 ATTRIBUTES (Select 1)

<input checked="" type="checkbox"/> MENTAL: Possesses self-reliance, initiative, and discernment	<input checked="" type="checkbox"/> NO	2. PHYSICAL: Maintains adequate level of physical fitness and military bearing	<input checked="" type="checkbox"/> NO	3. EMOTIONAL: Displays self-control, calm, and poise	<input checked="" type="checkbox"/> NO
--	--	--	--	--	--

1.2 SKILLS (Conceptual and Interpersonal)

<input checked="" type="checkbox"/> CONCEPTUAL: Demonstrates sound judgment, analytical and creative thinking, moral reasoning	<input checked="" type="checkbox"/> NO	2. INTERPERSONAL: Shows ease with people, listening, teaching, counseling, motivating and encouraging	<input checked="" type="checkbox"/> NO	3. TECHNICAL: Possesses the necessary expertise to accomplish all tasks and functions	<input checked="" type="checkbox"/> NO
--	--	---	--	---	--

1.3 ACTIONS (Leadership) (Select 3) Major activities leaders perform: influencing, operating, and improving

1. COMMUNICATING: Develops good oral, written, and listening skills for individuals & groups	<input checked="" type="checkbox"/> NO	2. DECISION-MAKING: Employs sound professional judgment, analyzing and synthesizing	<input checked="" type="checkbox"/> NO	3. MOTIVATING: Inspires confidence and guides without imposed micromanagement	<input checked="" type="checkbox"/> NO
4. PLANNING: Develops detailed, executable plans that are feasible, measurable, and suitable	<input checked="" type="checkbox"/> NO	5. EXECUTING: Shows technical proficiency, makes routine assignments, and takes care of responsibilities	<input checked="" type="checkbox"/> NO	6. ASSESSING: Uses after performance evaluation to apply to facilitate personnel improvement	<input checked="" type="checkbox"/> NO
7. DEVELOPING: Invests adequate time and effort to develop individual subordinates as leaders	<input checked="" type="checkbox"/> NO	8. BUILDING: Expends time and resources improving team, morale, and unit's tactical/ethical climate	<input checked="" type="checkbox"/> NO	9. LEARNING: Seeks self-improvement and organizational growth, innovation, education and training	<input checked="" type="checkbox"/> NO

APT: PASS DATE: JAN 2003 HEIGHT: 72 WEIGHT: 205 YES

JUNIOR OFFICER DEVELOPMENT: MANDATORY YES OR NO ENTRY FOR RATERS OF 1LT AND YGT1

WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 87-8, 1 AND QUARTERLY FOLLOWUP COUNSELINGS CONDUCTED? YES NO X

A FORM 87-8, OCT 87 REPLACES DA FORM 87-8, 1 SEP 79, WHICH IS OBSOLETE, 1 OCT 87 (11A) (V) (1)

008164

(b) (6)

NAME [REDACTED] SSN [REDACTED] PERIOD COVERED 20020829 - 20030702

PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)

a. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION
[X] OUTSTANDING PERFORMANCE, MUST PROMOTE [] SATISFACTORY PERFORMANCE, PROMOTE [] UNSATISFACTORY PERFORMANCE, DO NOT PROMOTE [] OTHER (Explain)

b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE AND POTENTIAL FOR PROMOTION, REFER TO PART III, DA FORM 67-9 AND PART IV, b, AND c DA FORM 67-9-1.
2LT [REDACTED] is an aggressive and capable officer that can accomplish any mission. His leadership ability allowed his platoon to effectively transition from training, to combat, to "Stability and Support Operations". 2LT [REDACTED] assumed control of his platoon just prior to NTC 02-03. During the NTC rotation he effectively maneuvered his platoon in 6 separate missions, often as the company main effort. After a successful NTC and redeployment he immediately began preparing for Operation Iraqi Freedom. During Operation Iraqi Freedom his platoon conducted a wide variety of missions as part of "Stability and Support Operations" within Baghdad. 2LT [REDACTED] demonstrated an exceptional level of courage and duty in dealing with a continuous and asymmetrical threat while adhering to the ROE. In just two months 2LT [REDACTED] and his platoon apprehended over 200 civilians caught looting Iraq government facilities. His platoon also confiscated over 100 illegal weapons from Iraqi civilians. As Unit Movement Officer he prepared the company for deployment and redeployment from the NTC, with a focus on railroad operations. During deployment stage of Operation Iraqi Freedom he successfully supervised the movement of all company property shipped by rail, sea, and air. Continue to develop as a tank platoon leader and then challenge with a specialty platoon or as a tank company executive officer. 2LT [REDACTED] has unlimited potential.

c. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMBAT IVIVE CATEGORY CPT THROUGH LTC, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.

PART VI - INTERMEDIATE RATER

PART VII - SENIOR RATER

a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE

[X] BEST QUALIFIED [] FULLY QUALIFIED [] DO NOT PROMOTE [] OTHER (Explain Below)

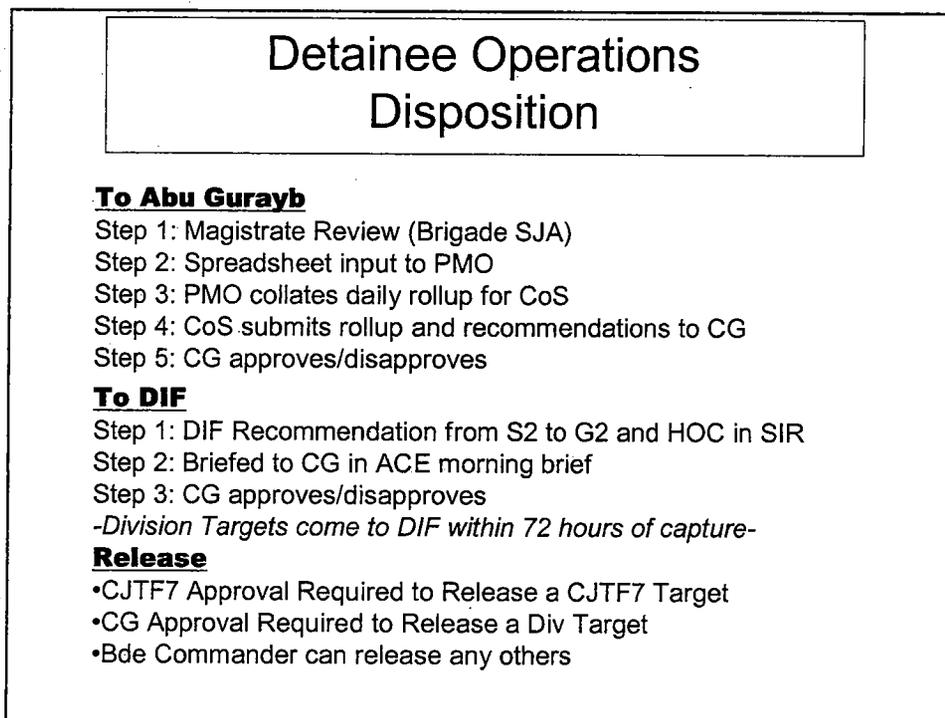
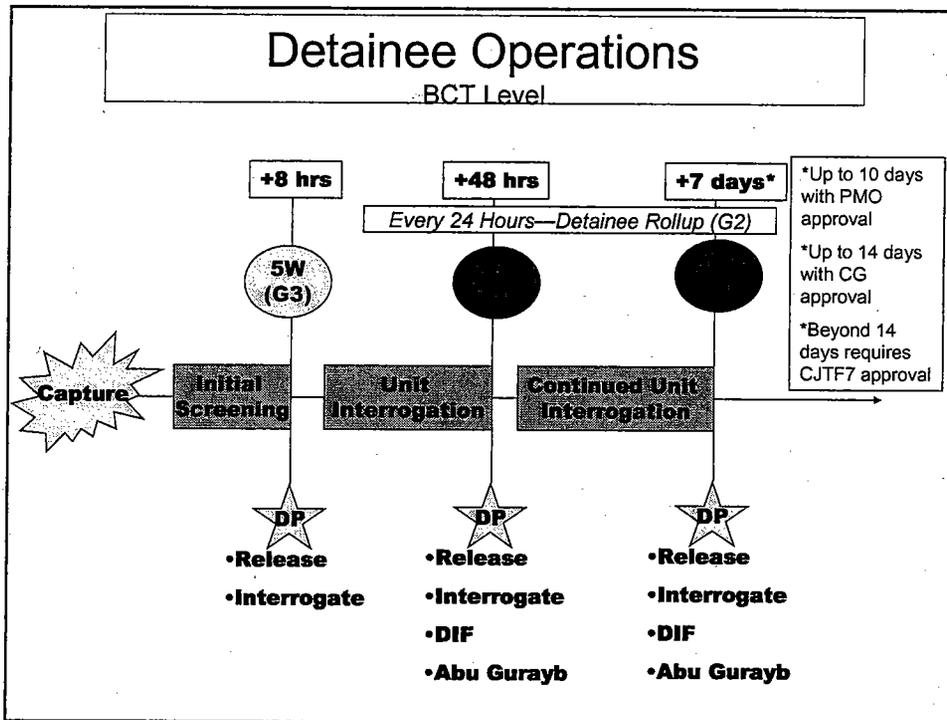
I currently senior rate 10 officer(s) in this grade
A completed DA Form 67-9-1 was received with this report and considered in my evaluation and review
[X] YES [] NO (Explain in c)

b. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)

- [] ABOVE CENTER OF MASS (Less than 50% in top box; Center of Mass if 50% or more in top box)
[X] CENTER OF MASS
[] BELOW CENTER OF MASS RETAIN

c. COMMENT ON PERFORMANCE/POTENTIAL

2LT [REDACTED] is an outstanding young armor officer. Challenged from the first day in the battalion, he drew his equipment and proceeded to a tank Level I gunnery. [REDACTED] quickly integrated into the battalion, shot UCOFT gunnery with a new gunner and then qualified on his first run; truly exceptional! 2LT [REDACTED] continued his stellar performance with a strong NTC rotation and upon redeployment immediately prepared and deployed his company in support of Operation Iraqi Freedom as the Unit Movement Officer. [REDACTED] easily transitioned from combat operations to stability and security missions in Baghdad without losing momentum. [REDACTED] has unlimited potential. Continue to develop as a tank platoon leader and then challenge this fine officer as a company executive officer or scout platoon leader.



8

From: M... (b) 6
Sent: Monday, July 12, 2004 9:55 AM
To: ... C CFLCC/3A-ATL-PAO
Subject: Abu Ghryab bullet report
Kathy,

Here is the bulletized version of the Abu Ghryab assesment for MG Miller. I am working the more lengthy report for those who need more background and explanation. I will attach what I have written to this point.

6



ABU GHRUYAB ABU GHRUYAB
ullets.doc (27 KB... SESMENT.doc (42 .

008168

ABU GHRUYAB ASSESMENT

The Biometric Automated Toolset (BAT) is mission capable at Abu Ghryab in that it is functioning and employed at about the 75% level. The Abu Ghryab BAT server produces the bulk of the BAT data for Iraq and has four major BAT user groups. The four major user groups are MP In- processing, MI Screeners, JDIC and the Local Employee Hire (LEP) section. This report will focus on the four major BAT users groups on Abu Ghryab and address deficiencies found, and recommended courses of action.

MP DETAINEE IN-PROCESSING

PROCEDURES - The MP In Processing area is the entry point for detainees at Abu Ghryab. They currently have two BAT systems with [REDACTED]. They have a third BAT computer used for administrative purposes. The in processing computers are hooked to the Abu Ghryab server via fiber. When a detainee is processed, the BAT compares [REDACTED]. For this identification process to take place, the communication connection between the MP in processing and the JDIC must be operational to prevent duplicate records on individuals as well as identifying individuals in processing under an alias. If a match occurs, it means the individual was previously enrolled through either previous detention or employment by Coalition forces.

*refer to
CENTCOM
for
determination*

Detainees arrive at Abu Ghryab with a packet containing background information on the detainee. At a minimum, the packet should include the following

- a. Individuals complete name
- b. Tribe
- c. DOB
- d. Date of Capture
- e. Capture Unit
- f. Capture Tag/MP number
- g. Location of Capture
- h. Circumstances of Capture
- i. Documents, weapons or equipment found on individual
- j. Nationality
- k. Related captured persons (same place, same circumstances)

This information is entered into the BAT system along with the detainees' biometrics, and detention information such assigned camp and compound.

The BAT application is also capable of [REDACTED]

*refer to
CENTCOM
for
determination*

008169

Some of the Divisions have either BAT or CHIMS (CI- HUMINT Information Management System). These units can create the initial BAT record upon capture and transfer the records to Abu Ghryab along with the detainee. To date, record transfer is accomplished via CD or Memory stick. I do not know why these units use this method of data transfer instead of transferring the data via the SIPR. I will determine the reason for this method of data transfer as a part of future assessments of the divisions.

*NOTE - CHIMS contains older versions of BAT software and only portions of the BAT was integrated. I do not know if a CHIMS BAT is capable of SIPR update to the database. This would not be due to database incompatibility but due to non-integration of the online update software. This would explain why some units are only capable of manually transferring detainee records via CD or Memory stick to in processing.

The BAT system is also used during the release or transfer of detainees. [REDACTED]

refer to CENTCOM for determination

The [REDACTED] was used to assist in the identification of the rocket casualties in Abu Ghryab. [REDACTED]

refer to CENTCOM for determination

PROBLEMS – The problems at Abu Ghryab can be broken into three separate and distinct areas: Human, Software/System, and Communication/Network.

HUMAN - The major problem with the data in the BAT system [REDACTED]

refer to CENTCOM for determination

Additionally, when a detainee is moved from one compound to another, the MP's do not update the BAT to reflect the change of location of the detainee. Transfer data is often incomplete with no destination noted.

SOFTWARE/SYSTEM - Currently the BAT application cannot create the same reports created by the NDRS, which is why the MP's are maintaining data in both systems. Often times information related to detainee tracking is only entered into the NDRS thus the discrepancy between the two systems.

COMMUNICATION/NETWORK - If the fiber connection is down between the server and the in processing, you run the risk of duplicating records on individuals. This occurred in May, which resulted in approximately 1000 duplicate records.

RECOMMENDATIONS/COURSES OF ACTION

008170

HUMAN – Establish and enforce policies and procedures for packet information on incoming detainees. One question that should be added to the detainee information packet is “Do you have any relatives currently detained at Abu Ghuryab”.

In processing NCOIC should perform quality control checks on data entered by in-processing section to ensure accuracy and completeness of entered data. Sufficient computers and time is available for this process. I have already discussed this procedure with SFC [REDACTED] NCOIC In-Processing Section.

If a detainee packet is not available or incomplete, the information must be obtained through a prescreening process. This would require a linguist at in processing to complete the data form or all individuals to go through the MI screening.

Additional computers with BAT application should be distributed to the operations section responsible for the actual relocation of detainees within the compound so that the appropriate section may enter changes to BAT. This would alleviate some of the burden from the in-processing section. It would also allow the various sections to input other relevant detainee reports such as offenses, self-harm, etc.

SOFTWARE/SYSTEM – The inability of the BAT application to [REDACTED] [REDACTED] NDRS does not allow for these reports through the user interface of the NDRS application. These reports are created from backend table views on the NDRS, which allow for more robust query capability. [REDACTED]

refer to CEWTCON for determination

This would require funding an additional contractor from the states. [REDACTED] would take approximately one week to develop and put in place. Another option would be to use in place assets, military or civilian, to accomplish this task.

COMMUNICATION/NETWORK – The fiber line put in place between the MP In-processing and the JDIC has greatly increased the reliability of the network. We have had no major incidents of duplicate records since the fiber was laid. The fiber is scheduled to be re-laid from the MP In-processing facility directly to the JDIC BAT server, by passing the SEN. This will eliminate the occasional problems experienced at the SEN. The end state is to ensure connectivity between the BAT systems at the in-processing to the BAT computer, independent of the SIPR.

*NOTE – [REDACTED] is currently in use at Abu Ghuryab. [REDACTED] is [REDACTED] for current and future use in state side security. Currently to ID a person in the [REDACTED] system.

(b)(7)(E)

[REDACTED] BAT has [REDACTED] The BAT project [REDACTED] of [REDACTED] we are expecting to complete the technical portion of this procedure soon. Currently the Abu Ghuryab [REDACTED] is not on [REDACTED]

the NIPR net. None of the fingerprint files have [REDACTED] (b)(7)(E)

MI SCREENERS

PROCEDURES – Detainees are brought to Abu Ghryab with a packet containing the individuals name, offense, and circumstances of capture. The supervisor of the Screening cell reviews these packets. Based on the offense listed and the circumstance contained in the packet, a certain percentage of detainees are selected for screening to determine possible Intel value. If there is no indication of Intel value in the supporting documentation, the detainee is processed into General Population. During the screening process, additional background information on the person is obtained. The detainee, based on the screening will either be recommend for MI Hold (further interrogation) or returned to general population, no MI value. The MI screeners enter the additional information into the BAT system. Screened detainee records are, by far, the most complete records of general population detainees and these record are used as examples of what the command would like to see in ALL detainee records. The screening supervisor does an excellent job of quality control on all records input by the screeners.

PROBLEMS -

HUMAN – How do we get all the general population detainee records as complete as those that have been screened?

SOFTWARE/SYSTEM – The only problems from a software system side for the screeners is the number of computers they have, three, vise the number of screeners and the applications inability perform more complex queries and store them.

COMMUNICATIONS/NETWORK- Since the fiber has been laid from In-Processing to the server, communications/network problems have been minimal.

RECOMMENDATIONS/COURSES OF ACTION

HUMAN – Provide the same screening process for all detainees. This may not be realistic at Abu Ghryab given the number of detainees processed at this facility. In lieu of 100% screening by the MI screeners at Abu, capturing units with linguist should attempt to obtain the same information at their level and forward the information in the detainee packet.

SOFTWARE/SYSTEM- The screening cell needs three more SIPR computers. If a contractor is funded to create reports for the MP's off the back side of the BAT tables, his task should include creating a web interface for the common queries used by the screening supervisor.

COMMUNICATIONS/NETWORK – NONE.

JDIC

PROCEDURES- The JDIC is composed of multiple sections with varying areas of responsibility. The bulk of the people in the JDIC organization are responsible for the interrogation of the detainees and all reporting of information obtained. Other sections include DOCEX, CMD, and the FAC. There are in excess of 50 systems throughout the JDIC loaded with BAT. All these systems work off the main server. Detainees recommended for MI hold are reviewed at the JDIC by the ICE NCOIC and assigned to various sections and teams for further interrogation. The teams and sections are assigned in BAT and the different teams and sections query the system for their assigned detainee. All preparation reports, interrogation reports and follow on reports are entered, tracked and edited in the BAT by the various JDIC sections responsible for each step of the reporting process.

PROBLEMS -

HUMAN – The JDIC currently lacks a dedicated person to manage the database and perform overall quality control of the data such as cleaning out duplicate records or blank records entered accidentally. This is a common job/task assigned to analyst within the intelligence field, as intelligence database tend to be large. It requires a person with a working knowledge in that field to perform quality control over this type of database. If two records appear to be on the same person, the analyst reviews the content of both records for different entries made in the records by different analysts. The Quality control analyst would have to ensure all unique data was transferred from one record to the second before deleting the duplicate record.

SOFTWARE/SYSTEM - BAT would work more efficiently for the JDIC analysts if the following areas were addressed.

1. Add the ability to database ASP, IIR, KB and SPOT reports
2. Incorporate the ability to detach attached documents.
3. Display attached documents from most recent to oldest.
4. Incorporate the ability to save queries
5. Improve the query tool to include the "Not Equal" Value
6. Enable User to edit reports generated from BAT queries, example: modify column width.
7. Incorporate the ability to edit Microsoft Office Document attachments.
8. Add three additional fields to the application
9. Enable CMD to associate reports to Requirements

1. Recommendations

 (b)(5)-1

1. Local Employee Program (LEP) Procedures

[REDACTED]

[REDACTED]

c. [REDACTED]

(b) (5) - 1

2. LEP Problem Areas

a. [REDACTED]

[REDACTED]

c. [REDACTED]

d. [REDACTED]

3. Recommendations

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

ABU GHRUYAB ASSESMENT

The Biometric Automated Toolset (BAT) is mission capable at Abu Ghryab in that it is functioning and employed at about the 75% level. The Abu Ghryab BAT server produces the bulk of the BAT data for Iraq and has four major BAT user groups. The four major user groups are MP In-processing, MI Screeners, JDIC and the Local Employee Hire(LEP) section. This report will focus on the four major BAT users groups on Abu Ghryab and address deficiencies found, and recommended courses of action. One overall short fall for BAT in Iraq is contractor support. Iraq needs two additional BAT contractors; one with SQL/Web experience and one with Training/operational experience. Funding for these contractors is required.

MP In-Processing

1. Major problems
 - a. Detainee's arriving from capture units with incomplete or no packets
 - b. Quality control oversight by supervisor of data input
 - c. Detainee information not updated (moving prisoners from one compound to another)

2. Recommendations

[REDACTED]

[REDACTED]

[REDACTED] (b)(5)(1)

[REDACTED] se

MI Screening

1. Major problems
 - a. Not enough computers
 - b. Do not screen 100% of the detainee's (not necessarily a problem is the field units acquire all necessary data on detainee)
2. Recommendations
 - a. [REDACTED]
 - b. [REDACTED] (b)(5)(1)

JDIC

1. Major Problems
 - a. Lack dedicated person to manage the database and perform overall quality control of the data
 - b. BAT would work more efficiently for the JDIC analysts if the following software areas were addressed.
 - i. Add the ability to database ASP, IIR, KB and SPOT reports (unfunded enhancement)
 - ii. Incorporate the ability to detach attached documents. (Unfunded enhancement)
 - iii. Display attached documents from most recent to oldest.
 - iv. Incorporate the ability to save queries

- v. Improve the query tool to include the "Not Equal" Value
- vi. Enable User to edit reports generated from BAT queries, example: modify column width.
- vii. Incorporate the ability to edit Microsoft Office Document attachments.
- viii. Add three additional fields to the application (unfunded enhancement)
- ix. Enable CMD to associate reports to Requirements. (Unfunded enhancement)

2. Recommendations

- a. [REDACTED]
- b. [REDACTED]
- i. [REDACTED] (b)(5)(1)
- c. [REDACTED]
- d. [REDACTED]

Local Employee Program (LEP)

1. Major Problems

- b. [REDACTED] (b)(5)(1)
- c. [REDACTED]
- d. [REDACTED]

2. Recommendations

- a. [REDACTED] (b)(5)(1)
- d. [REDACTED]
- b. A [REDACTED]
- c. A [REDACTED]

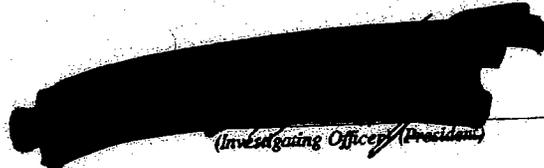
SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

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)

 6316-2
(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)

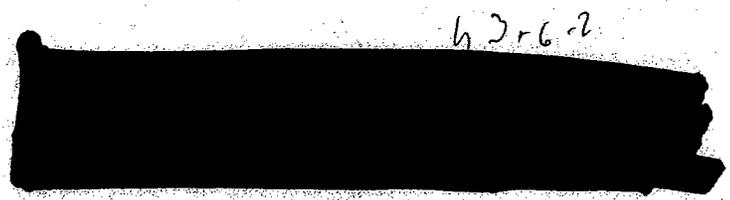
SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

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.)

