

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
48TH MILITARY POLICE DETACHMENT (CID)(FWD)
11TH MILITARY POLICE BATTALION (CID)
CAMP VICTORY, BAGHDAD, IRAQ
APO AE 09342

2 SEP 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL (C)/SSI -0188-
04-CID259-80232-6C4/5C1R2/5Y2E/6X1/5Y2E

DATES/TIMES/LOCATIONS OF OCCURENCES:

1. 23 NOV 2003, 0001 - 6 JUN 2004, 2359; BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF), ABU GHRAIB, IRAQ (IZ)

2. 23 NOV 2003, 0001 - 6 JUN 2004, 2359; CAMP BUCCA CONFINEMENT FACILITY (CBCF), UMM QASR, IZ

DATE/TIME REPORTED: 28 JUN 2004, 0900

INVESTIGATED BY:

SA
SA

[REDACTED]

b2

b7c1

SUBJECT:

1. UNKNOWN; AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE), CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE), CONSPIRACY (INSUFFICIENT EVIDENCE), INDECENT ACTS (INSUFFICIENT EVIDENCE) (NFI)

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

025105

000001

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

2. UNKNOWN; AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE), CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE), CONSPIRACY (INSUFFICIENT EVIDENCE), INDECENT ACTS (INSUFFICIENT EVIDENCE) (NFI)

3. UNKNOWN; AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE), CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE), CONSPIRACY (INSUFFICIENT EVIDENCE), INDECENT ACTS (INSUFFICIENT EVIDENCE) (NFI)

VICTIM:

02
b7c4
1. [REDACTED] CIV; IRAQI; INTERNMENT SERIAL NUMBER (ISN): [REDACTED] MALE; WHITE; XZ; DATE OF CAPTURE: 23 NOV 2003; AKA: [REDACTED] AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE), CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE), CONSPIRACY (INSUFFICIENT EVIDENCE), INDECENT ACTS (INSUFFICIENT EVIDENCE) (NFI)

INVESTIGATIVE SUMMARY:

On 28 Jun 04, this office received a Request For Investigation (RFI) (0304-04-CID001), from the United States Army Criminal Investigation Command (USACIDC), 6010 6th Street, Fort Belvoir, VA 22060, which indicated a review of a Time magazine article revealed [REDACTED] reported he was abused and raped while detained at BCCF, Abu Ghraib, IZ, and CBCF, Umm Qasr, IZ.

Investigation established there was insufficient evidence to prove or disprove the offenses occurred as alleged by [REDACTED] was identified as the individual referred to as [REDACTED] in the Time magazine news article; however [REDACTED] was unavailable for interview to confirm his identity as he was released from CBCF, Umm Qasr, IZ, and his whereabouts during the conduct of this investigation were unknown. The attorney for [REDACTED] claimed he feared retribution by U.S. Coalition Forces and refused to further identify himself. b7c4

On 2 Apr 05, this investigation was reopened to conduct additional investigative activity and provide additional documentation of activity already conducted. However, the new investigative activity did not change the outcome of this investigation.

STATUTES:

ARTICLE 134, UCMJ: INDECENT ACTS (INSUFFICIENT EVIDENCE)
ARTICLE 128, UCMJ: AGGRAVATED ASSAULT (INSUFFICIENT EVIDENCE)
ARTICLE 93, UCMJ: CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE)
ARTICLE 81, UCMJ: CONSPIRACY (INSUFFICIENT EVIDENCE)

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

b7c1
13. Agent's Investigative Report (AIR) of SA [REDACTED] 31 Aug 05, detailing basis for reopening the investigation; coordination with [REDACTED], and agent's observations.

14. AIR of SA [REDACTED] 19 Apr 05, detailing basis for investigation; receipt of Detainee Personnel Report (DPR) and Detainee Dossier; and interview of [REDACTED].

15. Biometric Automated Toolset (BATS) File, 22 Apr 05, pertaining to [REDACTED], containing EPW Screening Report and Relationships Report.

16. Detainee Personnel Report, 17 Apr 05, pertaining to [REDACTED].

17. Detainee Dossier, 17 Apr 05, pertaining to [REDACTED].

18. Arabic Language Statement of [REDACTED] undated.

19. English Translation of Statement of [REDACTED] 20 Apr 05.

20. Detainee Dossier, 19 Apr 05, pertaining to [REDACTED].

21. Detainee Personnel Report, 19 Apr 05, pertaining to [REDACTED].

22. Detainee Dossier, 19 Apr 05, pertaining to [REDACTED].

23. Detainee Personnel Report, 19 Apr 05, pertaining to [REDACTED].

b7c1
24. AIR of SA [REDACTED] 4 May 05, detailing coordination with SFC [REDACTED] and SA [REDACTED] and the re-interview of [REDACTED].
b7c2

ADDED NOT ATTACHED:

None.

The original of Exhibit 13 is forwarded with the USACRC copy of this report. The originals of Exhibits 14, 15, 18, 19 and 24 are maintained in ROI 0214-05-CID259-36323. The originals of Exhibits 16, 17 and 20 through 23 are maintained in the files of Detainee Operations, Task Force (TF) 1-34, Camp Victory, Baghdad, IZ, APO AE 09342.

STATUS: This is a Final Supplemental (C) Report. The complainant/victim's cooperation is necessary for the satisfactory resolution of the investigation, and such cooperation is not forthcoming. Remaining leads include location, full identification, and interview of [REDACTED] and [REDACTED]. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.
b7c1

Report Prepared by:

[REDACTED]
Special Agents

b2

b7c1

Report Approved By:

[REDACTED]

Commanding

Distribution:

- 1-DIRECTOR, USACRC, ATTN: CIRC-CR, 6010 6TH STREET, FORT BELVOIR, VA 22060-5506 [REDACTED]@sbelvoir.dms.army.smil.mil)
- 1-CDR, USACIDC, ATTN: CIOP-ZA, FORT BELVOIR, VA [REDACTED]@sbelvoirdms.army.smil.mil)
- 1-CHIEF, INVESTIGATIVE OPERATIONS DIVISION, USACIDC [REDACTED]@sbelvoirdms.army.smil.mil) [REDACTED]@sbelvoirdms.army.smil.mil)
- 1-DEPUTY CHIEF OF STAFF FOR OPERATIONS, USACIDC [REDACTED]@us.army.smil.mil)
- 1-CID CURRENT OPERATIONS, USACIDC [REDACTED]@sbelvoirdms.army.smil.mil)
- 1-CDR, 11TH MILITARY POLICE BN (CID)(FWD), ATTN: CW4 [REDACTED]@iraq.centcom.smil.mil)
- 1-CDR, 3RD MILITARY POLICE GROUP (CID) [REDACTED]@force1.army.smil.mil)
- 1-CDR, 48TH MILITARY POLICE DET (CID)(FWD) ([REDACTED]@iraq.centcom.mil)
- 1-DET SGT, 48TH MILITARY POLICE DET (CID)(FWD) ([REDACTED]@iraq.centcom.mil)
- 1-SJA, MNC-I, ATTN: MAJ [REDACTED] (XVIII AIRBORNE CORPS) (email only) [REDACTED]@iraq.centcom.smil.mil)
- 1-PMO, MNC-I, ATTN: COL [REDACTED] (XVIII AIRBORNE CORPS) (email only) [REDACTED]@iraq.centcom.smil.mil)
- 1-CDR, DETAINEE OPERATIONS, ATTN: CPT [REDACTED] MNF-1, TF 134, APO AE 09342 [REDACTED]@iraq.centcom.smil.mil)
- 1-FILE

DATE: 31 Jan 05

FROM: SAC, 87TH MILITARY POLICE DET (CID)
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, HQUSACIDC //CIOP-COP-CO//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
DIR AFIP AFME WASH, DC//AFIP-CPLF//

SUBJECT: CID REPORT -1ST SUPPLEMENTAL/SSI - 0009-04-CID679-83486-
5H4J/5C1L/5Y2P9/5Y2D1/5M3/5C2/X1/9G1

DRAFTER: SA [REDACTED]
RELEASER: SA [REDACTED]

> b7c1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 9 JAN 2004/0730 - 9 JAN 2004/0900; DETENTION FACILITY, FORWARD OPERATING BASE (FOB), RIFLES BASE, AL ASAD, IRAQ, MGRS 38S KC 60160 40494.

2. 4 JAN 2004/1730 - 4 JAN 04/1830; ALTERNATE SUPPLY ROUTE BRONZE, IRAQ.

3. 6 JAN 2004/1000 - 6 JAN 04/1300; ODA 525 COMPOUND, FOB RIFLES BASE, AL ASAD, IRAQ.

4. 10 JAN 2004/1200 - 10 JAN 04/1800; 94TH MP COMPANY BILLETS, FOB RIFLES BASE, AL ASAD, IRAQ.

2. DATE/TIME REPORTED: 9 JAN 2004, 1010

3. INVESTIGATED BY: SA [REDACTED], SA [REDACTED]

SA [REDACTED]

b2

> b7c1

4. SUBJECT: 1. [REDACTED], SFC [REDACTED], M; WHITE; ODA 525, B COMPANY, 1ST BATTALION, 5TH SPECIAL FORCES GROUP, FORT CAMPBELL, KY (FOB RIFLES BASE, IRAQ; SP. [AGGRAVATED ASSAULT], [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

b7c3

2. [REDACTED], SPC [REDACTED], M; WHITE; ADA BATTERY, 1/3 ARMORED CAVALRY REGIMENT, FORT CARSON, CO (FOB RIFLES BASE, IRAQ); CT. [ASSAULT]

FOR OFFICIAL USE ONLY

025109

00 029

3. [REDACTED]; SFC; [REDACTED]
 [REDACTED] M; WHITE; ODA 525, B COMPANY, 1ST BATTALION, 5TH
 SPECIAL FORCES GROUP, FORT CAMPBELL, KY (FOB RIFLES BASE, IRAQ);
 SP. [AGGRAVATED ASSAULT], [FALSE OFFICIAL STATEMENT],
 [CONSPIRACY]

4. [REDACTED] SSG; [REDACTED]
 [REDACTED] M; WHITE; ODA 525, B COMPANY, 1ST BATTALION, 5TH
 SPECIAL FORCES GROUP, FORT CAMPBELL, KY (FOB RIFLES BASE, IRAQ);
 SP. [AGGRAVATED ASSAULT], [FALSE OFFICIAL STATEMENT],
 [CONSPIRACY]

5. [REDACTED] SPC; [REDACTED]
 [REDACTED] M; WHITE; S & T SUPPORT SQUADRON, FORT CARSON, CO;
 CT [NEGLIGENT HOMICIDE], [CRUELTY AND MALTREATMENT]

6. [REDACTED] SGT; [REDACTED] M;
 WHITE; MAINTENANCE TROOP, SUPPORT SQUADRON, FORT CARSON, CO;
 CT [NEGLIGENT HOMICIDE], [CRUELTY AND MALTREATMENT]

7. [REDACTED] SPC; [REDACTED]
 [REDACTED] M; WHITE; AVIATION MAINTENANCE TROOP, SUPPORT
 SQUADRON, FORT CARSON, CO; CT [AGGRAVATED ASSAULT], [FALSE
 OFFICIAL STATEMENT], [CONSPIRACY]

8. [REDACTED] PFC; [REDACTED]
 [REDACTED] M; WHITE; S & T, SUPPORT SQUADRON, FORT CARSON, CO;
 CT [NEGLIGENT HOMICIDE], [CONSPIRACY]

9. [REDACTED] SPC; [REDACTED]
 [REDACTED] M; BLACK; S & T, SUPPORT SQUADRON, FORT
 CARSON, CO; CT [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

10. [REDACTED] SSG; [REDACTED]
 [REDACTED] M; WHITE; 2133RD TRANSPORTATION COMPANY, IOWA
 NATIONAL GUARD, IA; CT [DERELICTION OF DUTY], [FALSE OFFICIAL
 STATEMENT], [CONSPIRACY]

11. [REDACTED] SPC; [REDACTED]
 [REDACTED] M; WHITE; AVIATION MAINTENANCE TROOP, SUPPORT
 SQUADRON, FORT CARSON, CO; CT [CONSPIRACY], [FALSE OFFICIAL
 STATEMENT]

5. VICTIM: 1. [REDACTED]
 FORMER LTC, IRAQI ARMY; DETAINEE NUMBER [REDACTED]

b7c5

> b7c4
 b2

[REDACTED] M; C; DULA'AB, IRAQ; ZZ; (NFI) [NEGLIGENT HOMICIDE], [ASSAULT], [AGGRAVATED ASSAULT], [CRUELTY AND MALTREATMENT]

2. U.S. GOVERNMENT. [FALSE OFFICIAL STATEMENT], [CONSPIRACY], [DERELICTION OF DUTY]

6. INVESTIGATIVE SUMMARY:

THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO DOCUMENT FURTHER INVESTIGATIVE ACTIVITY.