AT PLT LEVEL, THE COMPANY WILL CONDUCT THE FOLLOWING TRAINING:

- EPW 5 "S"
- IMPLIED RESPONSIBILITIES AS A MILITARY POLICE OFFICER.

TRAINING TO BE COMPLETED NLT 15 SEPT 2003.

 6316-2

Section IV FINDINGS

b6-2

2170 6, 7, 7d

221

I, [redacted] find that the majority of evidence collected and analyzed in my investigation leads to the conclusion that the accusation of mistreatment of detainees on the morning of 29JUL03 by [redacted] or by any other member of 2nd Platoon, 94th Military Police Company while taking part in a raid conducted by Thunder Squadron, 3rd ACR was unsubstantiated. While the AR 15-6 standard of proof is "more probable than not", based on my analysis, I find that it is "highly probable" that no mistreatment of detainees occurred.

In my opinion, a combination of misperception and miscommunication was the root cause of the initial accusations against [redacted]. Based on sworn statements taken and questions asked of witnesses and participants in the actual events of the morning of 29JUL03 there is very little evidence which proves that a detainee was abused. I will give a synopsis of what I believe happened and why based on my investigation and then I will address individual issues that stand out in the investigation and explain them.

At approximately 0900, 29JUL03, the principal witness, [redacted] was approximately 70 meters away(exhibits II, IV and XII) from two detainees on the grounded and looking around his area. The two soldiers guarding the detainees were [redacted]. [redacted] was moving around the area providing general security. [redacted] perceived movement from his peripheral vision what he perceived to be a foot moving back and forth. What he saw was [redacted] placing his foot on the detainee's upper back after the detainee had rolled to his side and was fooling around with his flexicuffs. At this time, [redacted] had been under orders by Special Forces soldiers to keep the detainees still and to ensure that the detainees did not observe them in the continuation of their mission(exhibit XII). The detainee needed to be face down and [redacted] was worried that he(detainee) may get free from his flexicuffs and attempt to grab his([redacted] weapon. He kept his hands on his weapon, and used his foot on the detainee's upper back to stop the detainee from rolling over and pushed him back on his chest. He then quickly tightened the flexicuffs. The distance between [redacted] and the fact that the detainees were facing toward [redacted] would have made it very difficult for him to tell with certainty where exactly [redacted] had placed his foot. A foot eight inches forward or back at approximately 70meters without a cross-section view is difficult to observe. The detainees were facing [redacted] so he could not see the foot in reference to the length of the detainee's body. No other soldier involved even thought they saw [redacted] kick a detainee. The only other soldier who recalls a foot in contact with a detainee was [redacted] who did recall seeing [redacted] use his foot to stop a detainee from rolling over as well as [redacted] who was next to him(exhibit VII) but never saw [redacted] kick a detainee. [redacted] himself in his initial statements to [redacted] and [redacted] said he saw a soldier "appearing" to kick a detainee. He also said in his statement to me when asked if he saw a soldier kick a detainee and stand on his neck or head that he could not say for certain whether he saw the soldier actually kick and that he saw the soldiers foot somewhere on the "upper part" of the torso(Exhibit XII). At this point [redacted] started yelling at the soldiers

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Pt. 637

guarding the detainees and that he was going to kick the soldiers. He started yelling about the Geneva conventions and got into an argument with what turned out to be [redacted] about it. At this point [redacted] tensions were rising more. He then started yelling for [redacted]. All this time, [redacted] is becoming increasingly agitated with what he perceived to be abuse. When [redacted] came over and found out what was the problem, he told [redacted] that he may have misinterpreted things. This got [redacted] even more upset (exhibit VII). What needs to be noted here is that even though [redacted] is very upset and has accused one of [redacted] soldiers of abuse of a detainee, [redacted] took the accusation, even though he doubted it, seriously enough to walk over and tell his own soldiers ([redacted]) to stop kicking the detainee (exhibits X, VIII, XII). This is very important in his defense. He thought it important enough that if even a hint of impropriety was evident, he was erring on the side of caution and instead of disregarding a questionable accusation, on the off chance that the accusation was true told his own soldiers to stop. The soldiers were taken aback and flatly denied kicking the detainee (exhibit VIII, X). This shows that [redacted] took these accusations seriously against his own soldiers. It seems highly unlikely that he would then, just a couple of minutes later blatantly mistreat a detainee by rubbing his face in the dirt in front of [redacted] after he knew that [redacted] was on the lookout for what he perceived to be abuse of detainees. By his [redacted] own admission, he did use his hand to turn a detainees face forward after the detainee was trying to look back (exhibit XII). He did this while he was attempting to loosen the zip ties on a detainee who was complaining about them being too tight (exhibit VIII, XII) [redacted] in the earlier scenario had tightened the zip ties. A guy who is callous about the welfare of detainees under his control and apathetic to soldiers kicking them is not going to worry about zip ties being too tight. Also, the detainee said "thank you mister" after [redacted] reapplied zip cuffs (exhibit XII). A detainee is not going to thank him if he had just shoved his face in the ground. At this point [redacted] who is "mad that [redacted] called me out in front of people" (exhibit XII) goes back to [redacted] in the Humvee and yells at him to "stay in his lane". I believe that at this point [redacted] was livid and this comment put him over the edge. Also, [redacted] remembers [redacted] yelling at [redacted] to "get a new pair of glasses" (exhibit VIII) after he had gone over and found out that his soldiers were not kicking detainees. Because of the confrontations that had already gone on and because of what he perceived to see, I believe that [redacted] by this point had lost some objectivity. It should be noted that [redacted] has been known to become righteously indignant when he feels he or someone has been wronged or soldiers are not acting correctly. He can get and stay angry and that may have clouded his judgment here. The discrepancy here is the approximately five hour window between when the event occurred and when he spoke to [redacted] at Rifles base. The reason is that he had not calmed down yet and had not started to view the situation objectively. "I was furious and angry when talking to [redacted]" is what he stated to me when I asked about the discrepancy between then and now (exhibit XII). [redacted] didn't like what he saw. This was exacerbated by personal confrontations with a couple of soldiers. [redacted] has a strong temper and I believe felt personally challenged by [redacted] and part of his comments to [redacted] were as much venting steam as legitimate complaints. In [redacted] defense in case an issue of unfounded accusations comes up, in the initial statement made by [redacted]

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 b6-4

Ex 6, 7, 71

[redacted], both of whom initially heard [redacted] complaint on day of the event (Exhibits I & II), [redacted] statement said that [redacted] saw a soldier "appear to be kicking" a detainee. Also, when [redacted] were dispatched to Maddog to take [redacted] statement, [redacted] also wrote that [redacted] stated that the soldier "appeared to kick" the detainee (exhibit IV). When I questioned [redacted] on whether he saw a soldier kick a detainee he said that at the time all he saw was "foot movement" and "at the time it appeared to me it was kicking". When asked what he knows he saw, all he knows is that the soldier had his foot "somewhere on the upper part of the detainee" (exhibit XII). In fact, and even according to [redacted] [redacted] did not actually see [redacted] kick a detainee or [redacted] rub one's face in the ground.

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Conflicts/Discrepancies

1. [redacted] "backtracking" after confronted by [redacted] and [redacted] about the incident after he realized it was "official". The fact that [redacted] started to back down on the "details" of his story does not mean that he had in fact witnessed abuse of detainees and was trying to downplay it so that other soldiers did not get in trouble. Another explanation, and in my opinion the actual one, is that he realized that his statements made in anger had morphed into accusations of specific misconduct that he in fact did not witness, and that because he had said some things in anger to some other soldiers he had created a snowball effect and realized he better do what he could to slow it down. This is difficult because in this situation he may have been confronted with pride which would not allow him to come right out and say that he in fact did not see what he said he did. This combined with the fact that he was angry at [redacted] because of their confrontation may have clouded his judgment.

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- 2. **Distance-** Even if [redacted] was insistent that he in fact did see this abuse occur, the distance (possibly up to 100M away) would in itself be an issue.
- 3. **Statements-** The fact the [redacted] seemed righteously indignant does not mean that he was right. Plus all statements made to me verified that he in fact did not see with any certainty an actual kick or and actual rubbing of a face in the dirt.
- 4. **Geneva Convention statements-** These are made in the context of an argument in which [redacted] is yelling about soldiers not following Geneva convention and another soldier being upset that he is accusing one of his own unfairly. [redacted] remembers yelling back at [redacted] but not the statement about "they don't follow the Geneva conventions, why should we". Even if he did say that, it is just a counter to an accusation against a fellow soldier, not a good or a smart one, but nonetheless just a comment. That in itself is evidence of nothing but poor choice of words and judgment.
- 5. **Verbal abuse of detainees-** I explored this after reading [redacted] statement of what he overheard as he was walking past what turned out to be [redacted] and [redacted] near the detainees. [redacted] "overheard comments similar to" "you got a fuckin' problem" and some other non-niceties (exhibit VI). He does not remember exactly was said but that the soldiers were not talking nicely and that he heard profanities (exhibit XII). [redacted] readily admits that he told a detainee that if he could "complete a

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b-4

sentence in English they could get someplace”(exhibit IX). There may be some sensitivity issues but remember, these guys couldn't speak English. Hence, they couldn't understand what was being said even if they were being sworn at which there is not enough evidence to support happened. Either way, even though it is just some guys blowing off steam, it warrants further discussion in recommendations for preventive measures.

6. **Operation Thunder Payback-** At first glance the name of the operation is ominous sounding. Visions of “take no prisoners speeches” are easy to see. However, nowhere in the Squadron OPOD in either the Mission Statement or CMDRs Intent does it make mention of “payback” or “revenge” for the death of Fox 6 even though it is obviously implied in the name of the operation(exhibit13). I attempted to get an idea of the way the troops were briefed and what their role was in this operation by question 3 on my questionnaire that I gave out to some of the soldiers interviewed. What I concluded from that is that both the MPs from 1st Plt and 2nd Plt were under the same understanding as to the reasons for the raid(get the guys who killed Fox 6) and the behavior to be taken(same as any other raid, no special treatment). What I was looking for was some type of “motivational” speech which may have led me to believe that command wanted “special” treatment for these guys if caught. I found nothing of the sort(exhibit XIV). In fact, [redacted] stated that [redacted] the leader of the raid and a personal friend of FOX 6, went up to the detainee captured who was suspected of masterminding the attack after he was put in the vehicle and said his peace to him without raising his voice or any physical act then went about his business(exhibit XII). By all accounts, this raid was conducted in a professional manner.

28/6/03

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7. **Treatment of detainees-**Based on the answers to my questionnaire and to my questions I am comfortable that our soldiers to have a better than average knowledge of and understanding of why detainees need to be treated humanely.

8. ~~**[redacted] refusal to waive rights, fill out a sworn statement or answer questionnaire-** After [redacted] requested to speak with an attorney after being read his rights waiver I was immediately suspicious. [redacted] informed me at the chow hall the next day that I could still ask [redacted] questions and that he could answer me willingly if he wished and that he did not have to answer anything he did not want to. I informed [redacted] of this and he agreed to listen to my questions and understood he only needed to answer ones he felt comfortable with. [redacted] did in fact answer my questions and his answers bolstered the case in his defense as well as [redacted] and further convinced me that a personality clash with [redacted] was the catalyst which caused this to roll forward, not actual witnessed mistreatment of detainees. It turns out [redacted] was worried about the effect of things and hence, his desire to speak to an attorney. If anything, [redacted] should be commended for his concern for the welfare of the detainees by being willing to tell his own soldiers not to kick the detainees without evidence that they were and by being willing to loosen the zip ties of a detainee when he complained about their being too tight.~~

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28/6/03

Section V
Recommendations

1. While no wrongdoing was committed and subsequently, no grounds for further investigation or punishment is in order, the proper treatment of detainees is still something that we, as MPs need to make sure we are above reproach on. I believe that this situation can be used to reinforce the importance of correct treatment of detainees. While there is not evidence of any type of systemic problem, I believe that a mandatory 15 minute discussion/question answer session at squad level and above and overseen by an E-7 or above would help to reinforce the importance of, and correct procedures for treating detainees humanely. It is like continuing education for us. Plus, It would keep us sharp so we can help educate other soldiers on correct treatment of detainees. Two soldiers brought up in their answers that they had witnessed other 3ACR soldiers "mistreating" (subjective word)(specific instance not recalled) detainees. While the word is subjective, it is still a good thing for our soldiers to be up on proper treatment so they can spot check other soldiers if the need arises. It needs to be noted that if this recommendation is adopted that all soldiers know that it does not imply wrongdoing on the part of 2nd platoon soldiers, just that the situation brought to the company's attention the continuing importance of this subject.
2. All Soldiers involved in the incident need to sit down as soon as possible to discuss the situation. What they saw; what they perceived and the reasons for it. We cannot afford to have any bad blood between platoons. I would say all soldiers involved in all or part of the situation should be there: [REDACTED] and [REDACTED]. Preferably, as much of first and second as possible as most soldiers know what is going on and it's better for as little speculation as possible to take place. I think this all would have been avoided if this was done after the raid at an AAR and [REDACTED] and [REDACTED] hashed this miscommunication out. Also [REDACTED] had willingly offered to go with [REDACTED] to talk to [REDACTED]. Instead, soldiers went their separate ways and tempers seethed.
3. Soldiers need to be briefed on the importance of perception. What they do and how others may look at it and what the effects may be. They also should be briefed on the importance of analyzing before jumping to conclusions and attempt to look at situations which they themselves are involved in like an objective third party. This applies particularly to [REDACTED] as his heart was in the right place but he allowed himself to get a bit carried away. Also, the soldiers that [REDACTED] overheard, [REDACTED] and [REDACTED]; if they were not saying anything, he would not have heard anything. [REDACTED], while he committed no wrongdoing, did not need to make the statement about speaking one sentence in English. (He should not be singled out). However, this should also be spoken about in the treatment of detainee Q&A session. If you say only what is absolutely necessary, not what you want to, you can't go wrong.

Q17 6-7-74

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b6-5
b6-4

b3+6-2
b6-5, b6-4

DA form 1574 Section III Explanation Sheet

A1a & A1e- The letter of Appointment is not numbered with a Roman numeral. Also, the privacy act statements and rights warning statements are not together but rather separated individually as the first page of the statement of each soldier interviewed. [REDACTED] is separate as he does not have a sworn statement. They are numbered consecutively with Roman numerals.

2/2/21

63+6-2

		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.

008185

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

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

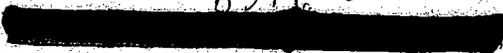
SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

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

DEPARTMENT OF THE ARMY
94TH MILITARY POLICE COMPANY
LONDONDERRY AFRC
LONDONDERRY, NH 03053

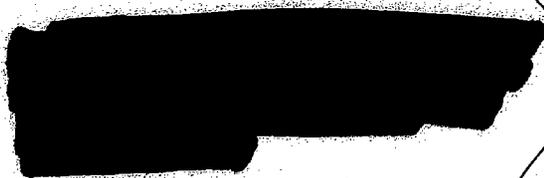
AFRC-CMA-B-CO

01 August 2003

MEMORANDUM FOR  94th Military Police
Company, APO AE 09302-1343

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the allegations against  and  for mistreatment of a detainee while conducting Operation Thunder Payback on 29 July 2003.
2. In your investigation, all witness statements will be sworn. From the evidence, you will make findings whether the mistreatment of a detainee allegations are substantiated or unsubstantiated.
3. You will meet with SJA to review 15-6 investigation procedures prior to starting the investigation, and once again to review the Investigation Report.
4. Submit your final report to this headquarters, no later than 10 August 2003.
5. POC for this action is the undersigned at 559-0148.

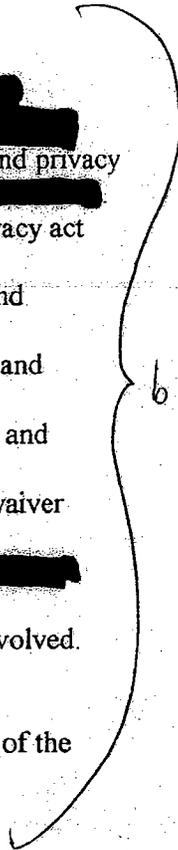

Commanding

008187

Itemized List of Evidentiary Exhibits

8/26, 70, 7d

- I - Initial statement by [REDACTED]
- II - Initial statement by [REDACTED]
- III- Statement of [REDACTED] upon initial questioning of [REDACTED]
- IV- Statement of [REDACTED] upon initial questioning of [REDACTED]
- V- Initial statement of [REDACTED] taken by [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- VI- Initial statement of [REDACTED] taken by [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- VII- Initial statement of [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- VIII- Initial statement of [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- IX- Initial statement of [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- X- Initial statement of [REDACTED] and Rights warning waiver certificate taken by [REDACTED]
- XI- Rights warning waiver certificate(non-waiver) of [REDACTED] taken by [REDACTED]
- XII- Statement of [REDACTED] regarding questioning of all soldiers involved.
- XIII- Applicable portions of OPORD for Operation Thunder Payback
- XIV- Packet of 4 Questionnaires handed out to soldiers to get a general understanding of the view on treatment of detainees in general and of the events in this particular mission.



b 3 + b - 2
b 6 - 4
b 6 - 5

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 Rifles Base Ar Ramadi Iraq	2. DATE (YYYYMMDD) 2003/07/31	3. TIME 1412	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS 94th MP CO Rifles Base Ar Ramadi Iraq			

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

On 2003/07/29 at approx. 1630hrs I was in the company area of the 94th MP CO. I was speaking with _____ and _____ was talking about a raid he went on earlier in the day. _____ stated that he observed civilian detainees who were bound and on the ground, being guarded by _____ and _____ stated he observed _____ kick a detainee several times, approx. 3 times on or about the back and head, and stand on the detainee on or about the back and head. _____ said he was within a reasonable distance to observe this incident. _____ squad leader, told him to stay in his lane. _____ ordered _____ to stop. _____ said _____ that the detainee was protected under the Geneva Convention. _____ said several lower enlisted in the area stated "They don't follow the Geneva Convention, so why should we!" _____ said he was going to bring the incident up the soldiers involved Chain of Command.

Q. _____
A. _____
Q. Is there anything you would like to add to your statement?
Q. No

End statement

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

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

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

STATEMENT OF [REDACTED] TAKEN AT Rifles Base DATED 2003/31/07

9. STATEMENT (Continued) b3+6-2 [REDACTED]
//////////////////////////////////// Not Used //////////////////////////////////////

AFFIDAVIT

I, [REDACTED] b3+6-2, 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] b3+6-2
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of July, 2003 at Rifles Base, Ar Ramadi Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b3+6-2
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

Artical 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b3+6-2

PAGE 2 OF 2 PAGES

II

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 Rifles Base, Ar Ramadi	2. DATE (YYYYMMDD) 2003/07/30 31	3. TIME 1426	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS 94TH MILITARY POLICE COMPANY, CAMP RIFLES, IRAQ			

9. [REDACTED] b3+6-2, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In the late afternoon of 29 July 2003, the following information was told to me by company medic, [REDACTED] in the presence of [REDACTED] at Camp Rifles Base in the front yard of the company HQ location: In the morning of 29 July 2003 [REDACTED] was with the company 2nd platoon members that were assisting 3rd ACR soldiers conducting a raid. After several Iraqi's were detained and bound up he observed one of the 2nd platoon MP's physically abuse an Iraqi prisoner. [REDACTED] observed from approximately 100 meters away a US Army MP stepping on the back of an Iraqi detainee that was laying on the ground with his hands bound behind his back. The MP appeared to be kicking the detainee three different times. [REDACTED] asked those around him who the MP was and was told it was [REDACTED] from the company's 2nd platoon. When he stated the MP shouldn't be kicking the Iraqi [REDACTED] squad leader told him to stay in his lane. [REDACTED] then went over and in spite of what [REDACTED] had protested, proceeded to turn the detainee's face in the dirt. [REDACTED] that was close by to [REDACTED] made a comment that the Iraqi was probably the individual that had killed an American Army officer. Other soldiers made comments that the Geneva Conventions don't apply here. He could not identify who the other soldiers were.

[REDACTED] the 2nd Platoon Sgt was called to report to the company operations from his area of operations. Approx thirty minutes later upon his arrival [REDACTED] had already departed with the 1st platoon members he resides with. As I began informing [REDACTED] of what [REDACTED] had told me, he stated that [REDACTED] had reported to him immediately after returning from the mission that there may have appeared to have been an incident with an Iraqi detainee. [REDACTED] stated that [REDACTED] version of the incident was that the MP's were moving the detainee into a better position to adjust the bindings that were keeping his hands tied. I told [REDACTED] that because of the seriousness of the possibility that a violation had occurred our MPI would be looking into the incident.

Q. [REDACTED]
 A. [REDACTED]
 Q. Do you have anything you would like to add to your statement at this time?
 A. No
 //End Statement////////////////////////////////////

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

008191

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

Not sworn

b3+6-2

2-2

AFFIDAVIT

I, [redacted] b3+6-2, 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 30 day of July, 2003 at Rifles Base

WITNESSES:

[redacted] (Typed Name of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

Artical 136 (b)(4) UCMJ

(Authority To Administer Oaths)

b3+6-2

INITIALS OF PERSON MAKING STATEMENT [redacted] b3+6-2

PAGE 2 OF 2 PAGES

USAPA V1.00

III

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: Rifles Base, Ar Ramadi Iraq
2. DATE (YYYYMMDD): 2003/07/31
3. TIME: 1409
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 94th MP CO Rifles Base Ar Ramadi

9. I, [redacted] b3+r6-2, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 30th day of July 2003 [redacted] and I went to FOB Maddog to interview [redacted]. He told us that on the morning of the 29th he witnessed [redacted] kicking a detainee that was already "flex-cuffed" in the back, neck, and head. Upon seeing this he yelled out that if that soldier kicks the detainee anymore that he was going to kick the soldier. He also told [redacted] squad leader [redacted] the same. After this, [redacted] said he would take care of it and went towards [redacted]. Arriving at [redacted] location he said [redacted] knelt down on the detainee's back to change the flex-cuffs and while doing this rubbed the detainee's face in the dirt. [redacted] said that [redacted] came back to him and told him to "stay in his lane". When we the investigators asked [redacted] to put all of this in a statement he said that he didn't have a problem with [redacted] and expressed how he didn't want anybody getting in trouble. He just wanted some accountability in the company. He wrote a statement and said in the statement that [redacted] just had his foot on the detainee and was not kicking him. It seemed that when [redacted] realized we were there on an "official" capacity that his story softened up. Furthermore he went on to write that [redacted] only had his hand on the back of the detainees neck holding him down while he changed the flex-cuffs and not rubbing his face in the dirt like he had told us when we first started talking to him. The statement that [redacted] gave was more identical to the verbal statement we recieved from [redacted].

End statement

[Large redacted area]

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

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

008193

IV

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 RIPPLES BASE AR National Guard	2. DATE (YYYYMMDD) 20030730	3. TIME 2115	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94th MP CO APO AE 09302-1343			

Ag 677
b3+c-2

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

ON 30 July while interviewing [REDACTED] about the incident involving 2nd plt [REDACTED] stated that he saw a soldier, later identified to be [REDACTED] appear to kick a detainee who was on his stomach and hands "zip-tied" behind his back and compliant. After [REDACTED] realized that [REDACTED] and myself were talking to him "obviously" he stated that maybe he was just putting his foot on him to get the detainees attention. [REDACTED] stated a few times he liked [REDACTED] and that he did not want anything to happen to him. Prior to writing his statement [REDACTED] said [REDACTED] had all of his weight, leaning into the detainee with his foot on the detainees head and neck area. The more longer we talked to [REDACTED] the less severe the incident involving the detainee became. From possible kicking, strapping putting all of his weight to just getting the detainees attention. [REDACTED] also stated that he was told to stay in his own lane by [REDACTED] when he said "I'm going to kick that soldier if he kicks him again".

b3+c-2

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

V

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: Personnel
of Det 1100 on 29 Jul 03

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

b3 + b-2

[REDACTED]

486771

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB M... 2. DATE (YYYYMMDD): 20080730 3. TIME: 1757 4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] 6. SSN: [REDACTED] 7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: 94th MP Co.

030675
b3+6-2

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
DATE OF OCCURRENCE: [REDACTED]
DURING A [REDACTED] OPERATION, I WITNESSED A [REDACTED] MP TO LATCH UP [REDACTED]
AS [REDACTED] USING PARACHUTE PACK ON A [REDACTED] DETAINEE
WHO WAS ZIP TIED AND IN THE [REDACTED] POSITION, ALL
FIRST I THOUGHT THE MP WAS KICKING THE DETAINEE, BUT
THEN REALIZED THAT THE SOLDIER WAS USING HIS RIGHT FOOT
TO HOLD THE HEAD BACK, AND WHAT LOOK TO BE HIS NECK TO
THE GROUND. I WAS APPROXIMATELY 50 TO 75 METERS AWAY.
AT THIS TIME, I WAS SCREAMING FOR THE IDENTITY OF
OF THE SOLDIER, AND ALSO STATED THAT I WOULD LIKE TO
KICK THAT SOLDIER IN THE [REDACTED] AT THE TIME OF THE [REDACTED]
I IDENTIFIED [REDACTED] AND [REDACTED]. [REDACTED]
TO THAT LOCATION TO ATTAIN WHAT WAS GOING ON, I
WITNESSED [REDACTED] CHANGE THE DETAINEE'S ZIP TIES, AND
AFTER RETURNING TO MY LOCATION HE STATED THAT NOTHING WAS
GOING ON AND I WAS WRONG IN MY OBSERVATION OF ANY
KICKING, AND THAT I SHOULD STAY IN MY LAINE,
SO I LET THE SITUATION DRIP, LATER THAT DAY,
WHILE AT RIFLES, [REDACTED] OVERHEARD MY COMMENTS AND
HOW DISAPPOINTED I WAS WITH THE BEHAVIOR OF MP'S AS
I WAS USING THIS STORY TO EXPLAIN DESERTION IN
THE SOLDIERS I SERVED AND HOW THIS LOWERS OUR STANDARDS
OF BEING HONOR THE BEST. HOW AS A MP WE ARE TO [REDACTED]

b3+6-2
b3+6-2

10. EXHIBIT: [REDACTED] 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] b3+6-2
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

STATEMENT OF

[REDACTED]

b3+6-2

TAKEN AT

Fort Meigs

DATED

20070719

9. STATEMENT (Continued)

INSOAK THAT DETAINEES, EPW'S ARE TREATED FAIRLY, HUMANITARIANLY AND IN ACCORDANCE WITH THE GENEVA CONVENTION, HOW AS A MP WE ARE RESPONSIBLE FOR SAFETY OF DETAINEES AND EPW'S, APPARENTLY MY POINT WAS LOST ON THE MEMBERS OF 2ND PCT WHO WERE AT THIS LOCATION, FOR THE EXPRESSED HOW DETAINEES GOT WHAT THEY DESERVED! APPARENTLY THE RULES AND REGULATIONS OF THE GENEVA CONVENTION WHICH WE AS SOLDIERS ARE HELD TO DURING WAR MEANT NOTHING, WHEN BROUGHT TO THE ATTENTION OF THESE SOLDIERS AT THE TIME OF THIS INCIDENT EVEN THE GUNNER (UNIDENTIFIED) IN THE 2ND PCT VEHICLE STATED THAT "THEY DONT OBSERVE THE GENEVA CONVENTION, WHY SHOULD WE!"

Q. [REDACTED]

b3+6-2

Q. When you first looked at the detainees did it appear the MP was kicking the detainees?

A. MY ATTENTION WAS BROUGHT TO THAT LOCATION BY MY OBSERVATION OF RAPID FOOT MOVEMENTS, I DID NOT SEE ANY KICKING, ONLY PERCEIVED BY THE FOOT AND LEG MOTION.

Q. Did you see [REDACTED] push the detainees face into the dirt while changing the detainees flexures? AND, I OBSERVED [REDACTED] KNEEL ON THE DETAINEE WHILE CHECKING AND RECOVERING THE DETAINEE, SEE CHART I'D USE HIS LEFT HAND TO SUPPORT THE DETAINEE WHILE HE BREATHED.

b3+6-2

Q. Where did he put his left hand?

A. FROM MY LOCATION IT LOOKED LIKE BETWEEN THE SHOULDER BLADES AND BASE OF THE NECK.

Q. Do you have anything you wish to add to this statement?

A YES! THIS WAS NOT DONE OUT OF SPITE AND MALICE BUT CONCERN FOR THE SITUATION, AND ANXIETY OF THE MP'S WHO WERE INVOLVED, AND OR WITNESSED THIS EVENT.

END OF STATEMENT [REDACTED] b3+6-2

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b3+6-2

PAGE 2 OF 3 PAGES

ep 6707

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

not used [redacted] b3+6-2

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.

b3+6-2

[redacted signature] b3+6-2
(Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

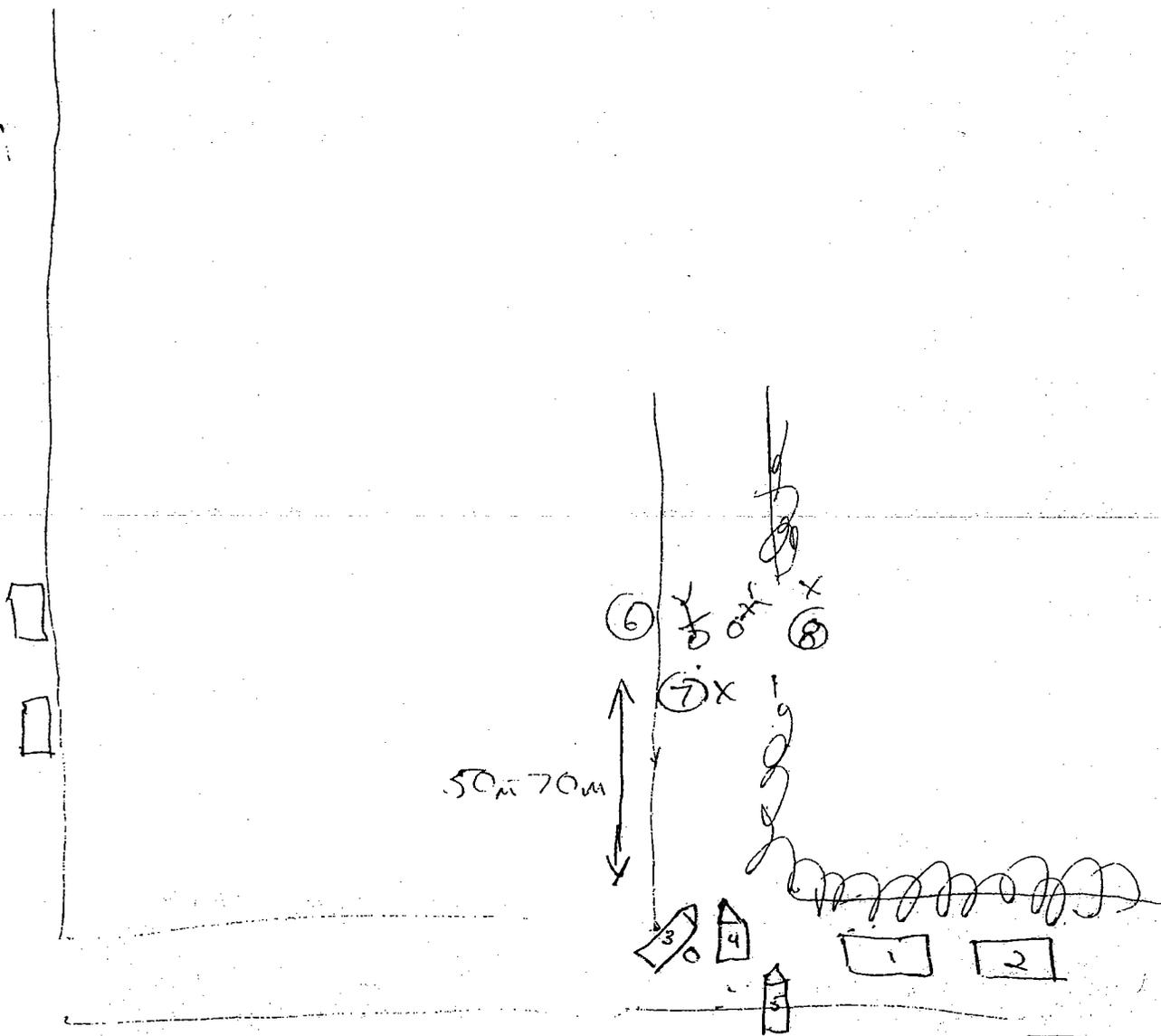
[redacted signature] b3+6-2
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted name] b3+6-2
(Typed Name of Person Administering Oath)
Article 136 (b)(6) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES



1. [REDACTED]
2. SF
3. 2ND PCT VEH EMPTY [REDACTED] BESIDE IT
4. 2ND PCT [REDACTED] IN GUNNER POSITION
5. [REDACTED] GUNNER POSITION
6. DETAINEES
7. [REDACTED]
8. [REDACTED]

b 316-2

exp 6/70/71

VI

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: possible mistreatment of Detainees on 29 Jul 03 on Raid.

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE (MANDATORY) OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

b3/b2

[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 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: Febo Maddox
2. DATE (YYYYMMDD): 20030730
3. TIME: 1630 hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 94th MP Co 1st Plt

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 29 July 2003 at approximately 0800 hrs my team Black Bear 3C was participating in a raid vicinity grid LL 438 033. While positioned on the southern perimeter near several elements of Nutcrusher platoon (second platoon), I heard on the radio that an element of Nutcrusher spotted several individuals, male Iraqis, on a dirt road in the vicinity of the raid who were acting furtive and ran off the road into the reeds. Nutcrusher went after them and, from what I heard on the radio, they effected the apprehension. Soon after this my team moved down to the area where Nutcrusher was detaining the three individuals. When I arrived on the scene there were several SF troops interrogating several suspects at a house. I walked over to the area to offer assistance. I was with [redacted] we took 2 suspects from the house and were escorting them to a soft back humvee for transport to a holding area when we walked past [redacted] and [redacted] with one other soldier whom I cannot recall the identity of at this time apparently guarding (3) detainees who were zip tied and face down on the ground. I noticed that they were being somewhat verbally abusive to the detainees. I overheard comments similar to "You got a fuckin problem? Oh, the zip ties are too tight? Tough shit!" Beyond this they were putting their boots on the detainee's backs and heads in an apparent attempt to intimidate them. I did not witness them kicking or hitting the detainees. I escorted the detainee I had taken to the truck where SF was interrogating them. As I passed by my vehicle which was located about 20 meters from where [redacted] and [redacted] were guarding their detainees, I noticed my gunner, [redacted], in the turret of my vehicle. He was somewhat

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

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

008201

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

not used [redacted] b3+b2

by [redacted]

b3+b2

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] b3+b2
(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

ORGANIZATION OR ADDRESS

[redacted] b3+b2
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Type Name of Person Administering Oath)
Artical 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b-3+b2

PAGE 3 OF 3 PAGES

VII

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: Asside mistreatment of Detainees 29 Jul 03 in Pail

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is ~~disclosable to members of the Department of Defense who have a need for it in the performance of their duties.~~

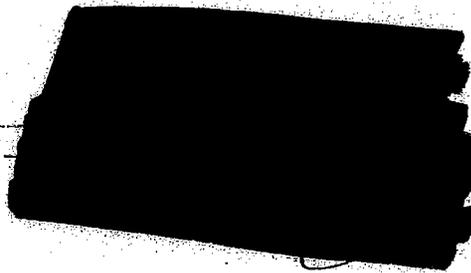
DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, , having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

b 3+6-2



Exp 6, 7, 7d

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: RIFLES WEST RAMADI
2. DATE (YYYYMMDD): 20030704
3. TIME: 2050
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: 94TH MP CO LONDONDERRY NH

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 29 AUG 03 DURING THE RAID, 2 DETAINEES WERE ZIPCUFFED AND PLACED ON THE GROUND UNDER THE SUPERVISION OF [REDACTED] AND [REDACTED]. MY POSITION WAS IN THE TURRET OF VEHICLE MP 25 APPROX. 50 METERS OR LESS FROM THE DETAINEES. I OBSERVED [REDACTED] PLACE A FOOT ON THE SHOULDER OF ONE OF THE DETAINEES WHO BEGAN TRYING TO EIGHTER GET UP OR GET HIMSELF FREE FROM HIS ZIPCUFFS. AT THAT TIME, FROM BEHIND ME, I HEARD [REDACTED] BEGIN YELLING FOR [REDACTED]. AS [REDACTED] APPROACHED, [REDACTED] THREATEN TO LEAVE HIS POSITION IN THE TURRET AND PHYSICLY HARM [REDACTED] WHEN ASKED WHY HE WAS YELLING, [REDACTED] REPLIED TO [REDACTED] THAT "AS MP'S WE ARE OBLIGATED TO PROTECT MP DETAINEES, NOT ABUSE THEM." [REDACTED] THEN ASK WHAT ABUSE DID HE SEE AND [REDACTED] REPLIED THAT HE SAW [REDACTED] KICK A DETAINEE. I WAS SURPRISED WITH HIS ANSWER SINCE I DIDN'T SEE ANYTHING SIMILAR TO A KICK, I SAW [REDACTED] PLACE A FOOT ON A DETAINEE TO LIMIT HIS MOVEMENT WHILE STILL HAVING BOTH HANDS ON HIS WEAPON FOR POSITIVE CONTROL. [REDACTED] TOLD [REDACTED] THAT HE MAY HAVE MISINTERPREATED [REDACTED] ACTIONS WHICH ONLY SEEMED TO [REDACTED] MORE. [REDACTED] TO CALM [REDACTED], WENT TO THE DETAINEES POSITION.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT REQUEST DATED 20030704
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

03 + 6-2

6316-2

6 (762

Rt 10, 70, 10

b3+6-2

STATEMENT OF [REDACTED] TAKEN AT 2050 DATED 20030704

9. STATEMENT (Continued)

HE THEN CALLED BACK TO [REDACTED], WHO WAS STILL CLAIMING TO BE WITNESSING ABUSE, WHERE HE DID HE SEE ABUSE TAKING PLACE. THE DETAINEE, ONCE AGAIN SQUERMED, SEEMINGLY TRYING TO GET OUT OF THE ZIP CUFFS. [REDACTED] CHECKED ON THE ZIP CUFFS.

b3+6-2

Also, SPECIAL FORCES TOLD [REDACTED] TO MAKE SURE THEY, BEING THE DETAINEES, STAYED IN THE POSITION THEY WERE LEFT IN AND TO ENSURE THEY DID NOT MOVE THEIR HEADS DUE TO OPERATIONS THEY WERE STILL PULLING OUT OF THE DETAINEES VIEW.

~~Not used~~

b3+6-2

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, [REDACTED], I, [REDACTED], do hereby administer oaths, this 14th day of August, 2003, at [REDACTED].

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 (B) 4 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b3+6-2

VIII

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: POSSIBLE MISTREATMENT

OF DETAINEES ON 27 JUL 03

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

06/07/03

I, [REDACTED], having been advised of the above provisions of the Privacy Act, agree to provide information concerning the above cited incident.

63+6-2

[REDACTED]

04 Aug 03

036707

SWORN STATEMENT

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

LOCATION <i>Rifle West</i>	DATE <i>4 Aug 03</i>	TIME <i>2115</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS <i>94th MP Co.</i>			

036-2

I, [REDACTED] ⁰³⁶⁷ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Myself + [REDACTED] were watching detainees during a raid on 29 July 03. There was 3-4 Detainees on the ground zipcuffed behind their backs. One detainee kept on moving around, his head + talking. There was a language barrier so we did not understand what he was saying. We told him to be quiet + turn his head. By pointing to our eyes and telling him to look the other way. He did not we used our hands to turn his head many times. This went on for 5 min maybe a little bit longer. He started to move his fingers and hands and looking back with his head to suggest something. We figured his cuffs were too tight. At that time [REDACTED] started to walk up to our position and he said "Cops keep kicking the detainees". We turned around and disbelieved at the accusation. And we told him nobody is kicking him. [REDACTED] turn back and told [REDACTED] to get a new pair of glasses. And that his squad would not do such a thing - [REDACTED] proceeded back towards [REDACTED] + myself. We told [REDACTED], we think his cuffs are too tight. [REDACTED] then said lets cut them off and put new ones on. I stand guard while [REDACTED] put one knee on the detainee's shoulder to keep him from moving and doing any harm to us. While [REDACTED] held the detainees heads and cut them off with a pair of medic's scissors. We then reapplied new zipcuffs. Which were checked by all of us. The detainee did not move or say any thing after that but thank you mister which we said a few times. The detainees were then brought back to the vehicles to be transported. [REDACTED] again asked us if any thing happened, did we kick him. We said no, nothing like that happened. He said okay I just want to be sure because [REDACTED]

036-2

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

008207

STATEMENT OF

TAKEN AT

DATED

014 AUG 03

9. STATEMENT (Continued)

[redacted] was accusing us of kicking that individual
[redacted] went back to [redacted] and said my guys
were not kicking anyone. My guys are good and they would not
do anything like that. They are professional mp's. We continued
with our mission.

End of Statement [redacted]

Notaire Follow

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.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 4th day of August, 2003
at Ripon, west VA

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ART 136 (b) 4 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

IV

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:

CIE DETAILS ON 29 JUL 03 POSSIBLE MISTREATMENT

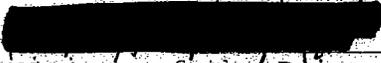
ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

Exp 6/7/74

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, , having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.



63+6-2

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Rittles West
2. DATE (YYYYMMDD): 20030804
3. TIME: 2220
4. FILE NUMBER:

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

8. ORGANIZATION OR ADDRESS: 2nd PL, 94th MP Co

9. [REDACTED]

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 29 July 03 at 0830 we provided a TCP for a raid. We captured 2 detainees that were hiding in the reeds. Myself and [REDACTED] and [REDACTED] were looking in the reeds for possible people, I spotted one man in the reeds [REDACTED] spotted the second man. We gave them commands to come out they where hesitante to come out. As soon as they came out we cross slung weapons and escorted them to flat ground, at this time the detainees were flex cuffed and placed on the ground. At this point ODA came to scene with 3 detainees and screened our 2 detainees claiming, the one was the lead guy they wanted. The ODA team had his brother, at this time ODA took our detainee and I escorted his brother. We placed the detainees in ODA humvees. At this time I went back to the scene. 1 detainee would not listen to our commands and complained speaking only in arabic. I said to the detainee if he can complete the sentence in english we can get some place. At this time we figured we would cut off the flex cuffs and put another pair on him. [REDACTED] In between I was dismounted moving inbetween the detainees location and the humvees of the ODA team which was 50 to 75 meters away from the detainees. As dismounted at any time did I see any detainee abused in any way.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]

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

Exp 6/17

b3+6-2

STATEMENT OF [REDACTED] TAKEN AT Rifles West DATED 4 Aug 03

9. STATEMENT (Continued)

~~NOT A SELF~~

b3+6-2

b3+6-2

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

b3+6-2

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of August, 2003 at Rifles West/SP

ORGANIZATION OR ADDRESS

[REDACTED]

b3+6-2

(Typed Name of Person Administering Oath)
Article 136 (b) 4 WMT
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b3+6-2

PAGE 2 OF 2 PAGES

X

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: Rifles West Base, Iraq
2. DATE: 04 Aug 03
3. TIME: 2320
4. FILE NO.
5. NAME (Last, First, MI): [Redacted]
6. ORGANIZATION OR ADDRESS: 2/94M
7. GRADE/STATUS: E4/SPC
8. SSN: [Redacted]

ck p 67c

3346-2

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

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.

(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

6. ORGANIZATION OF INVESTIGATOR

4/94 Military Police Company

6316-2

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 INTERVIEWER

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 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 Rifles West Troop	2. DATE (YYYYMMDD) 20030805	3. TIME 1115	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94th MPs			

Page 1 of 2
b3+c-2

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the date in question when the two individuals were pulled from the needs myself [REDACTED] and [REDACTED] were present at the area the suspected incident took place. Once the detainees were searched and flex cuffed they were placed on the ground. Myself and [REDACTED] were together as [REDACTED] went to 2A's vehicle to contact 6 element. [REDACTED] aided in moving other detainees. While myself and [REDACTED] had custody of the two men pulled from the needs one addressed me in English hoping that he could understand English I answered him to keep him as calm as possible. When I turned around towards the second man I saw that he was rolled towards his side with his back facing me. At this time I could clearly see that he was tampering with the flex cuffs. Assessing the scene I determined that in order to maintain control of the scene I placed this man on his chest. Due to the fact that he was messing with the flex cuffs I determined that I did not want the individual to gain control of my weapons, so I used my foot by placing it on his shoulder to place the individual chest down. At this point I had notified [REDACTED] of the situation, and knelt down maintaining positive control of my weapons, and checked the subjects flex cuffs. They seemed loose so I tightened them to a point where I could fit two fingers through. I checked the subjects capillary refill in his finger tips, and every thing seemed to be fine. A short while later I was approached by [REDACTED] who instructed me not to kick the detainees anymore. At this point I told [REDACTED]

b3+c-2

b3+c-2

EXHIBIT	11 INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

Statement of [redacted] b316-2 taken at Rifles West OCAUS03

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

Apr 6, 2003

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

I never kicked the detainees which was confirmed by [redacted]
[redacted] then proceeded to have an argument with
Sgt [redacted] when [redacted] returned to subject who was temporarily
with the flex cuffs was complaining they were too tight, using gestures
and speaking Arabic. [redacted] then suggested we loosen the cuff. This
is when [redacted] placed his knee/shin over the subjects shoulder
using only enough force to keep the subject restrained. He as well used
his hands to immobilize the subjects arms, also using minimal force.
Then used surgical shears to remove the old cuffs, and apply new
ones. Using only methods taught through AIT the subjects were restrained
and brought finally to the vehicle they were to be transported in.

b316-2

Q- [redacted]
A- [redacted]

Q- Did you at any time kick the detainees or did you at
any time witness SSG [redacted] Rub detainees Face in dirt or
Abuse in any way
A- NO

End of Statement
nothing follows [redacted]

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 OF 3 PAGES

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

STATEMENT OF

[REDACTED]

TAKEN AT

Riches West Hwy DATED 5 Aug 03

9. STATEMENT (Continued)

WCI used

b3+6-2

b3+6-2

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

Exp b3, 7C, 7D

[REDACTED]

b3+6-2

(Typed Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of August, 2003 at [REDACTED]

ORGANIZATION OF ADDRESS

[REDACTED]

b3+6-2

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Article 136(6)4 Victim
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] *b3+6-2*

PAGE 3 OF 3 PAGES

XI

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.