DURING AN OPERATIONAL REVIEW IT WAS DETERMINED FURTHER INVESTIGATIVE ACTIVITY AND DOCUMENTATION WAS NECESSARY TO CLARIFY INFORMATION CONTAINED IN THE FINAL REPORT.

FINAL REPORT:

INVESTIGATIVE SUMMARY: ON 9 JAN 04, THE 94TH MILITARY POLICE COMPANY, FOB RIFLES BASE, AL ASAD, IRAQ, NOTIFIED THIS OFFICE AN IRAQI DETAINEE DIED AT THE FOB RIFLES BASE DETENTION FACILITY.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SFC [REDACTED] COMMITTED THE OFFENSE OF ASSAULT WHEN SHORTLY AFTER THE CAPTURE OF MR. [REDACTED], SFC [REDACTED] KICKED MR. [REDACTED] IN THE CHEST TWO OR THREE TIMES. SFC [REDACTED] STATED THE REASON FOR THE ASSAULT WAS TO STOP MR. [REDACTED] FROM STANDING. MR. [REDACTED] WAS RESTRAINED WITH ZIP TIES AT THE TIME OF THE ASSAULT.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SFC [REDACTED], SFC [REDACTED], AND SSG [REDACTED] COMMITTED THE OFFENSES OF AGGRAVATED ASSAULT, CONSPIRACY, AND FALSE OFFICIAL STATEMENT WHEN THEY ENTERED INTO AN AGREEMENT TO PROVIDE A UNIFORMED STATEMENT AS TO THE ALLEGED ATTACK ON SFC [REDACTED] BY MR. [REDACTED]. ALL THREE THEN PROVIDED OFFICIAL STATEMENTS STATING MR. [REDACTED] ATTACKED SFC [REDACTED] AND ATTEMPTED TO REACH FOR THE PISTOL LOCATED IN HIS SHOULDER HOLSTER. THEY STATED THEY HAD TO SUBDUE MR. [REDACTED] BY STRIKING MR. [REDACTED] REPEATEDLY FOR ONE TO TWO MINUTES. SSG [REDACTED], SFC [REDACTED], AND SFC [REDACTED] STATED THEY NEVER ATTEMPTED TO GAIN CONTROL OF MR. [REDACTED] HANDS IN ORDER TO PREVENT HIM FROM REACHING FOR THE WEAPON. MR. [REDACTED] INJURIES WERE NOT CONSISTENT WITH THIS EXPLANATION IN THAT THE NUMBER OF INJURIES AND SEVERITY OF THE

INJURIES EXCEEDED THE FORCE THAT WOULD REASONABLY BE REQUIRED FOR THREE MEN TO SUBDUE HIM.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SPC [REDACTED] COMMITTED THE OFFENSES OF AGGRAVATED ASSAULT, CONSPIRACY, AND FALSE OFFICIAL STATEMENT; SPC [REDACTED] COMMITTED THE OFFENSE OF FALSE OFFICIAL STATEMENT AND CONSPIRACY; SPC [REDACTED] COMMITTED THE OFFENSES OF FALSE OFFICIAL STATEMENT AND CONSPIRACY; AND SSG [REDACTED] COMMITTED THE OFFENSES OF DERELICTION OF DUTY, CONSPIRACY, AND FALSE OFFICIAL STATEMENT WHEN THEY ENTERED INTO AN AGREEMENT PRIOR TO BEING INTERVIEWED BY CID, THAT THEY WOULD NOT DISCLOSE THE FACT THAT MR. [REDACTED] ACTUALLY MADE IT OUTSIDE THE DETENTION FACILITY DURING HIS ESCAPE ATTEMPT. SPC [REDACTED] AND SPC [REDACTED] HAVE STATED SPC [REDACTED] APPREHENDED MR. [REDACTED] ALONE BY GRABBING HIS SHOULDERS FROM BEHIND, CAUSING MR. [REDACTED] TO FALL BACKWARDS IN A TWISTING MOTION ONTO HIS BUTTOCKS. AT WHICH TIME SPC [REDACTED] STEPPED OVER, OR AROUND HIM, TO A POSITION NEAR MR. [REDACTED] LEGS AND FEET. SPC [REDACTED] THEN ESCORTED MR. [REDACTED] TO THE SLEEP DEPRIVATION AREA LOCATED DIRECTLY IN FRONT OF THE GUARD STAND. HOWEVER, SSG [REDACTED] STATED SPC [REDACTED] CAUGHT MR. [REDACTED] PRIOR TO HIM LEAVING THE BUILDING. SSG [REDACTED] STATED UPON FIRST CONTACT, SPC [REDACTED] SLAMMED MR. [REDACTED] INTO THE BACK WALL, AND THEN BEAR HUGGED MR. [REDACTED] FROM BEHIND AND SLAMMED HIM TO THE FLOOR WITH SPC [REDACTED] LANDING ON TOP OF MR. [REDACTED]. FURTHER, SSG [REDACTED] FAILED TO INITIALLY REPORT HOW SPC [REDACTED] APPREHENDED MR. [REDACTED] DURING THE ESCAPE ATTEMPT.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE PFC [REDACTED] COMMITTED THE OFFENSE'S OF NEGLIGENT HOMICIDE WHEN HE UTILIZED A MILITARY POLICE STYLE BATON TO BRING MR. [REDACTED] TO HIS FEET AFTER HE REFUSED TO STAND. SPC [REDACTED] STATED PFC [REDACTED] APPEARED TO BE VERY UPSET ABOUT THE ESCAPE ATTEMPT AND WHEN MR. [REDACTED] REFUSED TO STAND PFC [REDACTED] PLACED THE BATON UNDER THE CHIN OF MR. [REDACTED] WHILE STANDING BEHIND HIM, AND PULLED HIM TO A STANDING POSITION, THERE BY FRACTURING THE HYOID BONE, WHICH WAS THE MAJOR CONTRIBUTING FACTOR FOR THE DEATH OF MR. [REDACTED]. FURTHER INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE PFC [REDACTED] COMMITTED THE OFFENSE OF CONSPIRACY WHEN HE ENTERED INTO AN AGREEMENT WITH SPC [REDACTED], SSG [REDACTED], SPC [REDACTED] AND SPC [REDACTED] PRIOR TO BEING INTERVIEWED BY CID, IN THAT THEY WOULD NOT DISCLOSE THE FACT THAT MR. [REDACTED] ACTUALLY MADE IT OUTSIDE THE DETENTION FACILITY DURING HIS ESCAPE ATTEMPT.