AP 4710

1. LOCATION: Rifles West Base, IRAQ
2. DATE: 07 Aug 03
3. TIME: 1257
4. FILE NO.
5. NAME (Last, First, MI): [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: [Redacted]
8. ORGANIZATION OR ADDRESS: 94th military Police Company

b3+6

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army military Police
suspected/accused: [Redacted] 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.
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): [Redacted] signed here but did in fact waive his rights as he did request a lawyer and only answered

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. [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 94th military Police Company

b3+6-2

Section C. Non-waiver

1. I do not want to give up my rights
[X] I want a lawyer
[] I do not want to be questioned or say anything
2. [Redacted] b3+6-2

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

XII

I, [REDACTED] questioned all soldiers known to be involved in the incident involving the raid on 29JUL03 and also questioned others whom I found witnessed enough to warrant investigation. I initially questioned [REDACTED] and then [REDACTED] very briefly for an understanding of background and then questioned [REDACTED] on his opinions and was informed that he felt [REDACTED] had attempted to backtrack on his initial statements at Rifles Base. I then questioned [REDACTED] and [REDACTED] who had already had statements taken by [REDACTED]. I questioned them on the contents of their statements as well as on secondary questions that I had. For context purposes, the first thing I did was have [REDACTED] walk me through the whole operation from preparation until ending. I then questioned him on his statement, what he witnessed and then any questions I had or discrepancies I noticed. Based on my questions I found out that he was very angry at what he perceived was kicking and that got him started. He could not say with certainty that he actually saw kicking as all he saw was foot movement from his peripheral vision. Also, he started to yell at a soldier near the detainee [REDACTED] and a soldier in the turret of the vehicle that was across from him yelled back (it turned out to be [REDACTED]). The two of them were yelling at each other and [REDACTED] was getting madder. I told him about the perception that [REDACTED] and [REDACTED] had that he had backtracked on his statements and questioned him about it. He explained that at this time he realized the seriousness of the situation and did not want to get soldiers in trouble. I had made it clear that his responsibility is to remember what he saw, not worrying about getting soldiers in trouble. He verified that he "perceived" actions but could not say that those particular actions actually took place. The only thing he knows he saw was "foot movement" and he cannot confirm that he saw [REDACTED] put a detainees head in the dirt. He also admitted he was very angry during and after the events due to his perception and his confrontations with the two soldiers [REDACTED] and [REDACTED]. He also told me that when he made the statements initially at Rifles base to [REDACTED] and [REDACTED] he remembers saying to them that it looked like the detainees were getting kicked. It was not verified. Same for the face in the dirt. I also asked him for a background on the mission itself to get an idea on how much, if any our soldiers had been briefed to go get the killers. He explained that that he was at the briefing and that it was briefed that they were going to get the FOX 6 killers but that this was not a vigilante mission. He also stated that the 5s were in fact briefed on treatment of detainees. He did mention that the [REDACTED] did state that he was a friend of Fox 6 but did not give any particular orders. Also, he said [REDACTED] confronted the suspected killer, talked to him and left, that's it. He also said he never spoke to any of the soldiers that were on the ground near the detainee and that after he got told to stay in his lane by [REDACTED] he did not speak to him again but remained very angry. [REDACTED] stated that he did not see any of the supposed kicking incidents but only heard it second hand from [REDACTED]. He did however state that he "heard profanities" coming from soldiers near the detainees but could not say what soldier was saying what. I also asked if he saw a soldier with his foot on a detainees head and he replied that he was moving but that he did see a soldier have his foot on the upper body of the detainee. [REDACTED] was also able to verify that a good brief did occur prior to the mission and that no specific instructions were given out for any type of vigilante justice and that proper treatment of detainees was covered. I now talked to 2nd Plt. [REDACTED] saw one of the soldiers put his foot on one of the detainees but did

63+67

63+67

not witness a kick nor did he see [redacted] later on put the detainees face in the dirt. He was involved in an argument across HUMVEE turrets with [redacted] and from his statements, he was attempting to counter what [redacted] was yelling to defend his own platoon's soldiers. He was the one arguing about the Geneva convention and also told [redacted] not to yell about the Geneva convention when he [redacted] was threatening his own soldiers.

[redacted] did not witness [redacted] or [redacted] kick a detainee but did admit to talking to them as he was walking back and forth as security. He did make the statement that they (soldiers) would listen to them as long as they completed a sentence in English. He seemed very ^{over} and did not feel that any soldiers did anything wrong.

[redacted] denied that either he or [redacted] ever kicked a detainee. He was the dedicated security with him and only saw [redacted] put his foot on him to secure him when he went to tighten zip ties that it appeared the detainee was trying to get out of. He also stated that [redacted] came up and told them to stop kicking detainees and that he was surprised he would say that. He denied any wrongdoing and thought that the detainees were treated well. He also stated that [redacted] put new flexcuffs on the detainee and moved his head to stop the detainee from looking around. He also stated that he remembered the detainee saying "thank you mister" after [redacted] did this.

[redacted] asked a few questions about his rights waiver warning and when I explained the reasons, was more than willing to sign it and talk. He strongly denied kicking a detainee and explained that a detainee was moving and he moved his foot to position it on the detainee's back to roll him back over on his chest so he could reapply zipcuffs while maintaining control of his weapon. He also stated that [redacted] came up and told him and [redacted] to stop kicking the detainee and was surprised as they had not kicked anyone. He also denied seeing [redacted] rub a detainees face in the ground and explained that [redacted] willingly reapplied zipties himself when he realized they were too tight on the detainee.

[redacted] seemed very concerned when read his rights warning waiver. I walked him through the sheet and the instructions by the numbers and eventually he did say he thought it best if he talk to a lawyer. The instructions clearly state not to coerce in any way so I held up all questions and we went to Rifles to find an attorney. After finding [redacted] at TOC he helped me find [redacted] in the chow hall. I explained the situation and was told that He would need to talk to TDS but that I could still ask him questions and he could listen and answer voluntarily. I informed [redacted] of this we moved to Patriot Base second floor. He did answer all questions I asked. The first question I asked was whether he saw any soldier kicking detainees and he said no. I then asked if he had rubbed a detainees face in the dirt and he emphatically denied it. He explained that he briefs his soldiers to take care of detainees and when he heard [redacted] accuse them of kicking a soldier went over and told them to stop. He explained that they were taken aback by the accusation and informed him that neither one was kicking a detainee. He then explained that he had knelt down with one knee between a detainee's shoulder blades because it was brought to his attention that the zip ties on the detainee were too tight. He explained that the detainee kept trying to look back at him and he kept turning his head back so he was facing forward and not observing him. He also expressed that he was very mad at [redacted] for calling him out in front of people. He told [redacted] he would willingly go see the First Sergeant with him if he had a problem.

etp b, 7c, 7d

b3 + b-2

[redacted]

CG AUS 03

b3 + b-7

BATES PAGES 8219 – 8221

(IDA: OTJAG – Administrative Law)

ARE NON-RESPONSIVE AND HAVE BEEN
REMOVED

XIV

exp-1

Date 4 AUG 03 REF: 29 JUL 03

Soldier

Questioner

b3r6-2

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29AUG03 and if the answer is yes, what was your involvement?

YES, I WAS THE GUNNER FOR 1ST PLT, 3RD SQD, SGT [REDACTED]'S TEAM 3-C.

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

YES, PERSONNEL CAPTURED BY KILLER TROOP WERE TO BE SECREATED, AS PER S-S'S / ALSO MARKED ON BACK OF THE LEFT HAND WITH MAGIC MARKER AS TO WHICH / HOUSE OR LOCATION DETAINED.

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions? YES, THIS RAID WAS CONDUCTED ON INFORMATION COLLECTED THAT THE INDIVIDUALS WHO KILLED FOX 6 WERE AT THAT LOCATION,

- ① SEPARATE WOMEN AND CHILDREN
- ② ZIP TIE MEN OF MILITARY AGE, AND MARK THEM WITH LOCATION DETAINED (SEE REVERSE) #1

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no? THE RAID YES, THE INDIVIDUALS WHO WERE CAUGHT HIDING, NO, (THREE) INDIVIDUALS WERE

CAUGHT BY 2ND PLT, THEY WERE ZIP TIED, AND PUT IN THE PROBE POSITION, AFTER APPROXIMATELY 30 MIN. ONE WAS I.D. AND THE NUMBER ONE NAME ON THE RAID LIST FOR THAT MISSION (SEE REVERSE)

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where? NO, BUT I HAVE SEEN

THE 3RD/3RD ACR, KILLER, GRIM, AND MADDOG TROOPS BE OVERLY AGGRESSIVE, AND UNPROFESSIONAL IN THE HANDLING OF CIVILIANS AT CHECK POINTS.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

① Briefed NOT TO MY RECOLITION!

② GENEVA CONVENTION, TO SAFE GUARD AND PROTECT DETAINEES WHILE IN YOUR CUSTODY, TO PREVENT ANY HARM FROM CIVILIAN, OR MILITARY PERSONNEL.

008222

- ③ IF FIRED ARM RETURN FIRED
④ ONCE BUILDING WERE CLEARED, PANEL MARKERS WOULD BE HUNG OUT.

⑤ AS THE NUMBER ONE NAMED INDIVIDUAL WAS REMOVED TWO MILITARY POLICEMEN, WERE LEFT TO GUARD THE TWO REMAINING DETAINEES. AT THIS TIME A MP LATER I.D. AS [REDACTED] WAS PERFORMING WALKING SECURITY, AND A MP LATER I.D. AS [REDACTED] WAS WATCHING THE DETAINEES. I PERCEIVED [REDACTED] TO BE KICKING THE DETAINEE ON THE RIGHT SIDE OF THE ROAD, BUT AS IT TURNED OUT HE WAS USING HIS LEFT FOOT TO HOLD THE DETAINEE IN PLACE, IT APPEARED THAT HE HELD THE DETAINEE BY PLACING HIS FOOT ONE A) SMALL OF HIS BACK
B) HEAD
C) NECK

I COULD NOT SEE THE DETAINEE, STRUGGLING, NOR COULD I HEAR THE DETAINEE, I BELIEVE THERE WAS NO JUSTIFIABLE REASON FOR [REDACTED] TO DO THIS.

Exp 6, 7, 7

Date 04 Aug 2003

Soldier



Questioner

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 03 and if the answer is yes, what was your involvement?

^{JUL} Yes, I overheard part of a conversation between [redacted] and [redacted] and witnessed [redacted] and [redacted] acting aggressively towards 3 zip tied detainees. ^{spanning}

63162

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

most of the briefings I have been to, commanders do not go into specifics of detainee handling except with regard to paperwork and soldier safety (i.e. zip ties, searching, etc) They did mention 5 S's

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions?

My mp chain of command has directed us to treat detainees as professional police should, i.e. no excessive force, no verbal abuse, respect for their person, 5 S's.

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no?

No, I believe it demonstrates poor professionalism and further, US forces are supposed to set the example. Acting in this manner only makes us more like Saddam's Regime.

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where?

yes, several TCP's with 3/3 Squadron, not just detainees but Iraqi nationals who were just passing thru a TCP.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

yes, we have been briefed. The Geneva Convention has very specific guidelines for the treatment of prisoners, which revolves around respect for human rights and the rights of the individual.

008224

04/06/70

Date 3 Aug 03

Soldier [REDACTED]

Questioner [REDACTED]

6316-2

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 65 and if the answer is yes, what was your involvement?

Yes, I aided in the search and guard of detainees.

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

Yes, to treat them IAW the Geneva Conventions, humanely, and with the least amount of force necessary in order to achieve the goal of restraining via flex cuffs, searching for evidence, and keeping the area as calm as possible.

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions?

No. We have always been taught to treat the detainees the same regardless of the reason for detaining them. The raid was to catch the killer(s) of Fox 6. That did not affect my actions, I acted as directed, and previously described.

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no?

Yes, I used minimum levels of force to achieve the desired goal, keeping in mind my surroundings, and possible safety risks stemming from possible actions.

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where?

No.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

The Geneva Conventions say we must humanely treat all detainees. Search and confiscate only material with possible intelligence, or danger. Provide them with food, water, and any safety equipment they came with. In my situation the detainees were treated fair and humane using minimum force to achieve goals, their comfort was taken into consideration and moved to a safer more comfortable location (the vehicle) as soon as practically possible. Yes the leadership of 2nd Plt. has frequently briefed us on Detainee Policy.

008225

Date 04 AUG 03

b3+6-2

Soldier [REDACTED]

Questioner [REDACTED]

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 03 and if the answer is yes, what was your involvement?

Yes, GUNNER pulling SECURITY FROM THE ALLEGED INCIDENT APPROX 50 METERS

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

WHEN WE ENTERED THEATER, WE WERE TOLD, COMMON SENSE RULES OF NON ABUSE OF DETAINEES, AT THE TIME OF THE INCIDENT, NOTHING NEEDED TO BE SAID, THE SOLDIERS DID NOT ABUSE THE DETAINEES, THE RULES WERE FOLLOWED

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions?

WE WERE GIVEN THE BASIC SPEAK GIVEN BEFORE ALL RAIDS, BE SAFE, DON'T MUZZLE, MOVE DETAINEES SWIFTLY AND SAFELY - FOR THEIR SAFTY AND OURS. THE REASON FOR THE RAID WAS TO CAPTURE THOSE RESPONSIBLE FOR AN IED ATTACK. IT DIDN'T CHANGE THE WAY I REACTED, EVERY RAID IS DONE AS SAFELY AS POSSIBLE

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no?

Yes, ABSOLUTELY, NO ABUSE OF DETAINEES EVER TOOK PLACE, THEIR MOVEMENT WAS LIMITED FOR THEIR SAFTY AS WELL AS THE SAFTY OF NEARBY SOLDIERS

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where?

NO [REDACTED] b3+6-2

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

MY UNDERSTANDING IS DETAINEES ARE TO BE TREATED HUMANLY AND WITH DIGNITY. NO PHYSICAL ABUSE IS ALLOWED ONCE DETAINED, PASSED WHAT IS NEEDED TO SAFELY SECURE THEM.

Yes, AS AN MP, I HAVE BE BRIEFED MANY TIMES ON THE EXPECTED TREATMENT OF DETAINEES

b3-62

b(6)-5

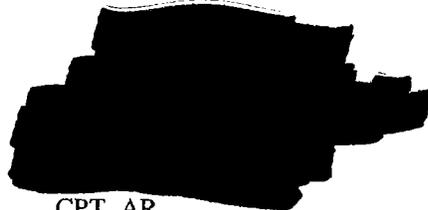
DEPARTMENT OF THE ARMY
3d ARMORED CAVALRY REGIMENT
AR RAMADI, IRAQ (RIFLES BASE)
APO AE 91456

AFZC-RCO (640a)

MEMORANDUM FOR Commander, 3d Armored Cavalry Regiment, Ar Ramadi, Iraq (Rifles Base) APO AE 91456

SUBJECT: Acknowledgement of Receipt for Administrative Reprimand

1. I acknowledge receipt of the subject administrative memorandum of reprimand.
2. I ~~do~~ do not elect to submit matters in my behalf. If matters are submitted, they are attached as enclosures.

A large black rectangular redaction covers the signature area of the document.

CPT, AR

008227



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3d SQUADRON, 3d ARMORED CAVALRY REGIMENT
FORT CARSON, COLORADO 80913

REPLY TO
ATTENTION OF

AFZC-R-K-CO

18 July 2003

MEMORANDUM FOR [REDACTED] (Headquarters and Headquarters Troop) 3/3 ACR, b(6)-2
FOB Eden, Iraq, APO AE 09320-1469

SUBJECT: Duty Appointment for Informal AR 15-6 Investigation

1. You are hereby appointed an investigating officer pursuant to AR 15-6, to conduct an informal investigation into the allegations of misconduct against [REDACTED] b(6)-5
Commander [REDACTED] is b(6)-5
currently at FOB Buzz and is suspended from command until further notice.

2. In your investigation, use formal procedures under AR 15-6. You will make findings as to the cause of the accident and recommendations for preventing future occurrences.

3. If in the course of your investigation you come to suspect that certain people may have acted inappropriately, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition you must provide them a Privacy Act statement before you solicit any personal information.

4. Submit your findings and recommendations to me within 72 hours or notify me if an extension is needed.

FOR THE COMMANDER

[REDACTED]

CPT, FA
Adjutant

b(6)-2

DEPARTMENT OF THE ARMY
3D SQUADRON, 3D ARMORED CAVALRY REGIMENT
FORT CARSON, COLORADO 80913

AFZ-R-K-CO

21 July 2003

MEMORANDUM FOR: Commander, 3d Armored Cavalry Regiment, Rifles Base, Iraq

THRU: Commander, 3d Squadron, 3d Armored Cavalry Regiment, FOB Eden, Iraq

SUBJECT: Investigation of the allegations of misconduct against (CPT) [REDACTED] b(6)-5 exp 6
[REDACTED] Commander [REDACTED] b(6)-5. Currently (CPT) [REDACTED] b(6)-5
[REDACTED] is at Rifles Base, and is suspended from troop command.

1. Background:

- a. (CPT) [REDACTED] b(6)-5 has been the commander of [REDACTED] for over twelve months. He deployed with [REDACTED] with the Regiment in support of Operation Iraqi Freedom. (CPT) [REDACTED] b(6)-5 has been deployed to the western part of 3d Squadron's area of operations for the past 60 days. (CPT) [REDACTED] b(6)-5 troop has been operating independently, but a majority of their missions have been platoon-sized missions such as presence patrols and traffic control missions. However, [REDACTED] b(6)-5 has been operating from a forward operating base that includes another troop, the Squadron's Executive Officer, and frequent visits by the Squadron Commander.
- b. Between 9 and 16 July, [REDACTED] b(6)-5 conducted a series of missions and reacted to an improvised explosive device (IED) strike that included the inappropriate treatment of detainees. This inappropriate treatment included both physical and verbal actions taken towards detainees that were either already secured or actually already in a detainment facility. The primary events under investigation are detailed below.
- c. *11 Iraqis and blue Kamaz Trucks detained (on or about 5 July).* On approximately 5 July, (CPT) [REDACTED] b(6)-5 and his maintenance team detain between 11-9 people and their vehicles. (SSG) [REDACTED] b(6)-2 (maintenance team chief, (SSG) [REDACTED] b(6)-2) apparently hits one of the detainees that are already cuffed (exhibits I-IV). It is not known if (CPT) [REDACTED] b(6)-5 used force against a detainee during this incident. On 9 July both (SSG) [REDACTED] b(6)-2 and (CPT) [REDACTED] b(6)-5 see their troop medic (SGT) [REDACTED] b(6)-2 about both of them having hurt hands. According to (SGT) [REDACTED] b(6)-2, these hand injuries are likely the result of some type of boxing or hitting. Moreover, at the time of his visit to the medic, (SSG) [REDACTED] b(6)-2 claimed that his hand injury was the result of a fall on the way to the latrine (exhibits II-IV). However, in a second questioning SSG admits that the hand injury was the result of hitting a detainee; he admits that he lied to the medic. (exhibit II).
- d. *IED incident (11/12 July).* A wheeled vehicle from 4th Platoon, [REDACTED] b(6)-5 was struck by an IED on the evening of 11 July 2003. A portion of the troop was dispatched to provide area security at the site of the IED strike; the troop's maintenance section was tasked to provide recovery support. In the process of securing the site, a driver and occupant of an Iraqi fire truck that was in the area was detained for failing to turn off

their vehicle headlights. These two detainees were cuffed (zip strip) and secured facedown on the ground near the troop's on-site C2 element. According to statements (exhibits V-XV) at no point did the detainees offer any type of resistance other than failing to turn their headlights off promptly when they entered the area. However, multiple soldiers report (exhibits V-XV) (CPT) [redacted] physically kicking and applying b(6)-5 pressure with his boot to the head and neck of one of the detainees; the detainees were cuffed and not resisting during this process. Moreover, soldiers report (exhibits V-XV) (CPT) [redacted] holding a pistol to the head of one of the detainees and threatening to kill ("I am going to kill you mother fucker") the detainees. After attempting to extract information from the two detainees they were released that evening.

- b(6)-5
- e. *Welder Incident (13 July)*. Two days after the IED strike, it appears that (CPT) [redacted] b(6)-5 personally focused his actions on trying to find information that could lead to who was involved with the IED strike. (CPT) [redacted] b(6)-5 and his maintenance section went to b(6)-5 Ar Rutba and falsely led a local welder to believe that he was needed at L Troop's base camp to make some repairs. The welder was taken outside the city and then cuffed and blindfolded (exhibits XVI-XX). CPT [redacted] b(6)-5 drove the welder out into the b(6)-5 desert and proceeded to forcefully interrogate him. He had the welder dig a pit; he led the man to believe that he was digging his own grave. Moreover, he had his soldiers stage an attempt to shoot this man; in this mock interruption of a shooting shots were actually fired by CPT [redacted] b(6)-5 maintenance soldiers. CPT [redacted] b(6)-5 verbally threatened to kill the man if he would not provide him with information about violence against coalition forces (exhibits XVI-XX).
- f. *White Nissan incident (13 July)*. In conjunction with the threatening of the welder, a white Nissan that was in the area was apprehended. Eight people were detained in this incident. The driver of the Nissan was separated from the remaining 7 detainees. CPT [redacted] b(6)-5 kicked this driver, and using a captured pistol he fired a round in the b(6)-5 vicinity of the driver to scare the remaining seven detainees as to the fate of the driver (exhibits XVI-XX). CPT [redacted] b(6)-5 had the remaining seven detainees released, and b(6)-5 proceeded to threaten the Nissan driver and welder (same location) with the notion that he will give the loaded pistol (captured) to the two men to "sort it out" (exhibits XVI-XX). Eventually CPT [redacted] b(6)-5 releases the welder and keeps the Nissan driver b(6)-5 for at least 24 hours. He uses the Nissan driver to obtain the location of another man's home. CPT [redacted] b(6)-5 and his maintenance team go to a man's home and make b(6)-5 similar threats to kill this man (in front of the man's family) if he does not also provide information (exhibits XVI-XX).
- g. *Jail incident date cannot be confirmed*. At some point between 5 and 14 July CPT [redacted] b(6)-5, b(6)-2 and (SSG) [redacted] b(6)-2 go to the Ar Rutba Police Station and attempt to interrogate three men that are detained there. In this incident, at a minimum, CPT [redacted] b(6)-5 and b(6)-5 (SSG) [redacted] b(6)-2 hit at least one detainee at least two times. Potentially all three detainees were hit by both (SSG) [redacted] b(6)-2 and CPT [redacted] b(6)-5. Exhibits (XVI, XXI, and XX) illustrate that when at least one detainee left the interrogation he was severely beaten in the facial area. Moreover, these exhibits report that both (SSG) [redacted] b(6)-5 and CPT [redacted] b(6)-5 bragged about hurting their hands in this incident.