except as noted b7c5

all "xxx" = b(6)(c)(4)
b(7)(C)(4)

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SGT [REDACTED] AND SPC [REDACTED] COMMITTED THE OFFENSE OF NEGLIGENT HOMICIDE AND CRUELTY AND MALTREATMENT WHEN THEY ORDERED MR. [REDACTED] TO STAND AS PART OF A MASS PUNISHMENT, THEN AFTER MR. [REDACTED] FAILED TO COMPLY WITH THEIR ORDER THEY HANDCUFFED MR. [REDACTED] TO THE DOOR FRAME OF HIS CELL IN SUCH A MANNER TO FORCE HIM TO REMAIN STANDING. SGT [REDACTED] AND SPC [REDACTED] THEN GAGGED MR. [REDACTED] AFTER HE REFUSED TO STOP MAKING NOISES. SPC [REDACTED] STOOD BEHIND MR. [REDACTED] WITH THE GAG AROUND MR. [REDACTED] HEAD, AS SGT [REDACTED] UTILIZED PRESSURE POINTS ON THE UPPER JAW AND CHIN TO FORCE HIS MOUTH OPEN. SPC [REDACTED] THEN PULLED THE GAG INTO PLACE AND TIED IT OFF BEHIND MR. [REDACTED] HEAD.

CONSIDERING THE TOTALITY OF THE FACTS AND EVENTS REGARDING THE DETENTION OF MR. [REDACTED] THERE WAS NO ONE INCIDENT WHICH CAUSED THE FINAL DEMISE OF MR. [REDACTED] RATHER HE WAS STEADILY SUBJECTED TO PHYSICAL TRAUMA, BROUGHT ON BY HIS OWN ACTIONS; HOWEVER, EXCESSIVE FORCE WAS UTILIZED BY SSG [REDACTED] SFC [REDACTED] AND SFC [REDACTED], SPC [REDACTED] AND PFC [REDACTED] THERE IS INDICATION TO SUGGEST SGT [REDACTED] OR SPC [REDACTED] ACTED IN A NEGLIGENT MANNER WHEN THEY GAGGED AND FORCED MR. [REDACTED] TO STAND AS PUNISHMENT FOR TALKING. THE INITIAL INCIDENT WITH SPC [REDACTED] WAS DEEMED INSIGNIFICANT TO CAUSE GRIEVOUS BODILY INJURY FROM EYE WITNESS STATEMENTS, FROM MEMBERS OF HIS UNIT, AND FROM THE INTERVIEWS OF THE OTHER IRAQIS DETAINED AT THE SAME TIME AS MR. [REDACTED]

INVESTIGATION CONTINUES BY USACIDC.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

except as noted b7c4

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
87TH MILITARY POLICE DETACHMENT (AIRBORNE)(FORWARD)
DIVISION SUPPORT ELEMENT (CID)
AR RAMADI, IRAQ APO AE 09384

CIRC-ABB

11 Jan 05

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0009-04-CID679-83486-
5H4J/5C1L/5Y2P9/5Y2D1/5M3/5C2/X1/9G1

DRAFTER: SA [REDACTED]
RELEASER: SA [REDACTED]

> b7c1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 9 JAN 2004/0730 - 9 JAN 2004/0900; DETENTION FACILITY, FORWARD OPERATING BASE (FOB), RIFLES BASE, AL ASAD, IRAQ, MGRS 38S KC 60160 40494.
2. 4 JAN 2004/1730 - 4 JAN 04/1830; ALTERNATE SUPPLY ROUTE BRONZE, IRAQ.
3. 6 JAN 2004/1000 - 6 JAN 04/1300; ODA 525 COMPOUND, FOB RIFLES BASE, AL ASAD, IRAQ.
4. 10 JAN 2004/1200 - 10 JAN 04/1800; 94TH MP COMPANY BILLETS, FOB RIFLES BASE, AL ASAD, IRAQ.

DATE/TIME REPORTED: 9 JAN 2004, 1010

INVESTIGATED BY: SA [REDACTED] SA [REDACTED]

> b7c1

SUBJECT: 1. [REDACTED], SFC; [REDACTED], M; WHITE; ODA 525, B COMPANY, 1ST BATTALION, 5TH SPECIAL FORCES GROUP, FORT CAMPBELL, KY (FOB RIFLES BASE, IRAQ); SP. [AGGRAVATED ASSAULT], [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

b7c5

2. [REDACTED], SPC; [REDACTED], M; WHITE; ADA BATTERY, 1/3 ARMORED CAVALRY REGIMENT, FORT CARSON, CO (FOB RIFLES BASE, IRAQ); CT. [ASSAULT]

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY
Protective marking excluded from automatic
termination (Chap 3, AR 25-55)

025114

00 034

3. [REDACTED] SFC; [REDACTED]
[REDACTED] CA; M; WHITE; ODA 525, B COMPANY, 1ST BATTALION, 5TH
SPECIAL FORCES GROUP, FORT CAMPBELL, KY (FOB RIFLES BASE, IRAQ;
SP. [AGGRAVATED ASSAULT], [FALSE OFFICIAL STATEMENT],
[CONSPIRACY]

4. [REDACTED] SSG; [REDACTED]
[REDACTED] M; WHITE; ODA 525, B COMPANY, 1ST BATTALION, 5TH
SPECIAL FORCES GROUP, FORT CAMPBELL, KY (FOB RIFLES BASE, IRAQ;
SP. [AGGRAVATED ASSAULT], [FALSE OFFICIAL STATEMENT],
[CONSPIRACY]

5. [REDACTED] SPC; [REDACTED]
[REDACTED] M; WHITE; S & T SUPPORT SQUADRON, FORT CARSON, CO;
CT [NEGLIGENT HOMICIDE], [CRUELTY AND MALTREATMENT]

6. [REDACTED] SGT; [REDACTED]
WHITE; MAINTENANCE TROOP, SUPPORT SQUADRON, FORT CARSON, CO;
CT [NEGLIGENT HOMICIDE], [CRUELTY AND MALTREATMENT]

7. [REDACTED] SPC; [REDACTED]
[REDACTED] M; WHITE; AVIATION MAINTENANCE TROOP, SUPPORT
SQUADRON, FORT CARSON, CO; CT [AGGRAVATED ASSAULT], [FALSE
OFFICIAL STATEMENT], [CONSPIRACY]

8. [REDACTED] PFC; [REDACTED]
[REDACTED] M; WHITE; S & T, SUPPORT SQUADRON, FORT CARSON, CO;
CT [NEGLIGENT HOMICIDE], [CONSPIRACY]

9. [REDACTED] SPC; [REDACTED]
[REDACTED] M; BLACK; S & T, SUPPORT SQUADRON, FORT
CARSON, CO; CT [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

10. [REDACTED] SSG; [REDACTED]
[REDACTED] M; WHITE; 2133RD TRANSPORTATION COMPANY, IOWA
NATIONAL GUARD, IA; CT [DERELICTION OF DUTY], [FALSE OFFICIAL
STATEMENT], [CONSPIRACY]

11. [REDACTED] SPC; [REDACTED]
[REDACTED] M; WHITE; AVIATION MAINTENANCE TROOP, SUPPORT
SQUADRON, FORT CARSON, CO; CT [CONSPIRACY], [FALSE OFFICIAL
STATEMENT]

VICTIM: 1. [REDACTED] [DECEASED]; FORMER
LTC, IRAQI ARMY; DETAINEE NUMBER [REDACTED]

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY
Protective marking is excluded from automatic
termination (Chap 3, AR 25-55)

025115

00 035

b7c5

b7c5

b2

all b7cs

all info b(6)(4)/b(7)(c)(4)

[REDACTED] M; C; DULA'AB, IRAQ; ZZ; (NFI) [NEGLIGENT HOMICIDE], [ASSAULT], [AGGRAVATED ASSAULT], [CRUELTY AND MALTREATMENT]

2. U.S. GOVERNMENT. [FALSE OFFICIAL STATEMENT], [CONSPIRACY], [DERELICTION OF DUTY]

THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION.

INVESTIGATIVE SUMMARY: ON 9 JAN 04, THE 94TH MILITARY POLICE COMPANY, FOB RIFLES BASE, AL ASAD, IRAQ, NOTIFIED THIS OFFICE AN IRAQI DETAINEE DIED AT THE FOB RIFLES BASE DETENTION FACILITY.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SPC [REDACTED] COMMITTED THE OFFENSE OF ASSAULT WHEN SHORTLY AFTER THE CAPTURE OF MR. [REDACTED] SPC [REDACTED] KICKED MR. [REDACTED] IN THE CHEST TWO OR THREE TIMES. SPC [REDACTED] STATED THE REASON FOR THE ASSAULT WAS TO STOP MR. [REDACTED] FROM STANDING. MR. [REDACTED] WAS RESTRAINED WITH ZIP TIES AT THE TIME OF THE ASSAULT.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SFC [REDACTED] SFC [REDACTED] AND SSG [REDACTED] COMMITTED THE OFFENSES OF AGGRAVATED ASSAULT, CONSPIRACY, AND FALSE OFFICIAL STATEMENT WHEN THEY ENTERED INTO AN AGREEMENT TO PROVIDE A UNIFORMED STATEMENT AS TO THE ALLEGED ATTACK ON SFC [REDACTED] BY MR. [REDACTED]. ALL THREE THEN PROVIDED OFFICIAL STATEMENTS STATING MR. [REDACTED] ATTACKED SFC [REDACTED] AND ATTEMPTED TO REACH FOR THE PISTOL LOCATED IN HIS SHOULDER HOLSTER. THEY STATED THEY HAD TO SUBDUE MR. [REDACTED] BY STRIKING MR. [REDACTED] REPEATEDLY FOR ONE TO TWO MINUTES. SSG [REDACTED] SFC [REDACTED] AND SFC [REDACTED] STATED THEY NEVER ATTEMPTED TO GAIN CONTROL OF MR. [REDACTED] HANDS IN ORDER TO PREVENT HIM FROM REACHING FOR THE WEAPON. MR. [REDACTED] INJURIES WERE NOT CONSISTENT WITH THIS EXPLANATION IN THAT THE NUMBER OF INJURIES AND SEVERITY OF THE INJURIES EXCEEDED THE FORCE THAT WOULD REASONABLY BE REQUIRED FOR THREE MEN TO SUBDUE HIM.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SPC [REDACTED] COMMITTED THE OFFENSES OF AGGRAVATED ASSAULT, CONSPIRACY, AND FALSE OFFICIAL STATEMENT; SPC [REDACTED] COMMITTED THE OFFENSE OF FALSE OFFICIAL STATEMENT AND CONSPIRACY; SPC [REDACTED] COMMITTED THE OFFENSES OF FALSE OFFICIAL STATEMENT AND CONSPIRACY; AND SSG [REDACTED] COMMITTED THE OFFENSES OF DERELICTION OF DUTY, CONSPIRACY, AND FALSE OFFICIAL STATEMENT WHEN THEY ENTERED INTO AN AGREEMENT PRIOR TO BEING INTERVIEWED BY CID, THAT THEY WOULD NOT DISCLOSE THE FACT THAT MR. [REDACTED] ACTUALLY MADE IT OUTSIDE THE DETENTION FACILITY

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY
Protective marking is excluded from automatic termination (Chap 3, AR 25-55)