2. Essential facts to consider:

- a. CPT [REDACTED] consistently uses a baseball ball and his pistol when dealing with both detainees and engaging with the police leadership in Ar Rutbah (exhibits XXIII, XXIV). It is potentially common for CPT [REDACTED] to hold a pistol to the head of detainees as he questions them.
- b(6)-2 b. (SSG) [REDACTED] only admits to hitting one detainee two times in one event (Jail incident). However, exhibit I illustrates at least one other time that [REDACTED] has hit a detainee that is already secured.
- b(6)-5 c. CPT [REDACTED] and (SSG) [REDACTED] both have pressured soldiers to agree with their actions following the described events. (i.e. exhibit XX).
- b(6)-5 d. CPT [REDACTED] and (SSG) [REDACTED] had instructed their soldiers the "have their stories straight" once they realized they were under investigation (exhibit I and interviews with soldiers in L Troop).
- b(6)-5 e. CPT [REDACTED] climate of command was one that was very controlling. He held most all decisions and information to himself; even information such as where a platoon was going and what their task was going to be was routinely withheld until the last moment (exhibit XXIV and interviews with platoon leaders and platoon sergeants). CPT [REDACTED] berated his platoon leaders and platoon sergeants excessively, even in front of the junior soldiers. Moreover, CPT [REDACTED] routinely would threaten the troop's leadership with their NCOERs and OERs.
- f. Currently some portion of the Troop's NCO channel does not appear to be functioning properly; this is primarily occurring in the maintenance section. Vehicles and barracks have Iraqi weapons, ammunition, and TA50 in them. This equipment could pose a risk to soldiers and could also have intelligence value.

3. Findings:

- a. On more than one occasion CPT [REDACTED] has used unnecessary and excessive force in dealing with restrained and secured detainees. Moreover, CPT [REDACTED] has on several occasions used physical and verbal threats to influence people in Ar Rutbah and the actions of detainees.
- b(6)-2 b. (SSG) [REDACTED] has used excessive force on at least one occasion in relation to a secured detainee.
- c. CPT [REDACTED] and (SSG) [REDACTED] have both coerced or intimidated subordinates to prevent subordinates from objecting to or testifying about the use of force in relation to detainees. As a result, some soldiers do not feel secure in providing statements in support of these incidents.
- d. There is a potential that other soldiers in [REDACTED] have also used unnecessary or excessive force with detainees. Some soldiers questioned have alluded to this, but have invoked their rights in lieu of providing names (exhibit IV and XXV).
- e. The actions of [REDACTED] have reduced the ability of [REDACTED] to be effective in conducting security and cooperation activities in the Ar Rutbah region in the near term. The leadership in Ar Rutbah has been degraded and threatened by CPT [REDACTED].
- f. The living areas and vehicles of [REDACTED] on initial visual inspection, have weapons, ordnance, and TA50 related items in them that have been potentially confiscated

during detainee security operations. This equipment poses a risk to soldiers and could have intelligence value.

- g. Most significant is that CPT [redacted] ^{b(6)-5} climate of command has reduced the authority of the officers and NCOs in [redacted] ^{b(6)-5}. The First Sergeant's ability to impact the Troop's functions and standards was even potentially reduced. It has also, potentially, reduced the initiative of the junior soldiers, and impacted the values and judgment of some of the junior soldiers and NCOs in [redacted] ^{b(6)-5} this exists primarily in the HQ and maintenance platoon.
- h. The four line platoons have been largely kept out of (potentially intentionally) most of the activities that deal with the unnecessary use of force with detainees. As a result, the four line platoons have been exposed to less and are still functioning well; their soldier's values appear to not have been impacted, and these platoons are cohesive and combat capable.

4. Recommendations:

a. [redacted] ^{b(5)-1} that he has fostered a command climate that: does not support ensuring the best interest of the soldiers; does not support the adequate development of the troop's officers and NCOs; does not endorse and support the authority of the subordinate leaders in [redacted] ^{b(5)-1}; and that includes potential coercion and the unnecessary use of force against detainees and the local population here in Iraq.

b. (CPT) [redacted] ^{b(6)-5 + b(5)-1} However, in the interest of rapidly getting this unit functioning and re-focused on mission requirements, I encourage the chain of command to consider the impacts.

c. (SSG) [redacted] ^{b(5)-1 + b(6)-2} poor judgment in the use of force in relation to detainees, and that he misused his authority in the treatment of his subordinates.

d. (SSG) [redacted] ^{b(5)-1 + b(6)-2} best determine if actually (SSG) [redacted] is guilty of unnecessary use of force against detainees and coercion or intimidation of subordinates. Moreover, this investigation could better determine if and what the level of involvement was from other soldiers and NCOs in the maintenance platoon. However, based on the nature of CPT [redacted] command, I would recommend [redacted] ^{b(6)-5 + b(6)-2 + b(5)-1}

e. (First Sergeant) [redacted] ^{b(6)-5 + b(6)-2 + b(5)-1}

f. [redacted]

g. [redacted]

SSG
CPT

ex 6

5. POC for this investigation is the undersigned at DNVT 539-5303.

 (6)-2

MAJ, AR
Investigating Officer

Attachments:

Enclosure 1: Appointment Orders as a 15-6 Investigation Officer

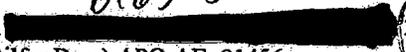
Enclosure 2: Exhibits I-XXV

008233

DEPARTMENT OF THE ARMY
3d ARMORED CAVALRY REGIMENT
AR RAMADI, IRAQ (RIFLES BASE)
APO AE 91456

AFZC-RCO (640a)

21 Jul 03

MEMORANDUM FOR Captain  (3d Armored Cavalry Regiment), Ar Ramdi,
Iraq (Rifles Base) APO AE 91456

b(6)-5

SUBJECT: Administrative Reprimand

1. Between 9 July and 16 July 2003, you undertook a series of actions that included offensive treatment and unnecessary force against Iraqi detainees. This inappropriate treatment included both physical and verbal actions taken towards detainees who were already secured and in some cases already in a detention facility. On another occasion, you and other members of your unit forcefully interrogated an Iraqi national, forced him to dig a mock grave, and threatened to kill him if he did not provide you information about violence against coalition forces. You were witnessed holding a pistol to the head of one detainee and threatening to kill him. You were witnessed engaging detainees and police leadership in Ar Ruthah with your firearm and a baseball bat. You also pressured soldiers in your unit to "have their stories straight" when it became known that an investigation was proceeding. As a Commissioned Officer in the United States Army, you have displayed a serious lack of judgment and leadership in your actions. Your behavior has been detrimental to the Regiment's mission in rebuilding this country through our efforts working with the Iraqi people. You have also abused the human rights of these people whom we are tasked to protect. Finally, your behavior shows a clear lack of discipline and leadership skills and seriously hampers the credibility of the Officer Corps.
2. You are hereby reprimanded for your unprofessional behavior towards these detainees and for your attempts to coerce and intimidate members of your unit in order to sidetrack the investigation into these actions. You have put in question your authority and integrity and that of the Officer Corps. Your conduct raises serious concerns about your professionalism, judgment, integrity and leadership skills.
3. This is an administrative reprimand imposed under the provisions of AR 600-37, and is not punishment under Article 15, UCMJ. You have the opportunity to submit matters in extenuation or mitigation on your behalf. After reviewing the matters you submit, if any, I will decide whether to file this reprimand in your unit file or recommend that a general officer file it in your Official Military Personnel File (OMPF). You may seek legal assistance from the Rifles Base Legal Assistance Office or from civilian counsel at no expense to the Government.
4. You will acknowledge this memorandum by signing and dating the enclosed acknowledgment of receipt endorsement. Any matters you wish to submit for my consideration must be submitted, through your chain of command, to the Regimental S-1 within 10 calendar days of the date you receive this memorandum. If I do not receive a response from you within the 10-day period, I will assume that you have no matters to submit and will make my filing determination.

 b(6)-2
COL, AR
70TH Colonel of the Regiment

008234

SWORN STATEMENT

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

LOCATION FOB STING, IRAQ	DATE 13 Jul 03	TIME 1125	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E4	
ORGANIZATION OR ADDRESS [REDACTED] / 3 ACSC			

b(6)-2

Exp 6, 7

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

On the night of July 11th 2003 at the mine strike location, I witnessed two Iraqis brought from their red truck back toward the hummers. Where they were thrown to the ground. At that point Cpt [REDACTED] walked to them. Either by kicking or stepping on ^{them} [REDACTED] best came in contact with one of the Iraqis. And as I recalled Cpt [REDACTED] spoke to him saying, "What do you know about this?" "I'll kill you." As a Medic it's my duty to treat injuries, even to the enemy. So I walked closer. I didn't notice any serious injuries and I wanted nothing further to do with the situation so I walked away.

b(6)-5

b(6)-2

EXHIBIT A	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.

008235

[SWORN STATEMENT]

Location

FOB STING, IRAQ

DATE

15 Jul 03

Time

File #

NAME

b(6)-2 [REDACTED]

Soc. Sec. #

b(6)-2 [REDACTED]

GRADE

E-4

Aug 6, 7d

ORGANIZATION

b(6)-2 [REDACTED] 3/3 ACK

b(6)-2 I

want to make the following statement under oath:

On the 13th of July Cpt [REDACTED] b(6)-5 was at FOB Sting and requested me to go with him on a mission. Near 10:00am we left for [REDACTED] b(6)-2 Rutbah with some of lighting's mechanics. At Rutbah Cpt [REDACTED] b(6)-5 w/ the interpreter questioned several people and was told the guy we were looking for was out for lunch. We returned near 1130 hrs. The Iraqi Cpt [REDACTED] b(6)-5 was looking for was back. He (the Iraqi) was put inside the humvee I was riding on. Once out of town, Cpt [REDACTED] b(6)-5 instructed that the Iraqi be zip tied and a bag put over his head, both were done without questioning. We continued driving for about 45mins to the middle of nowhere. I then witnessed the Iraqi being released and thrown into a small depression. Cpt [REDACTED] b(6)-5 then throw a shovel at him and through the interpreter told the guy to start digging. They continued questioning the Iraqi and threatening him and telling him that he is digging his grave. After about 2hrs and nothing came out from the Iraqi, we headed to FOB Buzz to drop him off.

Around 0100hrs on the 15th of July I was sleeping in my room when Cpt [REDACTED] b(6)-5 came in and woke me up. He began by asking me how I was and then started talking about the above event. By what he was saying it seemed like he was trying to justify it some. Saying that it was needed to get information out of the Iraqi. He asked other questions such as:

b(6)-2 [REDACTED] if I talked to anyone about it. I can't remember in exact words, but he, Cpt [REDACTED] b(6)-5 said that I shouldn't talk about it. I was asked if I had a problem with what he did, I said no, because no physical harm was done. After that he left. I felt as if I had to say no because he was standing right there and ope to a Cpt I wasn't gonna object to something he did right to his face after he spent 5-10 mins saying that it was necessary.

EXHIBIT

II

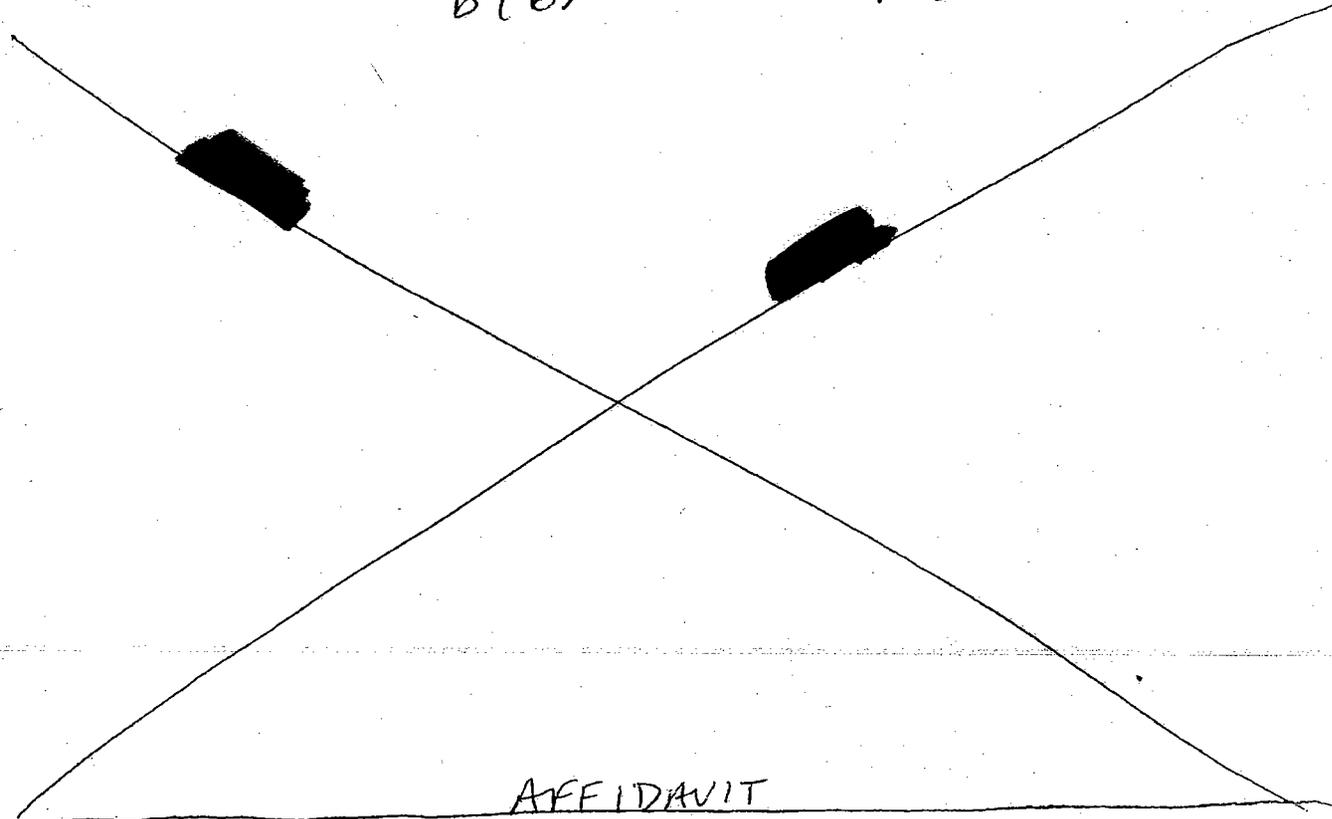
INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b(6)-2

PAGE 1 of 2 pages

b(6)-2 whole page

Page 2 of 2



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. This 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.

WITNESS

SSG [REDACTED]
[REDACTED]
[REDACTED] /3 A CR.

Subscribed + sworn to before me, a person authorized by law to administer oaths, this 15th day of July, 2003 at

FOB STING, IRAQ

ZLT [REDACTED]

ZLT [REDACTED]

UCMJ

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 of 2 pages

SWORN STATEMENT

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

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.

Aug 6, 7d

1. LOCATION FOB BUZZ	2. DATE (YYYYMMDD) 20030717	3. TIME 2226	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6/4a.1r	
8. ORGANIZATION OR ADDRESS [REDACTED] 3 ACR			

(b)-2

b(6)-2

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: The hitting of detainees that I saw happened under two occasions, the first was with CPT [REDACTED] after we chased down a white 4 door Nissan truck, when we arrived on the scene CPT [REDACTED] was mad cause we had to chase them and he got out of his hmvw he had his bat in hand and jabbed the detainee with it. The second involved SSG [REDACTED] when we was with the rotba Police, the Police stopped two blue Kamaz trucks and there was 4 Iraqis in them, we detained them and after they was detained one of them kept looking back and was told to look straight ahead when he didn't after being told several times SSG [REDACTED] punched him in the jaw the next time he looked back. And this happened over a 4 week period. But that is the only incidents that I saw. And I was told by SSG [REDACTED] to have my story straight by SSG [REDACTED] if I was questioned.

(b)-5

b(6)-5

b(6)-2

b(6)-2



10. EXHIBIT I	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 20030717
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

008238

b(6)-2 whole page

STATEMENT OF

[REDACTED]

TAKEN AT

Fob Buzz

DATED

11 July 03

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 UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
[REDACTED] BAC
ORGANIZATION OR ADDRESS

[REDACTED]
[REDACTED] BAC
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of July 03 at Fob Buzz

[REDACTED]
(Signature of Person Administering Oath)

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

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE

1 OF 2

PAGES

SWORN STATEMENT

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

LOCATION FOB STING, IIRAO	DATE 13 Jul 03	TIME 09 30	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS

ORGANIZATION OR ADDRESS
[REDACTED] 3/3 ACR

exp 7d

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

(b) - 2 I was pulling Security from about do west to do South the fire truck with 3 zipstriped detainees laying on the ground beside it was just beyond my western limit of fire. The soldiers that detained the detainees were pulling Security on them. When L6 rolled up along with L9 and the wrecker. They began moving the detainees back towards the humvies which were to my direct rear. I thought nothing of it so I kept scanning my sector of fire. About 5-10 minutes later, I turned around to look for my canteen. In the process of look for my canteen I heard some yelling. So I glanced up to see my (C.O.) Cpt. [REDACTED] b(6)-5 kicking one of the detainees right in the side. I counted 2 kicks to the ribs and he stomped 3 times. Then I turned around to check my sector of fire to make sure it was clear and that noone was trying to penetrate the perimeter. I heard "I will fucking kill you". So I looked back and saw Cpt. [REDACTED] b(6)-5 leaning over and yelling at one of the detainees. At that time I turned around and continued my mission of pulling perimeter security.

(b) - 2 [REDACTED]

EXHIBIT XII	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.

008240

b(6)-2 whole page

Expo 7d

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

[Redacted Signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of JULY, 2003 at FOB STING IRAQ

SSG [Redacted] 13 ACR

[Redacted Signature]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

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 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 Buzz
2. DATE (YYYYMMDD): 20030715
3. TIME: 1446
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: E-5/SGT
8. ORGANIZATION OR ADDRESS: LTRP 3/3 ACR FIST unit APO AE 09320-1472

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: b(6)-5

On 13 July, 2003, I went on a mission at 1100 hours with Captain [redacted], I was act as Captain [redacted] "BG." or "BodyGuard." We started off by going to Germantown. From there we were suppose to go pick up a suspect in the bombing of a humvee. We left Germantown at 1400 to pick up the suspect in AH Rutbah. We were told by Captain [redacted] that the suspect is going to be told that we need him to weld together a leaking water tank for us. We drive into Germantown to the welding shop at Germantown to pick up the suspect but he was not there. We told the other workers that we would come back in 30 minutes to pick him up. We came back 30 minutes later, which was about 1500, and picked up the suspect. The suspect thought he was coming with us to do a job. We drove half a mile down the road towards Germantown pulled over and told the man he was under arrest. We tied his hands together with zip ties. Captain [redacted] came forth and told the man, "we are taking you to the desert." Next, we turned around and started heading towards FOB Buzz. On Route 10 we were about 10 to 15 miles out of AH Rutbah and we then turned off and down a dirt road. We stopped in the middle of nowhere, pulled the man out of the humvee untied him and handed him a shovel. Captain [redacted] told him to start digging his grave. While he was digging his grave he told me to hold my weapon on him. While I was doing that SSG [redacted] fired one round out of his M-4 away from the man digging. After that the interpreter [redacted] came to me and told me to fire one round out of m-4 over the suspects head. I asked him again what he just said, and this time he said "Captain [redacted] told me to fire one round over his head." So I did. When I did that the interpreter [redacted]

10. EXHIBIT: XVII
INITIALS OF PERSON MAKING STATEMENT: [redacted] b(6)-2
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]

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

008242

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: **FOB Buzz** 2. DATE (YYYYMMDD): **2003 07 15** 3. TIME: **1446** 4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] 6. SSN: [REDACTED] 7. GRADE/STATUS: **E-5/SGT**

8. ORGANIZATION OR ADDRESS: **[REDACTED] / 3 ACR FIST Unit [REDACTED] APO AE 09320-1422**

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

were. So we took him to the desert along with the suspect in the white nissan. ^{CPT} [REDACTED] ^{b(6)-5} took the man whose house we raided out of the vehicle and started talking to him. Captain [REDACTED] pulled out a confiscated 9mm put one round in the chamber and shot it. He told the man that there was three rounds in the pistol now there is two. Captain [REDACTED] told him he was going to give the pistol to the other suspect and leave them two out there alone. We captain [REDACTED] ^{b(6)-5} didn't and he let suspect go. Then we left to go to FOB Buzz. I didn't ride with Captain [REDACTED] again after that.

b(6)-2

b(6)-5

b(6)-5

b(6)-5

b(6)-2

ok b, 7c

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

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

008243

SWORN STATEMENT

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

LOCATION FOB STING, IRAQ	DATE 12 Jul 03	TIME 1425	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-6/SSE
ORGANIZATION OR ADDRESS [REDACTED] 13 ACP			

exp 6,7

(b) 2

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 12 July in \pm around 0030 my section had ran over a UXO, mine, or Bomb. We called it up to lightening Base and a QRF was sent down to help secure the area. Once the QRF got there a fire truck was stopped and the two guys were detained and zip stripped and placed on the ground within our perimeter and guarded by two soldiers. After about 40 minutes L6, B9, and the wrecker arrived on the scene from Korea town. The detainees were then moved from there original spot and moved 75 meters closer to where the Hummvee that ran over the UXO rested. The detainee's were still zip stripped and were placed face ~~down~~ down on the ground, I was approximately 25 meters from the detainees when I noticed that CPT [REDACTED] was kicking a detainee on the top of his back repeatedly, then he replaced his foot on the back of his neck and apply alot of pressure, I didn't hear anything that was said, if anything was. Then CPT [REDACTED] used his foot and forced the detainee onto his back, at this point there was a group of soldiers gathering around, and I yelled for them to get away if they weren't involved in the situation. After I yelled I turned around for a minute or so, and that's when I noticed that both detainees were released and allowed to return to their fire truck and leave.

b(6)-5

b(6)-5

End of Statement

(b) 2

EXHIBIT X	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.

SWORN STATEMENT

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

LOCATION FOB STING, IRAQ	DATE 13 JUL 03	TIME 1040	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-6	
ORGANIZATION OR ADDRESS [REDACTED] / 3 ACR			

Exp b, 7d

b(6)-2

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

ON 11 JULY 03 I DEPARTED FOR STING TO ARRUTBA AS BRF TO PROVIDE SECURITY FOR GREEN ONE'S VEHICLE THAT ~~HAD~~ ^{b(6)-2} SUPPOSEDLY HAD STRUCK A MINE. UPON ARRIVING I SET SECURITY IN PLACE, AND WAS TRYING TO GET ONCOMING VEHICLES TO SHUT OFF THEIR LIGHTS, SO SECURITY SOLDIERS WOULD BE ABLE TO USE NIGHT VISION GOGGLES. ONE OF THE LOCAL CIVILIANS WOULD NOT SHUT HIS LIGHTS OFF, SO I REMOVED HIM FROM THE TRUCK, SEARCHED HIM AND HAD A SECURITY TEAM DETAIN HIM. ONCE QRF'S MISSION WAS OVER, AND SOLDIERS WERE COLLAPSING BACK TO THEIR VEHICLES I TOOK CONTROL OF THIS DETAINEE AND WALKED HIM TO WITHIN 15 METERS OF THE INNER PERIMETER AND ^{b(6)-2} TIED HIM ON HIS STOMACH WITH HIS HANDS ZIP STRIPPED BEHIND HIS BACK. AT THIS POINT, I WAS LOOKING FOR LIGHTNING ^{b(6)-5} CAPT. [REDACTED]. AFTER FINDING ^{b(6)-2} ^{b(6)-5} THE CPT. [REDACTED] I EXPRIENCED THAT THE DETAINEE DIDN'T WANT TO SHUT HIS LIGHTS OFF AND THAT, "THEY DIDN'T RESIST, BUT THEY SURELY DIDN'T HELP!" I NEEDED TO KNOW IF CAPT. ^{b(6)-5} [REDACTED] WANTED ME TO RELEASE THEM OR KEEP THEM FOR QUESTIONING. AT THIS POINT THE COMMANDER WALKED TOWARDS THE DETAINEE, IN WHICH I THOUGHT HE WAS GOING TO CUT THE ZIP STRIPS AND RELEASE. AT THIS TIME I SEEN MY COMMANDER KICK THIS MAN IN THE RIBS A MINIMUM OF 2 TIMES AND STOMP HIS BOOT ON THE BOUNDED DETAINEE'S NECK AND PART OF HIS FACE SAYING WORDS TO THE EFFECT OF, "TELL ME WHO DID THIS OR I WILL KILL YOU." AT THIS TIME I WAS STARING IN DISBELIEF AND WENT TO GET HIS INTERPOTOL TO TRY TO DEFUSE THIS SITUATION. ONCE HIS INTERPOTOL WAS WHERE THE DETAINEE WAS, WORDS WERE EXCHANGED THAT I DIDN'T

EXHIBIT VII	INITIALS OF PERSON MAKING STATEMENT [REDACTED] ^{b(6)-2}	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.

008245

SWORN STATEMENT

Location

FOB STING, IRAQ

DATE

13 July 03

Time

1350

Copy 6

b(6)-2

NAME

[REDACTED]

Soc. Sec. #

[REDACTED]

GRADE

E2

ORGANIZATION

[REDACTED] / 3 ACR

b(6)-2

I

[REDACTED],

want to make the following statement under

oath: I'm [REDACTED] was put on perimeter guard for the security of the humvee that ~~the~~ platoon was driving that had run over a home made explosive. I was pulling perimeter guard and I heard commotion going on behind me. I turn around to see what was happening I saw a detainee being put on the ground, he was placed face down. Then I saw Captain

b(6)-5

[REDACTED] the Company Commander of [REDACTED] kicking the detainee in the back and in the ribs, I saw no resistance from

b(6)-5

the detainee. I then heard Captain [REDACTED] yell at the detainee "I will fucking kill you" and his M9 pistol was drawn and pointed at the detainee. After that I turned my head back to my sector and continued to scan and I did not see what happened afterwards.

b(6)-2

[REDACTED]

[REDACTED]

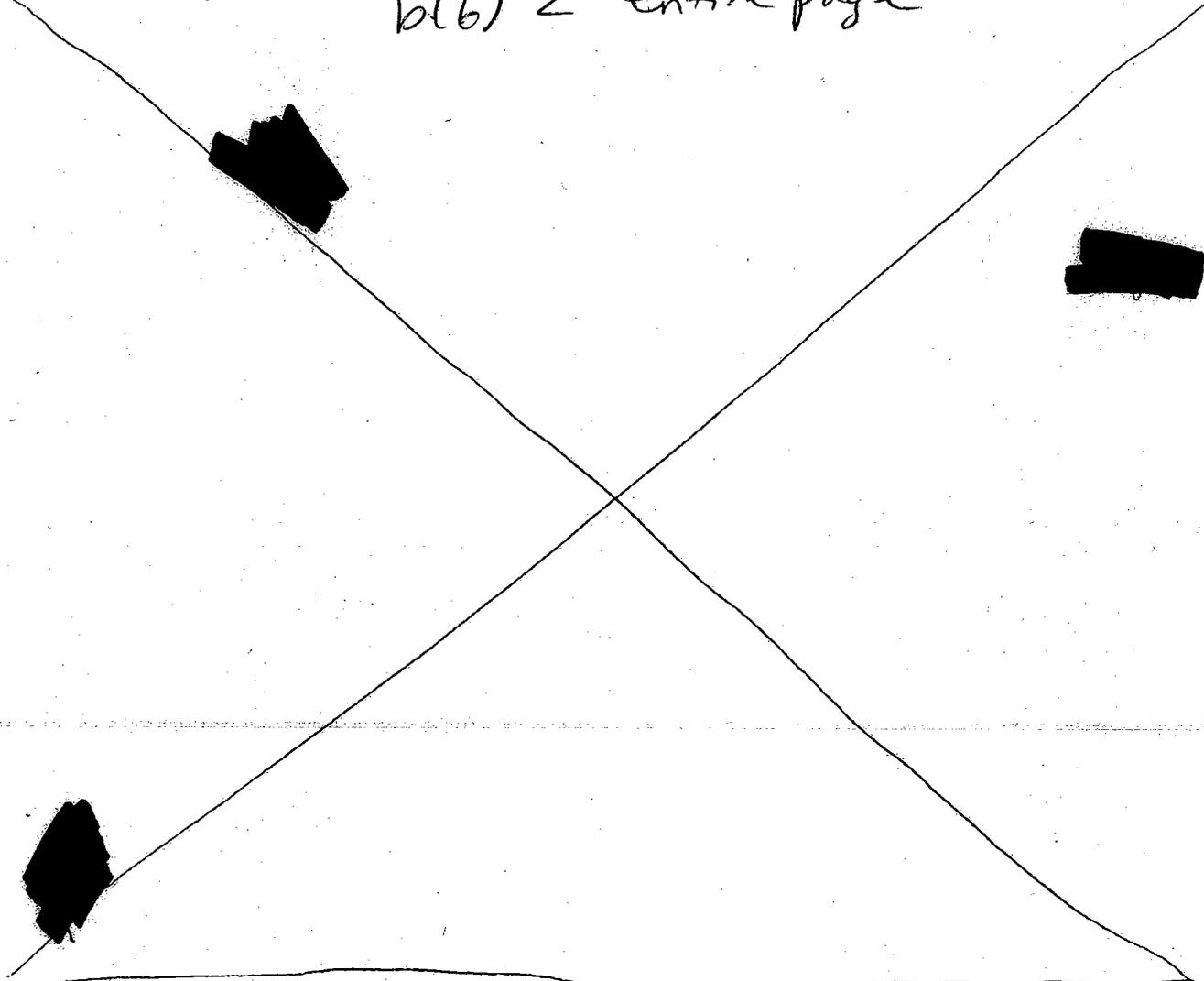
XIV

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

Page 1 of 2 pages

b(6)-2 entire page



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 to 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]

WITNESS:

SFC [redacted]
[redacted]
[redacted] / S ACR

Subscribed and sworn to me, a person authorized by law to administer oaths, this 13th day of July 200[redacted] at FOB STING, IRAQ

2LT [redacted]
2LT [redacted]
UCM J

Initials of person making statement [redacted]

PAGE 2 of 2 pages

SWORN STATEMENT

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

LOCATION FOB STING, IRAQ	DATE 12 Jul 03	TIME 1625	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-1
ORGANIZATION OR ADDRESS [REDACTED] 13 ACR			

Exp 6, 70

b(6)

(b)-2

b(6)-2

b(6)-2

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 Jul 03 at approximately 2345 my unit at FOB STING; [REDACTED] was notified of an attack on one of our 4th Platoon vehicles. We responded by deploying 2 Bradleys and 2 Humvees to the attack site. On arrival, we set a defensive perimeter with 360° security. I remained in the center of the perimeter with one Humvee to conduct command and control. After approximately 5 minutes on site, we detained 2 male Iraqi civilians who were driving a red fire truck that attempted to drive through the center of our perimeter.

At approximately 0200 12 Jul 03, recovery vehicles arrived to recover the 4th platoon vehicle that was damaged during the attack. My commander, CPT [REDACTED] also arrived with the recovery vehicles. After the recovery vehicles were on site for about 45 minutes, I witnessed some soldiers carrying the two detainees down the road towards me. They then set the detainees down directly across the road from my position. I then quit paying attention to the detainees in order to report on the radio that recovery had been made and we were preparing to withdraw from the location.

When I finished with my report, I looked towards where the detainees had been placed. I saw CPT [REDACTED] pointing his pistol at one of the detainees who was zip stripped and lying on the ground. I then heard CPT [REDACTED] say to the detainee "what do you know about this. If you don't tell me, I swear I'll fucking kill you," while he said this statement, he was bending over pointing the pistol at the detainees head. I then heard CPT [REDACTED] call for the interpreter.

EXHIBIT IX	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b(6)-2	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.

008248

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 [REDACTED] AR [REDACTED]	2. DATE (YYYYMMDD) 19/5/03	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I HAVE NOT SEEN, BUT HAVE HEARD THAT SGT. [REDACTED] AND CPT. [REDACTED] HAVE HIT PRISONERS. THEN THIS WAS COMEING FROM BUYS THAT WAS NOT EVEN THERE. I NEVER TALKED TO EITHER ONE OF THEM TO SAY IF THEY HAD HIT ONE OF THEM. I DIDNT EVEN WANT TO KNOW. [REDACTED] b(6)-5

Q: What did you see the two CPT [REDACTED] and [REDACTED] went into the jail to question an Iraqi detainee?
A: I INVOLT MY RIGHTS. TO A LAWYER IS PRESENT [REDACTED]

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

008249

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

b(6)-2 whole page

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Jul, 03 at FBI BUZZ

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

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

15-609725
(Authority To Administer Oaths)

WITNESSES:

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

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD) 2003-7-16	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS [REDACTED]			

b(6)-2

2006, 7c

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

Captain [REDACTED] b(6)-5 arrested the person called ([REDACTED]) order soldiers to handcuff him, the soldiers folded his eyes, then took him to the desert, soldiers took his eye fold and cut his handcuffs then Captain [REDACTED] b(6)-5 gave the guy a shovel and told him to dig a his own grave and the guy start digging, Captain [REDACTED] b(6)-5 fired a shot from far away and ask any instrument with weapons or any body who have weapons and the ([REDACTED]) b(6)-4 denied so the Captain send me to the soldier who was guarding the guy while he was digging to stage that the -guard- was going to shoot him and fired a (soldier) shot and I held the gun and lift it up which that what happend and still the guy denied any wrong doing so he called gave some water a cig brought to Konien town and was released.

10. EXHIBIT XVIII	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b(6)-2	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB BUZZ, IRAQ
2. DATE (YYYYMMDD): 2003-7-16
3. TIME: 1710
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: U.S. Contractor
8. ORGANIZATION OR ADDRESS

b(6)-2

Copy 6

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

statement about Beating 3 guys in the IRAQ police station who was jailed :-

b(6)-5 called 3p

Captain [REDACTED] and his soldiers arrived at the rotba police and who they were involved in stealing and firing shots at the american forces

the were taken out of jail and took them across from the jail to an empty room one at a time while the other HOO were guarded out side by the soldiers.

1. First one ~~to~~ they got him inside got questioned and he denied any involvement with shooting or any acknowledgment about any person who did it so captain

b(6)-5

[REDACTED] and srgt [REDACTED] beat up and punch him.

same thing happen with the second and third prisoner, after the prisoners were taken

Back to jail and we left.

b(6)-2

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

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

SWORN STATEMENT

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

LOCATION FOB STING, IRAQ	DATE 13 JUL 03	TIME 1000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SSG	
ORGANIZATION OR ADDRESS [REDACTED] / 3 ACK			

b(6)-2

Page 6, 7

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

b(6)-2

ON THE 11th OF JULY 2003 I SSG [REDACTED] WAS CALLED UPON TO THE TOWN OF Rotbah to Assist, for Security for 4th Platoon [REDACTED], who had JUST BEEN HIT by AN explosive device. We came upon the scene AND I SEEN TWO IRAQI CIVILIANS ON the ground, but they were not zipped STRIPPED, I HAD SP [REDACTED] Pull Security for me AS I zipped STRIPPED ONE OF THE TWO IRAQI CIVILIANS. ABOUT TWO HOURS AFTER OUR INITIAL ARRIVAL AT the scene we were Given orders by SFC [REDACTED] TO collapse AND Reconsolidate AND get ready to move BACK TO FOB STING. AT THIS TIME THE TWO IRAQI PERSONEL were still detained, SSG [REDACTED] HAD STARTED TO cut them loose from there zipp strips, UNTIL I SAID lets see what they want to do with them first. At this time I SEEN CPT [REDACTED] AND asked him what we were going to do with these two Iraqi civilians, this is when he asked me why they were detained. At this time I explained to him, best to my knowledge that they were not cooperative when they were told to turn AROUND AND to keep there lights OFF OR TO turn there lights OFF. AT THIS TIME CPT [REDACTED] Casually walked over to one OF THE DETAINED Iraqi civilians AND kicked him in his back saying, "mother fucker DID YOU HAVE something to do with this" AND proceeded to Kick him in his ribs AT LEAST AN ADDITIONAL three times. I HEARD SSG [REDACTED] say IF "you DO NOT HAVE anything to do with this shit move AWAY". I went TO TURN AWAY AND SEEN CPT [REDACTED] put his foot on the Iraqi CIVILIANS NECK AND SAID, "Dont you know I'll kill you Mother fucker". AT THIS TIME I consolidated back with the persons I initially came with AND got ready to move back to FOB STING.

b(6)-2

EXHIBIT V	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.

008253

SWORN STATEMENT

LOCATION

FOB STING, IRAQ

DATE

14 Jul 03

TIME

0935

FILE #

NAME

Soc. Sec. #

GRADE

SPC

exp 6, 7

ORGANIZATION

[REDACTED] /3 ACR

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

b(6)-2

IM SPC [REDACTED] APART OF 2ND PLATOON [REDACTED] [REDACTED] /3 ACR, ON THE NIGHT OF QUESTION. I WAS TASKED AS PART OF A QUICK REACTION FORCE TO PROVIDE SECURITY FOR HUMVEES AND GREEN PLATOON. WHAT I SEEN THAT NIGHT WAS, SGT [REDACTED] AND MYSELF WAS ESCORTING A EPW TO MY COMMANDER'S POSITION TO SEE WHAT WERE GOING TO DO WITH THE DETAINEE. WHEN MY COMMANDER (CAPTAIN [REDACTED]) WALKED UP AND SAID "WHO IS THIS GUY" SSG [REDACTED] TOLD HIM THAT THIS GUY WOULD NOT COOPERATE WITH US AND WE HAD TO ZIP STRIP HIM. WHAT DO YOU WANT US TO DO WITH HIM. CPT. [REDACTED] WALKED UP TO THE DRIVER AND PROCEEDED TO KICK HIM IN THE STOMACH AND HEAD. CPT [REDACTED] ASKED THE DRIVER TO THE BEST OF MY KNOWLEDGE: WHAT DO YOU KNOW, I WILL KILL YOU MOTHERFUCKER". POINTED HIS 9MM PISTOL TO THE BACK OF HIS HEAD AND SAID "BRING ME THE INTERPRETER".

XV

INITIALS OF PERSON MAKING STATEMENT Page 1 of 2 pages

[REDACTED]

b(6)-2

b(6)-2 entire page

AFTER THAT I WAS TOLD TO GET IN THE BACK OF THE HUMVEE WE'RE ROLLING OUT.

~~[REDACTED]~~

exp 7d

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 LAWFUL INDUCEMENT.

[REDACTED]
SIGNATURE OF PERSON MAKING STATEMENT

Subscribed + Sworn To Before me, a person authorized by law to administer oaths
This 14th day of July, 2003
at FOB STING, IRAQ

2 LT [REDACTED]
2 LT [REDACTED]
UCMJS

Witness
SFC [REDACTED]
[REDACTED] / 3 ACK

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 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] ACR Area	2. DATE (YYYYMMDD) 20030716	3. TIME 2045	4. FILE NUMBER
------------------------------------	--------------------------------	-----------------	----------------

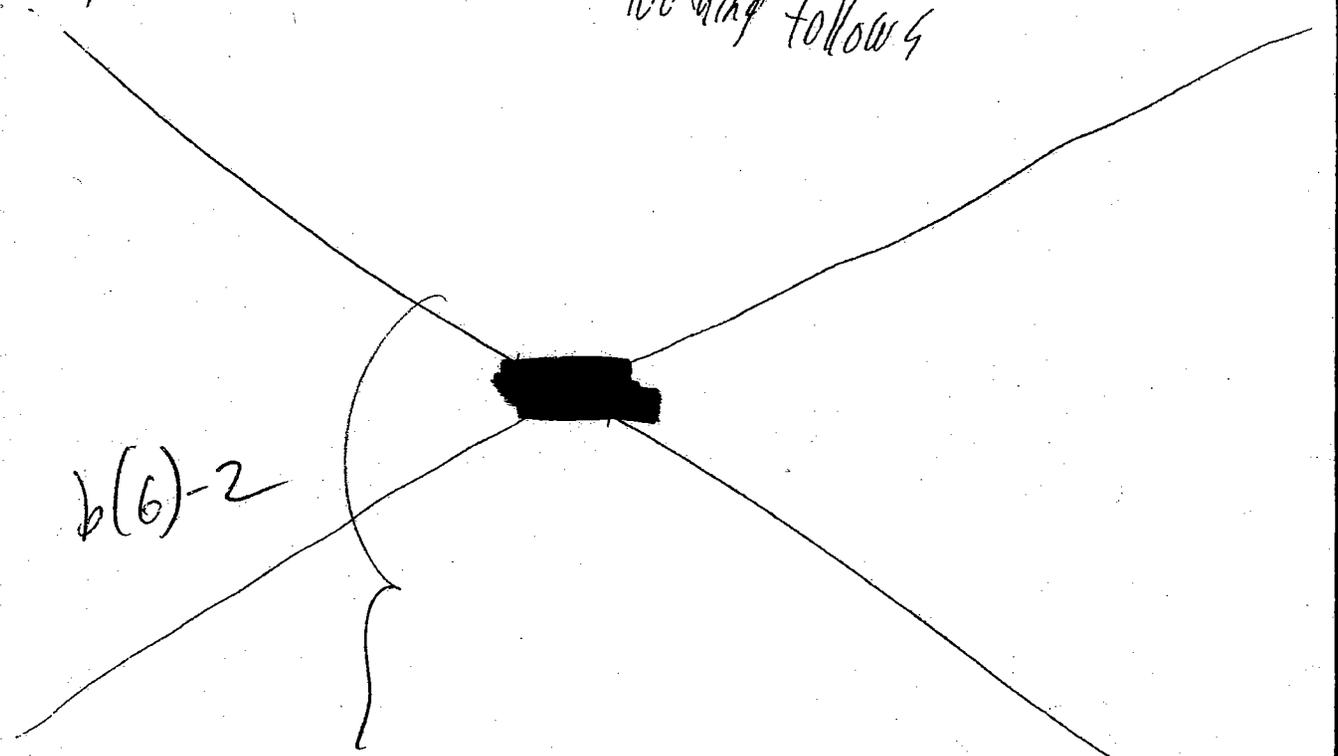
5. BASIC NAME (LAST NAME, MIDDLE NAME) [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-9
--	----------------------	------------------------

8. HOME ADDRESS
[REDACTED] 13 ACR

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

around 9 July 2003 496 [REDACTED] (b) 5 approached me in reference to pain in his (R) hand. He stated he had tripped on the way to piss in the middle of the night. He complained of pain with movement and palpation in the 2nd metacarpal. I treated him with an anti-inflammatory and splint. Advise to ice, elevate, and rest.

Nothing follows



10. EXHIBIT TII	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED 20030716

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

008256

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: ACR 4209 2nd Aven
2. DATE (YYYYMMDD): 20030719
3. TIME: 1730
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-9
8. ORGANIZATION OR ADDRESS: ACR

Exp 6, 7c

b(6)-2

b(6)-5

I (Sgt) [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
In or about 9 Jul 2003 I Examined SSG [redacted] and CPT [redacted] at separate times. Both appeared to have fractures often associated with punching or hitting with hands. I have also known them to use rightful force while apprehending and detaining suspects. At times they seem excessive, but that is merely my view which is from a medical standpoint, therefore b(6)-5

all b(6) rest

Q: How long have you known about people [redacted] hitting detainees?
A: Over one month [redacted]
Q: Do you know of any other people in [redacted] hitting detainees?
A: Yes
Q: Will you identify who else?
A: No [redacted]

Nothing follows

10. EXHIBIT: TV
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 7 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED 20030719
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 494 [REDACTED] TAKEN AT 1930 BUZZ DATED 19 July 2003

9. STATEMENT (Continued)

b(6)-2 entire page

ex 26, 20

Handwritten notes:
This page is blank

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 [REDACTED] INFLUENCE.

[REDACTED]
Signature of Person Making Statement

WITNESSES:

[REDACTED]
ALX
ORGANIZATION OR ADDRESS

[REDACTED]
51351
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of July, 03 at FUB BUZZ

[REDACTED]
Signature of Person Administering Oath
[REDACTED]
(Typed Name of Person Administering Oath)
15-6 OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

SWORN STATEMENT

Location
FOB STING, IRAQ

DATE
14 July 2003

Time
1010

exp 6, 7d

<u>NAME</u>	<u>Soc. Sec. #</u>	<u>GRADE</u>
[REDACTED]	[REDACTED]	E-1

ORGANIZATION
[REDACTED] / 3 ACR

(b) 2 I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 14 JULY 2003 IN THE EARLY MORNING HOURS, I ARRIVED ON THE SCENE WHERE 4th PLT [REDACTED] / 3 ACR HAD BEEN ATTACKED BY SOME SORT OF EXPLOSIVE DEVICE. MY MISSION WHILE ON SCENE WAS TO PROVIDE SECURITY. IN DOING SO A FIRE TRUCK FOR THE IRAQI CIVILIANS PULLED UP

(b) 2 WE, IN WE I MEAN SPC [REDACTED], AND MYSELF, ALONG WITH SSG [REDACTED] GAVE THE ORDER FOR THE DRIVER OF THE FIRE TRUCK TO STOP, AND TURN OFF THEIR LIGHTS APPROXIMATELY 2 TIMES WHEN THEY DID NOT OBEY WE REMOVED THE TWO INDIVIDUALS OUT OF THE TRUCK BY FORCE AND ZIP STRIPPED THEM. AFTER WE HAD THE DETAINEES ZIP STRIPPED, MYSELF PULLED GUARD ON ONE WHILE SGT. [REDACTED] b(6)-2 PULLED GUARD ON THE OTHER WHILE WE WAITED FOR THE RECOVERY VEHICLES TO ARRIVE. ONCE THE RECOVERY VEHICLES ARRIVED ALONG WITH

(b) 5 CPT. [REDACTED] COMMANDING OFFICER OF [REDACTED] / 3 ACR AND THE SITUATION WAS OVER AND WE WERE COLAPSING THE SECURITY CPT. [REDACTED] b(6)-5 ORDER THE DETAINEES OVER TO HIM. WHEN HE RECEIVED THE DETAINEES THEY WERE BOTH ON THEIR STOMACHS WITH HANDS ZIP STRIPPED BEHIND THEIR BACKS. CPT. [REDACTED] THEN BEGAN YELLING b(6)-5 AT THE DRIVER OF THE FIRE TRUCK, "WHAT DO YOU KNOW" THEN CPT. [REDACTED] BEGAN TO ASSAULT THE DRIVER BY KICKING HIM AND STEPPING ON THE BACK OF THE DETAINEES NECK. WITH CPT. [REDACTED] b(6)-5

XIII

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b(6)-2

PAGE 1 of 2 PAGES

b(6)-5

Foot on the back of the drivers neck CPT. [REDACTED] yelled at the driver "I will fucking kill you" while holding the driver at gun point. I was pulling security on the driver while this was happening and SPC [REDACTED] was pulling security on the passenger. After CPT [REDACTED] was done assaulting the fire truck driver he asked for the interpreter. Once the interpreter arrived, CPT [REDACTED] told the interpreter to ask the driver "what they were doing here" and the drivers response I do not know but after a few more questions both detainees were released, and me and my unit headed to FOB STING.