025116

00 036

"M" = b(6)(4)
b(7)(c)(4) all b7c5

DURING HIS ESCAPE ATTEMPT. SPC [REDACTED] AND SPC [REDACTED] HAVE STATED SPC [REDACTED] APPREHENDED MR. [REDACTED] ALONE BY GRABBING HIS SHOULDERS FROM BEHIND, CAUSING MR. [REDACTED] TO FALL BACKWARDS IN A TWISTING MOTION ONTO HIS BUTTOCKS. AT WHICH TIME SPC [REDACTED] STEPPED OVER, OR AROUND HIM, TO A POSITION NEAR MR. [REDACTED]'S LEGS AND FEET. SPC [REDACTED] THEN ESCORTED MR. [REDACTED] TO THE SLEEP DEPRIVATION AREA LOCATED DIRECTLY IN FRONT OF THE GUARD STAND. HOWEVER, SSG [REDACTED] STATED SPC [REDACTED] CAUGHT MR. [REDACTED] PRIOR TO HIM LEAVING THE BUILDING. SSG [REDACTED] STATED UPON FIRST CONTACT, SPC [REDACTED] SLAMMED MR. [REDACTED] INTO THE BACK WALL, AND THEN BEAR HUGGED MR. [REDACTED] FROM BEHIND AND SLAMMED HIM TO THE FLOOR WITH SPC [REDACTED] LANDING ON TOP OF MR. [REDACTED]. FURTHER, SSG [REDACTED] FAILED TO INITIALLY REPORT HOW SPC [REDACTED] APPREHENDED MR. [REDACTED] DURING THE ESCAPE ATTEMPT.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE PFC [REDACTED] COMMITTED THE OFFENSE'S OF NEGLIGENT HOMICIDE WHEN HE UTILIZED A MILITARY POLICE STYLE BATON TO BRING MR. [REDACTED] TO HIS FEET AFTER HE REFUSED TO STAND. SPC [REDACTED] STATED PFC [REDACTED] APPEARED TO BE VERY UPSET ABOUT THE ESCAPE ATTEMPT AND WHEN MR. [REDACTED] REFUSED TO STAND PFC [REDACTED] PLACED THE BATON UNDER THE CHIN OF MR. [REDACTED] WHILE STANDING BEHIND HIM, AND PULLED HIM TO A STANDING POSITION, THERE BY FRACTURING THE HYOID BONE, WHICH WAS THE MAJOR CONTRIBUTING FACTOR FOR THE DEATH OF MR. [REDACTED]. FURTHER INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE PFC [REDACTED] COMMITTED THE OFFENSE OF CONSPIRACY WHEN HE ENTERED INTO AN AGREEMENT WITH SPC [REDACTED] SSG [REDACTED], SPC [REDACTED] AND SPC [REDACTED] PRIOR TO BEING INTERVIEWED BY CID, IN THAT THEY WOULD NOT DISCLOSE THE FACT THAT MR. [REDACTED] ACTUALLY MADE IT OUTSIDE THE DETENTION FACILITY DURING HIS ESCAPE ATTEMPT.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SGT [REDACTED] AND SPC [REDACTED] COMMITTED THE OFFENSE OF NEGLIGENT HOMICIDE AND CRUELTY AND MALTREATMENT WHEN THEY ORDERED MR. [REDACTED] TO STAND AS PART OF A MASS PUNISHMENT, THEN AFTER MR. [REDACTED] FAILED TO COMPLY WITH THEIR ORDER THEY HANDCUFFED MR. [REDACTED] TO THE DOOR FRAME OF HIS CELL IN SUCH A MANNER TO FORCE HIM TO REMAIN STANDING. SGT [REDACTED] AND SPC [REDACTED] THEN GAGGED MR. [REDACTED] AFTER HE REFUSED TO STOP MAKING NOISES. SPC [REDACTED] STOOD BEHIND MR. [REDACTED] WITH THE GAG AROUND MR. [REDACTED] HEAD, AS SGT [REDACTED] UTILIZED PRESSURE POINTS ON THE UPPER JAW AND CHIN TO FORCE HIS MOUTH OPEN. SPC [REDACTED] THEN PULLED THE GAG INTO PLACE AND TIED IT OFF BEHIND MR. [REDACTED] HEAD.

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY
Protective marking is excluded from automatic
termination (Chap 3, AR 25-55)

025117

00 037

6 (G) (4)

CONSIDERING THE TOTALITY OF THE FACTS AND EVENTS REGARDING THE DETENTION OF MR. [REDACTED] THERE WAS NO ONE INCIDENT WHICH CAUSED THE FINAL DEMISE OF MR. [REDACTED]. RATHER HE WAS STEADILY SUBJECTED TO PHYSICAL TRAUMA, BROUGHT ON BY HIS OWN ACTIONS; HOWEVER, EXCESSIVE FORCE WAS UTILIZED BY SSG [REDACTED] SFC [REDACTED] AND SFC [REDACTED], SPC [REDACTED] AND PFC [REDACTED]. THERE IS INDICATION TO SUGGEST SGT [REDACTED] OR SPC [REDACTED] ACTED IN A NEGLIGENT MANNER WHEN THEY GAGGED AND FORCED MR. [REDACTED] TO STAND AS PUNISHMENT FOR TALKING. THE INITIAL INCIDENT WITH SPC [REDACTED] WAS DEEMED INSIGNIFICANT TO CAUSE GRIEVOUS BODILY INJURY FROM EYE WITNESS STATEMENTS, FROM MEMBERS OF HIS UNIT, AND FROM THE INTERVIEWS OF THE OTHER IRAQIS DETAINED AT THE SAME TIME AS MR. [REDACTED]

b7c8
b6/b7c1

STATUTES:

ARTICLE 134, UCMJ: NEGLIGENT HOMICIDE
 ARTICLE 128, UCMJ: AGGRAVATED ASSAULT
 ARTICLE 93, UCMJ: CRUELTY AND MALTREATMENT
 ARTICLE 128, UCMJ: ASSAULT
 ARTICLE 107, UCMJ: FALSE OFFICIAL STATEMENT
 ARTICLE 81, UCMJ, CONSPIRACY
 ARTICLE 92, UCMJ, DERELICTION OF DUTY

EXHIBITS AND SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA [REDACTED], 11 Jan 04, detailing the Basis for Investigation, Subject and Witness Interviews and Other Coordination's.
 2. Guard Force Standard Operating Procedure, 31 Jul 03.
 3. Compact disc, containing one photographic packet comprised of 18 photographs (crime scene).
 4. Crime scene sketch, 9 Jan 04, prepared by SA [REDACTED]
 5. Capture packet, 4 Jan 04, pertaining to Mr. [REDACTED]
 6. Sworn Statement of SGT [REDACTED] 9 Jan 04, in which he stated he gagged and forced Mr. [REDACTED] to stand for talking just prior to Mr. [REDACTED]'s death.
 7. Sworn Statement of SPC [REDACTED] 9 Jan 04, in which he stated he assisted SGT [REDACTED] in gagging Mr. [REDACTED]
- b7c1
b7c5
b6/b7c1
b6/b7c1

**LAW ENFORCEMENT SENSITIVE
 FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY
 Protective marking is excluded from automatic
 termination (Chap 3, AR 25-55)

025118

00 038

all "ma" = b(6)(4) b(7)(c)(4) b7c5

8. Sworn Statement of SPC [redacted] 9 Jan 04, in which he stated he apprehended Mr. [redacted] after he (Mr. [redacted]) escaped from his isolation cell.