[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 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.

b(6)-2

WITNESS

SFC [REDACTED]
[REDACTED] / 3 ACR

[REDACTED]
(Signature of Person making statement)

Subscribed + sworn to before me, a person authorized by law to administer oaths, this 14th day of July, 2008 at FOB STING, IRAQ

2LT [REDACTED]
2LT [REDACTED]
UCMS

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 2 PA

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB BUZZ, IRAQ
2. DATE (YYYYMMDD): 2003 07 20
3. TIME: 1015
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: O-1E

8. ORGANIZATION OR ADDRESS: 13 ACR

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

AS A LT, I HAVE BEEN IN 2 TRP, UNDER CPT [REDACTED], SINCE 15 NOV 2002. I ARRIVED WITH THE UNIT IN KUWAIT ON 18 APR 2003 + I HAVE BEEN WITH THE UNIT CONTINUOUSLY SINCE THEN. FOR A PERIOD OF APPROXIMATELY ONE MONTH, FROM MID MAY UNTIL MID JUNE, I SERVED AS CPT [REDACTED] ARABIC TRANSLATOR, AND AS SUCH, I TRAVELED EVERYWHERE WITH HIM. ON MANY OCCASIONS I SAW HIM TREAT IRAQIS IN A VERY DISRESPECTFUL MANNER, TO INCLUDE LEADERS OF RUTBA, SUCH AS THE POLICE CHIEF. HE WOULD YELL AT THEM, CUSS THEM OUT, BELITTLE THEM IN FRONT OF THEIR SUBORDINATES, PUT HIS FINGER IN THEIR FACE, ETC. ON NUMEROUS OCCASIONS I SAW HIM DRAW HIS PISTOL + WAVE IT AROUND IN PEOPLE'S FACES AS HE YELLED AT THEM. THEY HAD PRESENTED NO THREAT TO US AND WERE INVOLVED IN NO ILLEGAL ACTIVITY.

I HAVE HEARD HIM SAY ON NUMEROUS OCCASIONS HOW ALL IRAQIS ARE CROOKS + THIEVES AND HIS ACTIONS TOWARDS THEM WOULD INDICATE THAT HE TRULY BELIEVES THIS. I HAVE OFTEN APOLOGIZED TO IRAQIS FOR HIS TREATMENT OF THEM AND I HAVE BEEN TOLD BY MANY OF THEM, TO INCLUDE RUTBA POLICE, THAT THEY DO NOT LIKE HIM. THEY CLAIMED THAT EVERYONE IN TOWN KNOWS HIM AND OF HIS ACTIONS TOWARDS

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

b(6)-2

STATEMENT OF

[REDACTED]

TAKEN AT FOB BUZZ MAR DATED 20 Jul 03

047d

9. STATEMENT (Continued)

THE SAME APPEAL TO THE MAINTENANCE SECTION. AFTER THE INCIDENT AT THE MINE STRIKE SITE, MANY SOLDIERS CAME TO ME + TOLD ME HOW SHOCKED THEY WERE AT THE CO'S ACTIONS. I HAD EACH OF THEM WRITE A SWORN STATEMENT WHILE IT WAS STILL FRESH IN THEIR MINDS. THERE WAS MUCH OUTRAGE AND INDIGNATION OVER ~~THE~~ THIS BECAUSE AN OFFICER HAD ALLEGEDLY DONE IT, THEY ASKED THAT SOMETHING BE DONE.

I CAN HONESTLY SAY THAT CPT [REDACTED] REMOVAL FROM COMMAND OF [REDACTED] IS IN THE BEST INTEREST OF EVERYONE. MORE IMPORTANTLY, IT SHOWS TO THE SOLDIERS THAT EVERYONE, EVEN OFFICERS, ARE HELD ACCOUNTABLE FOR THEIR ACTIONS.

[REDACTED] b(6)-2

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] ACR
ORGANIZATION OR ADDRESS
[REDACTED] 13 ACR
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of July, 03 at FOB BUZZ

[REDACTED]
(Signature of Person Administering Oath)
[REDACTED]
(Typed Name of Person Administering Oath)
15-6 OFFER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

008262

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.

ex pb 70

1. LOCATION: FOB BUZZ
2. DATE (YYYYMMDD): 2003 07 20
3. TIME: 09.14
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: SFC / Section Ldr
8. ORGANIZATION OR ADDRESS: [REDACTED] / 13 ACR

(b)2

9. I, SFC [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I, SFC [REDACTED] as a member of [REDACTED]'s I feel very bad that things in my opinion got out of hand with the treatment of Iraqi people, I know that there are some Iraqis that are killing and committing criminal act against U.S. soldiers but, we do not know who they are, that is why we can't treat everybody thinking that they all are criminals, there are a lot of good people here. Our soldiers need to know that, if you pull guns to their faces and talk bad to them and you are a leader of those troops, they will think that is ok for them to do it too. I did see b(6)-5 Cpt [REDACTED] one time do that to couple of civilians collecting wire at Rutbah and that was wrong. Why our leaders decided to come forward with statement was because we did not wanted any of our soldiers hurt because Cpt. [REDACTED] was making people mad at him and our soldier for the things that he was doing at Rutbah.

b(6)-5

10. EXHIBIT: T/III
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] b(6)-2
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

b(6)-2 wholepage

Exp 7a

AFFIDAVIT

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

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of July, 03 at FOB BUZZ

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

15-G OFF. 11

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

LOCATION FOB STING, IRAQ	DATE 13 JUL 03	TIME 1145	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-3/PFC	
ORGANIZATION OR ADDRESS [REDACTED] / 3 ACR			

b(6)-2

Page 67

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

In the early morning of the 12th of July, I was sent out for security purposes right outside of Ah Rutbah. As we were breaking down the site and getting ready to return to base, I was moved from my right flank position to set security around a hum-v. At this time when I saw two Iraqi civilians detained. Both were bound by zip strips behind their ~~heads~~ ^{b(6)-2} backs. [REDACTED] was pulling close security on one of the civilians, Cpt. [REDACTED] then walks up and begins to kick one of the detained repeatedly in the stomach, back, & head. As Cpt. [REDACTED] was kicking the civilian to the best of my ability he said "I will kill you motherfucker, what do you know?" and then he said to "get me a translator." After the translator spoke with the detainees, they were released.

b(6)-2

b(6)-5

b(6)-5

b(6)-2

b(6)-2

EXHIBIT VI	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF
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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.

SWORN STATEMENT

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

LOCATION FOB STING, 11CAQ	DATE 73 Jul 03	TIME 09 30	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS	
ORGANIZATION OR ADDRESS [REDACTED] 3/3 ACR			

b(6)-2

exp 7d

b(6)-2

b(6)-5

b(6)-2

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was pulling Security from about do west to do South the firetruck with 3 zipstriped detainees laying on the ground beside it was just beyond my western limit of fire. The Soldiers that detained the detainees were pulling Security on them. When L6 rolled up along with L9 and the wrecker. They began moving the detainees back towards the humvies which were to my direct rear. I thought nothing of it so I kept scanning my sector of fire. About 5-10 minutes later I turned around to look for my cantine. In the process of look for my cantine I heard some yelling. So I glanced up to see my C.O. Cpt. [REDACTED] kicking one of the detainees right in the side. I counted 2 kicks to the ribs and he stomped 3 times. Then I turned around to check my sector of fire to make sure it was clear and that none was trying to penetrate the perimeter. I heard "I will fucking kill you". So I looked back and saw Cpt. [REDACTED] leaning over and yelling at one of the detainees. At that time I turned around and continued mission of pulling perimeter security.

EXHIBIT

XII

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.

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.

0206, 2

1. LOCATION: FOB BUZZ, IRAQ
2. DATE (YYYYMMDD): 20030715
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-3
8. ORGANIZATION OR ADDRESS: 3 ACR

b(6)-2

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

This sworn statement is about what I have seen or have been told by Cpt. [redacted] during the past two months. The first incident is when we had to chase a stolen white nissan pickup. I could not keep up with him in my vehicle so

b(6)-5

SSG [redacted] pursued him in another confiscated nissan. When Cpt [redacted] and I got to where he had been stopped the suspects (2) had been detained. Cpt [redacted] got out of the vehicle with a baseball bat. He never swung the bat but he repeatedly jammed the end of it in one of the guys ribs and stomach.

b(6)-5

On another occasion we attempted to stop another nissan in Rutba. The suspect chose to drive away. With no regard to the houses behind the vehicle Cpt. [redacted] fired two shots from his 9mm.

The next incident takes place in the Rutba Police Station. A prisoner was escorted into a room with Cpt [redacted] and SSG [redacted]. About 10 minutes later I was told to get water

b(6)-5

10. EXHIBIT: ZVI
11. INITIALS OF PERSON MAKING STATEMENT: [redacted] b(6)-2
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED 20030715"

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

008267

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. 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."

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 QDCSOPS

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 Buzza	2. DATE 16 Jul 03	3. TIME 1600	4. FILE NO.
5. NAME [REDACTED] b(6)-5	8. ORGANIZATION OR ADDRESS [REDACTED] /3 ACR b(6)-5		
6. SSN	7. GRADE/STATUS SSG/EL		

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: **mis treatment of detainees; assaults; conduct unbecoming; conspiracy**

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

- 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
1a. NAME (Type or Print) [REDACTED] 1LT	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] /3 ACR		
2a. NAME (Type or Print)	NAME OF INVESTIGATOR [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR [REDACTED] /3 ACR	

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 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 BUZZ IRAQ
2. DATE (YYYYMMDD): 20030715
3. TIME:
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: E-3
8. ADDRESS: ACR

exp 6,70

(b) 2

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
fired at the guys feet and one over his head. At this point SSG [redacted] spots another white 4dr Nissan pickup. I am told to take Sgt [redacted] and Sgt [redacted] in L6 and chase the vehicle down. I caught the vehicle and it appeared to be stolen. The vehicle was searched and we found an AK with two magazines. We detained the eight passengers and returned to Cpt [redacted] location. When we arrived the welder was again detained in L9 with a stuff sack over his head. Cpt [redacted] takes the driver away from the rest of the guys and starts to question him. After a few moments he fires a shot like he killed him to scare the rest of the detainees Cpt [redacted] kicks the driver twice in the ribs and has me get him his bat and gloves. After a little bit, Cpt [redacted] comes back to the other 7 detainees cuts them loose and has them leave. The driver is detained and blind folded and put in the rear seat of the Nissan we

(b) 5

(b) 5

10. EXHIBIT: (b) 2
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Bazz, IRAQ
2. DATE (YYYYMMDD): 2003 07 15
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-3
8. ORGANIZATION OR ADDRESS: 3 ACR

b(6)-2

02/06/76

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

On that same night on our return trip to FOB Bazz we find a blue government truck stopped in the east bound lane near Akashat exit. We stop our vehicles going the wrong way in the west bound lanes Cpt. [REDACTED] fires one shot into the side of the truck. Before the first shot was fired the truck had just started to pull out. after the first shot the truck stopped and Cpt. [REDACTED] still fired another shot into the side of the truck.

Nothing Follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] b(6)-2
PAGE 1 OF 3 PAGES

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

b(6)-5 entire page

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD) 20030716	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6	

exp 6

8. ORGANIZATION OR ADDRESS

[REDACTED] 3 PCR

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

ON The day in question, I arrived at the police station along with CPT. [REDACTED] set-up perimeter security and returned to my truck. CPT. [REDACTED] along with some police officers ordered the holding cell so then I followed. The detainee was lead to a room for questioning. CPT. [REDACTED] along with the translator entered. CPT. told me to enter as well I removed my gun and handed it to my driver. I entered the room and sat on the desk they questioned him about a shooting incident the night prior. The detainee was not in restraints while questioning went on. The translator kept talking they were speaking loudly back and fourth CPT. [REDACTED] and walk toward the door the detainee stood so I followed his action I told the translator to tell him to sit I motioned towards him I felt he was getting beligerent he made a move towards me and I struck him twice. (Nothing Follows)

[REDACTED]

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

RI'S WARNING PROCEDURE/WAIVER CERTIFICATE

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

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 Buzza	2. DATE 16 Jul 03	3. TIME 1600	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] b(6)-5	8. ORGANIZATION OR ADDRESS [REDACTED] 13 ACR b(6)-5		
6. SSN	7. GRADE/STATUS SSA/ELC		

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: **13 treatment of detainees; assaults; conduct unbecoming; Conspiracy**

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

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

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. [REDACTED]
1a. NAME (Type or Print) [REDACTED]	b(6)-2	SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] 13 ACR		b(6)-2
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR [REDACTED] 13 ACR

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."
(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)-5 whole page

PRIVACY ACT STATEMENT

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

1. LOCATION
2. DATE (YYYYMMDD) 20030716
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9. (BSG) [redacted] /3 ACR

Page 6

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While sitting in the police station. CPT. [redacted] received word from C-5 that apprehension of the welder was a go we left the police station and proceeded to FOB sting where he mobilized the pl. for perimeter security during the apprehension. The first time we went the person was not available so we left and we went to see him, we returned to FOB sting. We went back about a half an hour later and waited until the person showed up. CPT. [redacted] told me he was riding in my truck the detainee that is. I ask him where we were going he told me FOB Buzz so we proceeded down Rt. 10 in route to FOB Buzz. Around the FS 06 east-west He took a left turn headed south my driver asked where in the hell we were going I replied I don't know maybe he saw something we traveled south about 5-7 km. and stopped. CPT. [redacted] walked up to my truck I asked him whats up he had the shovel in hand. He told us to bring him down and cut the zip strip my soldiers complied with the command. CPT. [redacted] and the translator walked about 100 meters away from my truck I told my soldiers to stay put and pull perimeter security I didn't leave my truck. I started to brush off my weapon check it over I had problems chambering one round earlier that day I yelled "test fire" and one round towards a rock on a sand hill in noones direction afterwards put my weapon on safe. I looked to see what CPT. [redacted] and the translator were doing they were talking and the welder was in a depression digging. I didn't know what he was digging for but I didn't leave my truck.

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

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

008275

SWORN STATEMENT

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

b(6)-5 whole

PRIVACY ACT STATEMENT

page

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

1. LOCATION	2. DATE (YYYYMMDD) 20030716	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E-6	
8. ORGANIZATION OR ADDRESS 13 ACR			

exp 6

9. [REDACTED] SSG, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 We received word L-41's crew was struck by a landmine on the eastern most Bridge in Rotva. So I called my S-Tow wrecker crew and proceeded to the scene once I arrived on the scene I looked around the tank plts had the perimeter secure so then I went to the Humvee assessed the damage, positioned my S-Tow and recovered the vehicle after the vehicle was hooked-up. I went back to my vehicle I talked to CPT [REDACTED] and 4th plt. plt. leader [REDACTED] asked about the soldiers in the tank on guard I returned to my vehicle CPT [REDACTED] then came to my vehicle and told me we're going to retrieve the soldiers on guard at the tank we took 4th Plt. Plt. Sgt. mobilize his crew I went back to check the rig on the humvee all was good by this time my driver had positioned the vehicle behind me I returned to my truck noticed cpt. [REDACTED] in front of me by a fire truck with two detainees on the ground soon after they were on their feet and released and we proceeded to retrieve the soldiers from the tank. (nothing follows)

Q. Did you see anyone assault or strike the detainees?

A. I saw them moved from the truck and placed on the ground with CPT. [REDACTED] over them with his foot on one of the detainees

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

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

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

b(6)-5 whole page

USE THIS PAGE IF NEEDED. IF 3 PAGE IS NOT NEEDED, PLEASE PROCEED TO 4 PAGE OF THIS FORM.

STATEMENT OF

[REDACTED]

TAKEN AT

FEBRUARY

DATED

7-19-03

9. STATEMENT (Continued)

Because of all the rumors flying around etc.

How often

Q: You hit a detainee. How many times?

A: 2 times. In the face. In solid detainee [REDACTED]

Q: How you hit any other detainees any other times?

A: No other times - no need to [REDACTED]

Q: How you ever find your weapon on a detainee?

A: No [REDACTED]

Q: I asked you [REDACTED] How many times you hit a detainee. You had one event at the Police Station.

A: No [REDACTED]

Q: One night you had detainee several people. On that night did you punch any detainees?

A: No I did not [REDACTED]

Q: Did you tell anyone of your soldiers that they needed to have their rifles straight before being given one?

A: No [REDACTED]

Q: Is there anything else you want to tell me or talk about?

A: I don't think CP [REDACTED] deserves what is going on.

(S) I believe he is a good commander, a bit [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE

2 OF 3

PAGES

b(6)-5

STATEMENT OF

TAKEN AT

FOIA BUZZ

DATED

7-19-03

9. STATEMENT (Continued)

b(6)-5

[Redacted]

AFFIDAVIT

I, SSG [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] b(6)-5
(Signature of Person Making Statement)

WITNESSES:

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

[Redacted] b(6)-2
ORGANIZATION OR ADDRESS

[Redacted Signature] b(6)-2
(Signature of Person Administering Oath)

[Redacted] b(6)-2
ORGANIZATION OR ADDRESS

[Redacted Name] b(6)-2
(Typed Name of Person Administering Oath)

IS-G OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [Redacted] b(6)-5

PAGE 3 OF 3 PAGES

BATES PAGES 8279 – 8285

(Administrative Disciplinary Records Related to the
Death of MG Mowhoush)

HAVE BEEN WITHHELD PURSUANT TO FOIA
EXEMPTION b7(A)

DEPARTMENT OF THE ARMY
3rd Brigade Combat Team, 4th Infantry Division
FT Carson, CO 80913

AFZC-FC

Date: 10-Jun-04

MEMORANDUM FOR: Commander, 3BCT

SUBJECT: Informal 15-6 Investigation into Allegations of 1-8 IN BN Prisoner Abuse

1. This memo is intended to serve the Commander, 3BCT, as a summary of my findings of an informal 15-6 investigation into allegations of prisoner abuse brought against 1-8 IN BN by [REDACTED] an Iraqi National. b6-4
b3+b-2
2. On 9 JUN 04, I was tasked by [REDACTED] to perform an informal 15-6 investigation into the aforementioned allegations. [REDACTED] forwarded to me an e-mail string from the III Corps JAG Office and the Chief of Staff, 4th ID as well as a written response to the allegations provided by [REDACTED]. These items are included as Enclosure 1. b3+b-2
3. I discussed the case with [REDACTED] who referred me to his [REDACTED] to arrange interviews with personnel in his command who had knowledge of the incident. MAJ [REDACTED] arranged interviews for me with [REDACTED] and [REDACTED], both members of the 1-8 IN S2 shop. [REDACTED] was very cooperative and offered me any assistance I needed during the investigation. b3+b-2
b3+b-2
b3+b-2
b3+b-2
4. I took sworn statements from the three individuals listed above. These are included as Enclosures 2-4. The following is a synopsis of these sworn statements:
 - a. In January 2004, an Iraqi National named [REDACTED] was brought to FOB Eagle by the ICDC for possessing a large amount of Iraqi Dinar. The ICDC had placed him under arrest at a checkpoint on Highway 1 and had confiscated his money. b6-4
 - b. [REDACTED] and [REDACTED] inprocessed Mr. [REDACTED] and placed approximately 8 million Iraqi Dinar worth roughly 4,000 US Dollars in custody. b6-4
b3+b-2
 - c. [REDACTED] interrogated Mr. [REDACTED] and discovered that he was a goat herder and posed no threat to Coalition Forces. b3+b-2
 - d. After the interrogation, [REDACTED] offered to release Mr. [REDACTED] and returned his money to him. b3+b-2
b6-4
 - e. Mr. [REDACTED] became angry and wanted to know where the rest of his money was stating he had close to 23,000 US Dollars worth of Iraqi Dinar in his possession upon his arrest.
 - f. [REDACTED] told Mr. [REDACTED] that he gave him the entire amount of money that was taken from him upon inprocessing at FOB Eagle. b3+b-2
 - g. Mr. [REDACTED] stated that [REDACTED] the ICDC Commander must have taken his money upon his arrest and that he could not go home without all his money for fear that he would be killed by his tribe. b6-4
 - h. [REDACTED] allowed Mr. [REDACTED] to stay at FOB Eagle in a detention cell on non-detainee status for two weeks until Mr. [REDACTED] requested to leave. Mr. [REDACTED] was free to leave at any time during this two-week period, but elected to stay at FOB Eagle. During his stay, he was fed, clothed, and provided water per 1-8 IN BN's detainee standard operating procedure and in accordance with the tenets of the Geneva Convention. [REDACTED] asked Mr. [REDACTED] numerous times to submit a claim for the missing money through the 1-8 IN S5, but Mr. [REDACTED] never did. b3+b-2
b6-4
 - i. At no time during inprocessing or during his voluntary stay was Mr. [REDACTED] chastised, threatened with violent treatment, harmed physically, or forced to perform degrading acts. b6-4

008286

^{- b6-4}
Mr. [REDACTED]'s clothes were not cut from his body on inprocessing and he was not forced to stand naked in the rain. Upon release, Mr. [REDACTED] was not offered any other thing of value in place of the money that was confiscated from him by 1-8 IN personnel.

5. POC is the undersigned.

[REDACTED]

b3+b-2

INVESTIGATING OFFICER

- Enclosure #1: E-mail and written response from [REDACTED]
- Enclosure #2: Sworn statement of [REDACTED]
- Enclosure #3: Sworn statement of [REDACTED]
- Enclosure #4: Sworn statement of [REDACTED]

b3+b-2



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3d ARMORED CAVALRY REGIMENT
RIFLES BASE, IRAQ 09320

REPLY TO
ATTENTION OF



AFZC-R-RCO

DATE: 13 FEB 04

MEMORANDUM FOR Commander, 82d Airborne Division, Ar Ramadi, Iraq 09384

SUBJECT: Administrative Reprimand

1. I recommend filing the Administrative Reprimand pertaining to [REDACTED] 66th Military Intelligence Company, 3d Squadron, 3d Armored Cavalry Regiment, Rifles Base, Iraq 09320, in the:

b3 + 6-2

Withdrawal of reprimand.

Local File for one year or until your reassignment to another general court-martial jurisdiction.

Official Military Personnel File.

2. Comments: _____

[REDACTED]

b3 + 6-2

Commanding

FROM THE BDE
COMMANDER:

1-8 IN ART 32 INVESTIGATION

Striker 6

ENCLOSURE #1

[REDACTED] Fort Carson/HHC 3BCT

From: [REDACTED] 3BCT
Sent: Wednesday, June 09, 2004 11:46 AM
To: [REDACTED] Fort Carson/HHC 3BCT
Subject: FW: [REDACTED] b6-4

As requested.