9. Sworn Statement of CPL [redacted] 9 Jan 04, in which he stated ODA interviewed Mr. [redacted] between 1200 and 1600, 8 Jan 04.

10. Sworn Statement of SPC [redacted] 9 Jan 04, in which he stated he observed bruises on Mr. [redacted] mid section.

11. Sworn Statement of SPC [redacted] 9 Jan 04, in which he stated Special Forces, interrogated Mr. [redacted]

12. Sworn Statement of SGT [redacted] 9 Jan 04, in which he stated he saw bruises on Mr. [redacted] between 2000 and 2200, 8 Jan 04.

13. Compact disc, containing one photographic packet comprised of 16 photographs (body of Mr. [redacted]).

14. Waiver Certificate of SFC [redacted] 10 Jan 04. b7c5

15. Waiver Certificate and Sworn Statement of SFC [redacted] 10 Jan 04, in which he admitted to striking [redacted] several times after Mr. [redacted] attacked SFC [redacted]

16. Interrogation Summary pertaining to detainee number 1582, (Mr. [redacted]), 6 Jan 04.

17. Interrogation Summary pertaining to detainee number 1582, (Mr. [redacted]), 8 Jan 04.

18. Waiver Certificate and Sworn Statement of SSG [redacted] 10 Jan 04, in which he admitted to striking and kicking Mr. [redacted] several times in the mid section after Mr. [redacted] attacked SFC [redacted]

19. Waiver Certificate and Sworn Statement of SFC [redacted] 10 Jan 04, in which he admitted to striking and kicking Mr. [redacted] several times after Mr. [redacted] attacked him.

20. Waiver Certificate and Sworn Statement of SGT [redacted] 10 Jan 04, in which he denied ever striking Mr. [redacted]

21. Waiver Certificate and Sworn Statement of SPC [redacted] 10 Jan 04, in which he admits to kicking Mr. [redacted] two or three times just after Mr. [redacted] capture.

22. Waiver Certificate and Sworn Statement of SFC [redacted] 10 Jan 04, in which he stated he observed SSG [redacted] slap and kick Mr. [redacted] in an attempt to get Mr. [redacted] into a vehicle.

b7c2

b7c5

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

Protective marking is excluded from automatic termination (See AR 25-55)

025119

all items
b(6) (4)
b(7)(c) (4)

b7c2

23. Waiver Certificate of SSG [redacted] 10 Jan 04.

24. Compact disc, containing one photographic packet comprised of 12 photographs (Interrogation Bunker).

25. Crime scene sketch, 11 Jan 04, prepared by SA [redacted] (Interrogation Bunker).

b7c1

26. AIR of SA [redacted] 12 Jan 04, detailing the Autopsy of Mr. [redacted] and Other Coordination's.

27. Preliminary Autopsy Report, 11 Jan 04, ME04-14, pertaining to Mr. [redacted] listing Cause of Death as blunt force injuries and asphyxia, and Manner of Death as homicide.

28. Compact disc, ME04-014, comprised of 69 photographs (Autopsy).

29. AIR of SA [redacted] 16 Sep 04, detailing Subject and Witness Interviews, Final Autopsy Report, and Other Significant Coordination's.

b7c1

30. Waiver Certificate of SFC [redacted] 13 Jan 04.

31. Waiver Certificate of SFC [redacted], 13 Jan 04.

32. Waiver Certificate of SSG [redacted] 13 Jan 04.

33. 15-6, Commanders Inquiry, 23 Jan 04, pertaining to the death of Mr. [redacted]

34. DD Form 2064, Death Certificate pertaining to Mr. [redacted], 9 Jan 04.

35. Final Autopsy Report 30 Apr 04, ME04-04, pertaining to Mr. [redacted] listing Cause of Death as blunt force injuries and asphyxia and the Manner of Death as homicide.

36. Waiver Certificate of SGT [redacted] 8 Jun 04.

37. Waiver Certificate and Sworn Statement of SPC [redacted] in which he stated PFC [redacted] choked Mr. [redacted] with a Military Police style nightstick.

38. Waiver Certificate of PFC [redacted] 8 Jun 04.

39. Waiver Certificate and Sworn Statement of SPC [redacted] 9 Jun 04, in which he denied knowledge of any abuse directed towards Mr. [redacted]

40. Waiver Certificate of SPC [redacted] 9 Jun 04.

b7c5

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY

For official use only. This information is excluded from automatic

downgrading and declassification (AR 25-55)

025120

00 040

41. Sworn Statement of SGT [REDACTED] ^{b7c2} 9 Jun 04, in which he stated Mr. [REDACTED] ^{b(7)(c)(4)} was seen by medics after he complained of pain in his abdomen.

42. Waiver Certificate and Sworn Statement of SPC [REDACTED] ^{b7c2} 10 Jun 04, in which he denied knowledge of any abuse directed towards Mr. [REDACTED]

43. Waiver Certificate of SPC [REDACTED] 16 Jun 04.

44. Polygraph Examination Report pertaining to SPC [REDACTED] 16 Jun 04.

45. Waiver Certificate of PFC [REDACTED] 16 Jun 04.

46. Polygraph Examination Report pertaining to PFC [REDACTED] 16 Jun 04.

47. Waiver Certificate and Sworn Statement of SPC [REDACTED] 30 Jun 04, in which he clarified his previous statement regarding PFC [REDACTED] choking Mr. [REDACTED]

48. Waiver Certificate of SGT [REDACTED] 27 Jul 04.

49. Waiver Certificate of SPC [REDACTED] 28 Jul 04.

50. Waiver Certificate of SSG [REDACTED] 17 Aug 04.

51. Waiver Certificate of SPC [REDACTED] 19 Aug 04.

52. Waiver Certificate and Sworn Statement of SPC [REDACTED] 19 Aug 04, in which he admits during Mr. [REDACTED] escape attempt he physically got out side of the detention facility, prior to being apprehended.

53. Waiver Certificate of CPL [REDACTED] 20 Aug 04.

54. Waiver Certificate of SPC [REDACTED], 20 Aug 04.

55. Waiver Certificate of SPC [REDACTED], 16 Sep 04.

56. AIR of SA [REDACTED] ^{b7c1} 30 Jun 04, detailing the interview of SSG [REDACTED] ^{b7c2}

57. Waiver Certificate and Sworn Statement of SSG [REDACTED] ^{b7c2} 29 Jun 04, in which he described Mr. [REDACTED] escape attempt.