(b3 + G-2
All)

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

From: [REDACTED] Fort Carson/3BCT
Sent: Wednesday, June 09, 2004 9:09 AM
To: [REDACTED] Carson/3BCT
Subject: FW: [REDACTED] b6-4

AS discussed.

[REDACTED]
Commanding

STRIKERS!

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

From: [REDACTED] Fort Carson/3BCT
Sent: Tuesday, June 08, 2004 6:49 PM
To: Odierno, Raymond T MG--4ID CMD GRP
Cc: [REDACTED] --4ID 1BDE (PKI)
Subject: FW: [REDACTED] b6-4

Sir,
Attached is what I have on this matter. Unit denies all allegations other than [REDACTED] ^{b6-4} actually being detained for a period of time.

v/r
[REDACTED]
[REDACTED]

Commanding

STRIKERS!

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

From: [REDACTED] Fort Carson/HQ 1-8 IN
Sent: Tuesday, June 08, 2004 5:31 PM
To: [REDACTED] Fort Carson/3BCT
Subject: [REDACTED]

Sir,

Here is the updated response answering your initial questions on this matter,

v/r, [REDACTED]

[REDACTED]

(63 + 6-2)
All

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

[REDACTED]

Tried to call you about this. I informed the CG, he's enroute to Europe right now. He wants you to send him a note on all you know or may know about this alleged incident. Thanks.

[REDACTED]

**CHIEF OF STAFF
4th INFANTRY DIVISION**

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

From: [REDACTED] -4ID OSJA
Sent: Friday, June 04, 2004 2:47 PM
To: [REDACTED] -4ID Chief of Staff (PKI); [REDACTED] -4ID SJA
Subject: FW: 4ID Detainee Abuse-FYI

Gentlemen: I send the msg below as a heads-up. We have already sent word to 1ID to keep us in the loop regarding the CID investigation and provide any other information they have. More to follow.

v/r

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

From: [REDACTED] -4ID OSJA
Sent: Friday, June 04, 2004 1:06 PM
To: [REDACTED] -4ID OSJA
Subject: FW: 4ID Detainee Abuse

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

From: [REDACTED]
Sent: Friday, June 04, 2004 1:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: 4ID Detainee Abuse

Ma'am:

This was reported to us yesterday by 1ID - an Iraqi national claims that a 4ID officer (last name

and position listed below) abused him while he was detained by U.S. Forces and possibly stole money from him.

b6-4

On 12 January 2004, [redacted] was stopped at a check point and detained by ICDC soldiers for possessing a large sum of money. The 30,000,000 ID were worth approximately 26,000 USD. The ICDC soldiers immediately turned him over to US forces. The detainee sells domestic animals throughout his province so it is normal for him to carry large amounts of money after selling the animals. He claims he was taken to an American base near Balad where his clothes were cut off by American soldiers and he and other detainees were forced to stand in the rain naked for twelve hours. After ten days he was released and told to come back the next day to claim his money. When he came back on 23 January he was offered 4000 USD or an impounded BMW. He refused both offers and [redacted] the 1-8 Infantry S-2 told him he must accept one of the offers or [redacted] would put him back in jail. [redacted] declined and said he wanted the 26000 USD he had when he was detained and no less. [redacted] put him back in detention for another sixteen days. He said [redacted] threatened him, told him not to file a claim, and if he did he would cut his tongue. On 15 May [redacted] filed a claim and this case is being investigated by CID.

b7c, b7d

b3 + b2

b6-4

The 1ID Chief of Justice is cc'ed on this message. Based on the report, the case is under investigation by CID. I worked with [redacted] at Fort Sam Houston (the JAG Corps is a small family) -- he's a great officer who will keep you in the loop on this matter.

Thanks,

[redacted]

[redacted] MNC-I and III Corps
DNVT: [redacted] (DSN: [redacted])
"The United States wins its case whenever one of its citizens receives justice in its courts."

}

(b3 + b2)
All

(b3 + b-2)

All

b6-4 In January 2004, [redacted] b6-4 the Al-Ishaki ICDC Company Commander, stopped b6-4 [redacted] at the 64 northing ICDC checkpoint on Highway 1 for possessing a large sum of money. [redacted] b6-4 and the ICDC soldiers reported that [redacted] b6-4 was moving this money for Fedayeen guerrillas.

b6-4 [redacted] was brought to the 1-8 IN TOC, inprocessed, had approximately 4,000 USD (or closer to 8 million dinar) inventoried by [redacted] b6-4 and [redacted] (all money seized or money on detainees was inventoried three times, all by separate individuals for redundancy), and was detained for questioning. Additionally, [redacted] b6-4 observed the box with the dinar, but personally did not count it since three others had already done so. [redacted] b6-4 the 1-8 Infantry S-2, questioned [redacted] b6-4 that night and determined that [redacted] b6-4 was a goat herder and did not pose a threat to US forces or Iraqi stability. [redacted] b6-4 did state that [redacted] b6-4 the ICDC Company Commander, had taken his money and he wanted it back.

b6-4 [redacted] did not have his clothes cut off him and no detainees at the TOC or any 1-8 IN Company FOB were ever forced to stand naked in the rain for 12 hours. At no time, did [redacted] b6-4 threaten [redacted] b6-4 or threaten to cut his tongue (though this tongue threat sounds amazingly familiar to an Arabic/Iraqi threat commonly posed to each other). In fact, while [redacted] b6-4 was at the 1-8 IN TOC, he was provided his own shelter, blankets, water, and food daily. b6-4

b6-4 After the initial 24 hours, [redacted] b6-4 was deemed as no threat, but begged to stay with us since he refused to return to his tribe with roughly 8 million dinar. [redacted] b6-4 remained at the 1-8 IN TOC in his separate cell in a non-detainee status for two weeks and then he asked to return to his family. He then left with the 8 million dinar, cab fare provided by us, seemed very happy, and we never heard from him again. We asked [redacted] b6-4 numerous times during his stay if he wanted to file a claim for the extra money, but he refused. During this same time period, [redacted] b6-4 questioned [redacted] b6-4 and the ICDC about the money and the incident. [redacted] b6-4 and the ICDC vehemently denied having ever taken the money. Additionally, [redacted] b6-4 never produced proper documentation that accounted for all the money he claimed to have in his possession. b6-4

b6-4 Note: Though [redacted] b6-4 was the ICDC Company Commander for Al-Ishaki...he had been reprimanded twice before. First, for taking money (usually \$300-500) from detainee families with the promise that he could get detainees related to the family b6-4 released. We initially started receiving reports in October 2003 that [redacted] b6-4 was taking bribes and he was immediately reprimanded. Second, in November 2003 and again in January 2004, he was suspected of stealing money several different times from motorists that passed through the Highway 1 ICDC checkpoint at the 64 northing. From these accusations, [redacted] b6-4 was reprimanded a second time in January 2004, relieved from his duties for a period of two weeks and then reinstated under probation.

b3 + b-2
b3 + b-2
b3 + b-2

ENCLOSURE # 2

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: HHC 1-8 IN, FT. CARSON, CO 80913
2. DATE (YYYYMMDD): 2004/05/06
3. TIME: 1711
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: ACTIVE
8. ORGANIZATION OR ADDRESS: HHC 1-8 IN, FT. CARSON, CO 80913

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

IN JANUARY 2004, [REDACTED] WAS STOPPED AT AN ICDC CP (VIC THE 64 NORTHING ALONG HWY 1). THE ICDC COMMANDER [REDACTED] HAD HIS SOLDIERS DETAIN [REDACTED] CLAIMING THAT HE WAS RUNNING MONEY FOR FEDAYEEN SADDAM. [REDACTED] WAS BROUGHT TO THE 1-8 IN TOC TO BE INPROCESSED INTO OUR TEMPORARY HOLDING FACILITY. MYSELF, [REDACTED] (ALL FROM MY S-2 SHOP) INVENTORIED HIS "FEDAYEEN" MONEY WHICH CONSISTED OF ROUGHLY 4,000 USD. I PLACED THE MONEY IN THE S-2 SHOP FOR SAFE KEEPING. [REDACTED] THE NCOIC SAW THE BOX OF MONEY, BUT DIDN'T COUNT THE MONEY. THE MONEY WAS IN A SMALL YELLOW BOX, FILLED WITH 250 DINAR NOTES, AND USD. THAT NIGHT I QUESTIONED [REDACTED] AND DETERMINED THAT HE WAS A GOAT HERDER WHO POSED NO THREAT TO US FORCES. I RECOMMENDED TO THE COC IMMEDIATE RELEASE, WHICH WAS GRANTED, AND I WENT OUT TO THE HOLDING FACILITY TO RELEASE [REDACTED] WITH OUR APOLOGIES, AND AN ADDITIONAL 10-20 USD FOR A TAXI RIDE HOME. WHEN I PRESENTED [REDACTED] WITH HIS BOX OF MONEY, HE INVENTORIED IT, AND GREW INCENCED, STATING THAT "[REDACTED] TOOK MY MONEY," AS HE CLAIMED THAT HE HAD ORIGINALLY HAD MORE THAN THE 4,000 USD THAT I INVENTORIED. I ASKED HIM FOR PROOF THAT HE EVER HAD THE AMOUNT THAT HE CLAIMED; WHICH HE WAS UNABLE TO PRODUCE. HE THEN BEGGED ME TO GIVE HIM THE REMAINING MONEY, OF WHICH I REFUSED, AND TOLD HIM TO MAKE A CLAIM WITH OUR S-5 THE FOLLOWING TUESDAY AT THE CITY COUNCIL BUILDING. I THEN ATTEMPTED, WITH [REDACTED] HELP, TO ESCORT THE MAN OUT THE FRONT GATE, AT WHICH TIME HE FELL TO HIS KNEES, AND BEGGED ME TO STAY, STATING "IF I GO HOME WITHOUT ALL THE MONEY, MY TRIBE WILL KILL ME." OUT OF COMPASSION, WE LET THE MAN STAY IN A NON-DETAINEE STATUS IN OUR HOLDING FACILITY FOR ROUGHLY 2 WEEKS. AT THE END OF ROUGHLY 2 WEEKS [REDACTED] INFORMED ME THAT THE MAN WAS BEGGING TO TALK TO [REDACTED]" WHEN I SPOKE WITH THE INDIVIDUAL, HE INFORMED ME THAT HE WAS READY TO GO AND HE WOULD FACE HIS TRIBE. I TOOK HIS BOX OF MONEY, CONCEALED IT IN A REPUBLICAN GUARD FIRST AID BAG, AND STRAPPED IT UNDER HIS ROBE, SO HE WOULD NOT BE ROBBED ON THE HIGHWAY AND GAVE HIM TAXI FARE. I, AGAIN, STRESSED TO THE MAN THAT HE SHOULD FILE A CLAIM WITH OUR S-5 AS SOON AS POSSIBLE. HE THANKED ME AS I LED HIM OUT THE GATE. AFTER HIS RELEASE WE NEVER HEARD FROM HIM AGAIN. DURING [REDACTED] 2 WEEK STAY I QUESTIONED [REDACTED] ABOUT THE MONEY, WHICH HE DENIED EVER TAKING, CLAIMING THAT HE PRODUCED ALL THE MONEY CONFISCATED FROM THE MAN. THIS WAS DOUBTFUL TO ME AS I HAD TALKED TO AT LEAST 6 INDIVIDUALS COMPLAINING TO ME THAT THEY HAD PAID [REDACTED] AS MUCH AS 300-500 USD, TO HAVE HIM TALK TO ME TO GET DETAINEES RELEASED FROM MY HOLDING FACILITY. THIS "BUSINESS" OF [REDACTED] HAS ALSO BEEN THE SUBJECT OF NUMEROUS THT REPORTS ON THE MAN, WHILE [REDACTED] HAD ROUTINELY CAME TO ME REQUESTING THE RELEASE OF PRISONERS, I NEVER RELEASED A SINGLE ONE TO HIM. IT HAD IN FACT BEEN MONTHS PRIOR TO THIS INCIDENT THAT [REDACTED] HAD EVEN BOTHERED ASKING ME FOR THE RELEASE OF DETAINEES. IT IS MY BELIEF THAT COUNTLESS OTHERS REALIZED THE FRUITLESSNESS OF [REDACTED] EFFORTS, AND HIS STEADY INCOME OF DETAINEE MONEY HAD DRIED UP, AND SO HE RESORTED TO HIGHWAY EXTORTION AT THE CP HE STEWARDED. ADDITIONALLY, [REDACTED] HAD BEEN REPRIMANDED SEVERAL TIMES UNDER THE SUSPICION OF STEALING MONEY FROM PASSING MOTORISTS ALONG THE HIGHWAY.

Q: DID YOU THREATEN [REDACTED] WITH VIOLENT TREATMENT, HARM HIM PHYSICALLY, OR FORCE HIM TO PERFORM DEGRADING ACTS?
A: NEVER

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.

Handwritten notes on the right margin: 63+6-2, 112, 66-4, 6-3+6-2, 66-4, 66-4, 66-4, 65162

008294

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

STATEMENT OF [REDACTED] TAKEN AT HHC, 1-8 IN DATED 2004/06/09

9. STATEMENT (Continued)

Q: DID YOU OFFER [REDACTED] AN IMPOUNDED BMW AS A CHOICE OVER HIS MONEY?

A: NO. *b6-7*

Q: WERE [REDACTED]'S CLOTHES CUT OFF OF HIS BODY UPON INPROCESSING AT FOB EAGLE AND WAS HE FORCED TO STAND NAKED IN THE RAIN FOR 12 HOURS?

A: NO.

Q: DO YOU WISH TO ADD ANYTHING ELSE?

A: NO.

[REDACTED]-----NOTHING FOLLOWS-----[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES [REDACTED]

b3+b2

b3+b2

b3+b2

STATEMENT OF [REDACTED]

TAKEN AT HHC, 1-8 IN

DATED 2004/06/09 [REDACTED]

9. STATEMENT (Continued)

Nothing follows

63+6-2

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)

WITN [REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 09 day of JUNE, 2004 at HHC 1-8 IN Ft Carson, CO 80913

Fort Carson, CO 80919
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

63+6-2

63+6-2

63+6-2

h3+6-2

STATEMENT OF [REDACTED] TAKEN AT 1300 [REDACTED] DATED 2004/06/10 [REDACTED]

b3+6-2

9. STATEMENT (Continued)

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)

b3+6-2

WITNESSES:

b3+6-2

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of JUN, 2004

FT CARSON, CO 80913 ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

b3+6-2

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

ENCLOSURE #3

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Ft. Carson, CO
2. DATE (YYYYMMDD): 2004/06/10
3. TIME: 1300
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: HHC, 1-8 IN BN, Ft. Carson, CO

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

Sometime in January while occupying FOB Paliwoda near Balad Iraq, a prisoner named [REDACTED] was brought to the FOB by the Iraqi Civil Defense Corps (ICDC). The ICDC claimed that [REDACTED] had been running money for anti-coalition forces. The ICDC also brought money that they said was confiscated from [REDACTED]. I counted the money which was approximately \$4000 worth of new Iraqi Dinar. [REDACTED] questioned the detainee and determined that he was a simple goat farmer who was taking money to a market. [REDACTED] was told that he was to be released and his money returned to him. When [REDACTED] was given the money, he insisted that he had more money and refused to leave until it was given to him. He stated that he would be killed by the people who he owed the money to. We allowed him to stay in the Eagle Jail for approximately two weeks until [REDACTED] finally decided to leave. We gave him all the money that had been given to us by the ICDC. I did not witness, and I have no reason to believe that the detainee was ever mistreated or threatened while in the custody of US forces.

Q: WAS [REDACTED] HELD AGAINST HIS WILL FOR THE TWO WEEKS AFTER HIS DETENTION OR DID HE STAY AT FOB EAGLE ELECTIVELY?

A: HE ELECTED TO STAY AT THE DETENTION FACILITY DESPITE BEING ALLOWED TO LEAVE.

Q: DID YOU THREATEN [REDACTED] WITH VIOLENT TREATMENT, HARM HIM PHYSICALLY, OR FORCE HIM TO PERFORM DEGRADING ACTS?

A: NO

Q: DID YOU OFFER [REDACTED] AN IMPOUNDED BMW AS A CHOICE OVER HIS MONEY?

A: NO

Q: WERE [REDACTED]'S CLOTHES CUT OFF HIS BODY UPON INPROCESSING AT FOB EAGLE AND WAS HE FORCED TO STAND NAKED IN THE RAIN FOR 12 HOURS?

A: NO

Q: DO YOU WISH TO ADD ANYTHING FURTHER?

A: NO

-----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 INDICATED.

008298

ENCLOSURE #4

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: 1-8 INF BN HQ, BLDG 2060, FT CARSON, CO
2. DATE (YYYYMMDD): 2004/06/10
3. TIME: 1310
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 1-8 INF BN S-2, FORT CARSON, CO 80913

9. I, [REDACTED] b3 r6-2, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ICDC BROUGHT, [REDACTED] TO THE 1-8 INF BN TOC (LOCATED IN BALAD), WITH A LARGE AMOUNT OF MONEY IN HIS PROCESSION. [REDACTED] DID NOT HAVE ANY PAPERWORK INDICATING THE REASON FOR HAVING OR WHERE SAID MONEY WAS FROM. AFTER [REDACTED] WAS SEARCHED FOR ANY POTENTIAL WEAPON(S) IN THE EVENT HE WAS NOT SEARCHED. FINDING NO WEAPONS, [REDACTED] WAS ASSIGNED A NUMBER AND LOGGED IN THE TRACKING LOG FOR POSSIBLE BEING A MONEY RUNNER FOR A TERRORIST ORGANIZATION. HE WAS ISSUED A MRE AND BOTTLE OF WATER IN ACCORDANCE WITH THE BN DETAINEE SOP. WITHIN 1 HOUR OF ARRIVING, I COUNTED THE BOX OF MONEY THAT WAS HANDLED OVER WHEN HE WAS TURNED OVER TO 1-8 INF. I [REDACTED] DO NOT RECALL THE AMOUNT OF MONEY IN THE BOX, BUT BELIEVE IT WAS AROUND 7-8 MILLION IRAQI DINAR. THE DINAR AND ANY OTHER PERSONAL PROPERTY WAS LOGGED ON THE PROPERTY PAPERWORK TO BE FORWARDED WITH HIM TO HIGHER. WITHIN 4-6 HOURS OF [REDACTED] BRING BOUGHT TO 1-8 INF DETAINATION FACILITY, [REDACTED] ATTENDED THE INITIAL QUESTIONING OF [REDACTED] AT WHICH TIME HE CLAIMED TO BE A GOATHERDER FROM MOSUL. AFTER A FEW MORE QUESTIONS AND REVIEWING HIS IDENTIFICATION CARD, IT WAS DETERMINED THAT HE WAS BEING TRUTHFUL AND WAS NO THREAT TO U.S. FORCES. [REDACTED] THE BN S-2 AND MYSELF TRIED TO GIVE [REDACTED] THE BOX OF MONEY BACK AND RELEASE HIM. [REDACTED] REFUSED TO ACCEPT THE MONEY BACK, STATING A NUMBER OF TIMES THAT THE ICDC HAD TAKEN AN UNCERTAIN AMOUNT OF THE MONEY HE HAD. AT THE TIME NOR CURRENTLY DOES ANYBODY KNOW WHAT HAPPENED TO HIM OR HIS MONEY BEFORE HE WAS BROUGHT TO THE 1-8 INF DET FAC. HE ALSO STATED THAT IF HE RETURNED TO MOSUL WITHOUT THE AMOUNT OF MONEY HE CLAIMED TO HAVE HE WOULD BE KILLED. A NUMBER OF TIMES [REDACTED] WAS OFFERED THE CHANCE TO MAKE A CLAIM FOR HIS MONEY AND HE TURNED THE CHANCE DOWN REPEATEDLY. [REDACTED] WAS GIVEN HIS OWN DETENTION CELL AND GIVEN SHELTER AND BLANKETS IN ACCORDANCE TO THE BN SOP FOR TREATMENT OF DETAINEES. BOTH IN THE MORNING AND AFTERNOON WHEN HE WAS GIVEN A MRE AND BOTTLE OF WATER, [REDACTED] WAS TOLD REPEATEDLY THAT HE WAS NOT A DETAINEE AND WAS FREE TO GO AT ANYTIME. AFTER TWO (2) WEEKS, [REDACTED] ASKED TO SPEAK TO [REDACTED] (1-8 S2). BEFORE WE STATED QUESTIONING ANY DETAINEES THAT MIGHT HAVE CAME IN DURING THE LAST 12 HOURS, [REDACTED] STATED THAT HE WOULD TAKE THE BOX OF MONEY AND RETURN HOME TO HIS FAMILY. THE MONEY AND PERSONAL PROPERTY OF [REDACTED] WAS RETURNED AND HE WAS GIVEN TAXI FAIR TO RETURN HOME TO MOSUL. DURING [REDACTED] STAY AT 1-8 INF EAGLE JAIL, AT ALL TIMES HE WAS AFFORDED NON-DETAINEE STATUS, HE WAS KEPT IN A DETENTION CELL FOR THE SAFETY OF THE PERSONNEL WORKING THE EAGLE JAIL. AT NO TIME WAS HE EVER FORCED TO STAND IN THE RAIN, OR WAS HE EVER THREATENED WITH ANY HARM. A NUMBER OF TIMES HE PRAISED ALAH, FOR THE U.S. MAKING A DIFFERENCE IN IRAQ.

Q: DID YOU PHYSICALLY HARM [REDACTED] OR FORCE HIM TO PERFORM DEGRADING ACTS?

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] b3 r6-2
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.

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

STATEMENT OF [REDACTED] TAKEN AT HHC, 1-8 IN DATED 2004/06/10 [REDACTED]

b3+6-2

9. STATEMENT (Continued)

A: NO

Q: OTHER THAN [REDACTED] OR [REDACTED], IS THERE ANYONE ELSE WITH SIGNIFICANT KNOWLEDGE OF THIS EVENT?

b3+6-2

A: NOT THAT I KNOW OF.

Q: DO YOU WISH TO ADD ANYTHING FURTHER?

A: I BELIEVE THIS IS ENTIRELY FOR FREE MONEY, AFTER THE PRISON ABUSE SOUTH OF BAGHDAD, AND IT BEING PUBICLY SAID THAT THE U.S. WOULD PAY MONEY TO COMPENSATE ANY DETAINEE MISTREATMENT.

NOTHING FOLLOWS [REDACTED]

b3+6-2

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

b3+6-2

PAGE 2 OF 3 PAGES

b3+6-2

STATEMENT OF

[Redacted]

TAKEN AT HHC, 1-8 IN

DATED 2004/06/10

[Redacted] b3+6-2

9. STATEMENT (Continued)

NOTHING FOLLOWS [Redacted] b3+6-2

AFFIDAVIT

I, [Redacted] b3+6-2, 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] b3+6-2
(Signature of Person Making Statement)

WITNESSES:

b3+6-2

[Redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of JUN 2004 at

FT CARSON, CO 80913
ORGANIZATION OR ADDRESS

[Redacted]
(Signature of Person Administering Oath)

Σ

[Redacted] b3+6-2
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [Redacted] b3+6-2

PAGE 3 OF 3 PAGES