58. Sworn Statement of SSG [REDACTED] ^{b7c2} 29 Jun 04, in which he denied knowledge of any abuse directed towards Mr. [REDACTED]

59. AIR of SA [REDACTED] ^{b7c1} 13 Oct 04, detailing the receipt of polygraph examination reports.

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY
Protective marking is excluded from automatic
termination (Chap 3, AR 25-55)

025121

00 041

all bics

60. Polygraph Examination Report pertaining to SPC [REDACTED] 30 Jun 04.

61. Polygraph Examination Report pertaining to SGT [REDACTED] 27 Jul 04.

62. Polygraph Examination Report pertaining to SPC [REDACTED] 28 Jul 04.

63. Compact disc containing all digital photographs pertaining to this investigation (USACRC copy only).

64. DA Form 4137, Evidence Property Custody Document (EPCD) Voucher Number (VO), 162-04.

NOT ATTACHED:

Retained in the evidence depository, 87th MP Det CID, Fort Bragg, NC 28310.

65. Rag, VO 162-04.

Retained in the files of this office.

66. Memorandum, CJTF-7 Interrogation and counter-Resistance Policy, 10 Sep 03.

Retained in the files of the this office.

67. FRAGO Memorandum, FOB 51 Detention Operations Relating to Detainees, 7 Oct 03.

Retained in the files of the U.S. Army Crime Records Center, Fort Belvoir, VA:

68. Polygraph authorization (SPC [REDACTED] 16 Jun 04.

69. Polygraph examination statement of consent (SPC [REDACTED] 16 Jun 04.

70. Four polygraph charts (SPC [REDACTED] 16 Jun 04.

71. Polygraph authorization (PFC [REDACTED] 16 Jun 04.

72. Polygraph authorization (SPC [REDACTED] 30 Jun 04.

73. Polygraph examination statement of consent (SPC [REDACTED] 30 Jun 04.

74. Six polygraph charts (SPC [REDACTED] 30 Jun 04.

75. Polygraph authorization (SGT [REDACTED] 27 Jul 04.

76. Polygraph examination statement of consent (SGT [REDACTED] 27 Jul 04.

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY automatic
Protective marking is excluded from automatic
termination (Chap 3, AR 25-55)

025122

00 042

77. Four polygraph charts (SGT [redacted], 27 Jul 04.

78. Polygraph authorization (SPC [redacted], 28 Jul 04.

79. Polygraph examination statement of consent (SPC [redacted]), 28 Jul 04.

80. Four polygraph charts (SPC [redacted], 28 Jul 04.

b7ES

The originals of Exhibits 1, 3, 4, 9 through 14, 20, 22 through 26, 29, 41, 53, 56, 59 and 63 are attached to the USACRC copy of this report. The original of Exhibit 2 is retained in the files of the 3rd Armored Cavalry Regiment, Fort Carson, CO 80913. The originals of Exhibits 5 through 8, 15, 18, 19, 21, 30 through 32, 36 through 40, 42, 43, 45, 47, 48, 51, 52, 54, 55, 57 and 58 are retained in the files of this office pending adjudication. The originals of Exhibits 16, 17 and 33 are retained in the files of B Company, 1st Battalion, 5th Special Forces Group, Fort Campbell, KY 42223. The originals of Exhibits 27, 28 and 35 are retained in the files of the Armed Force Institute of Pathology, AFIP Annex, Bldg 102, 1413 Research Blvd, Rockville, MD 20858. The original of Exhibit 34 is retained in the files of Medical Troop, Support Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO 80913. The originals of Exhibits 44, 46, 60, 61 and 62 are retained in the files of the U.S. Army Crime Records Center, Fort Belvoir, VA. The original of Exhibit 64 is maintained in the files of the evidence depository this office.

STATUS: This is a Final Report. Commander's Report of Action (DA Form 4833) on concerning; SFC [redacted], SFC [redacted], SSG [redacted], SSG [redacted], SGT [redacted], SPC [redacted], SPC [redacted], SPC [redacted], SPC [redacted], PFC [redacted] AND PFC [redacted] is pending.

Report Prepared By:

[redacted signature]

Special Agent

b2

Report Approved By:

[redacted signature]

Special Agent in Charge

b7c

DISTRIBUTION:

1 - Director, U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5506 (original).

1 - THRU: Commander, 3rd Military Police Group, (CID), Fort Gilliam, GA (Email Only/Less Exhibits).

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY
Protective marking is excluded from automatic
termination (Chap 3, AR 25-55)

025123

Commander, 10th Military Police Battalion (CID), Fort Bragg, NC 28310-5000 (Email Only/Less Exhibits).

TO: Headquarters, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Fort Belvoir, VA 22060-5505

1 – THRU: Commander, 5th Special Forces Group, Fort Campbell, KY 42223 (Email Only/Less Exhibits).

Commander, 1st Battalion, 5th Special Forces Group, Fort Campbell, KY 42223 (Email Only/Less Exhibits).

TO: Commander, B Company, 1st Battalion, 5th Special Forces Group, Fort Campbell, KY 42223 (Email Only/Less Exhibits).

1 – THRU: Commander, 3rd Armored Cavalry Regiment (ACR), Fort Carson, CO 80913 (Email Only/Less Exhibits).

TO: Commander, ADA Battery, 1st Battalion, 3rd ACR, Fort Carson, CO 80913 (Email Only/Less Exhibits).

TO: Commander, S & T Support Squadron, Fort Carson, CO 80913 (Email Only/Less Exhibits).

TO: Commander, Maintenance Troop, Support Squadron, Fort Carson, CO (Email Only/Less Exhibits).

TO: Commander, Aviation Maintenance Troop, Support Squadron, Fort Carson, CO 80913 (Email Only/Less Exhibits).

TO: Commander, 2133rd Transportation Company, Iowa National Guard, IA (Email Only/Less Exhibits).

1- Director, Armed Force Institute of Pathology, AFIP Annex, Bldg 102, 1413 Research Blvd, Rockville, MD 20858

1 – File.

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY
Protective marking is excluded from automatic
termination (Chap 3, AR 25-55)

025124

00 044

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

7m = b(6)(4)

PAGE 1 OF 11 PAGE

DETAILS

BASIS FOR INVESTIGATION: Around 1010, 9 Jan 04, the 94th Military Police (MP) Company, FOB Rifles Base, Al Asad, Iraq, notified this office of a detainee death at the Forward Operating Base (FOB) Rifles Base Detention Facility.

b7c1

b7c2

DETAILS: Around 1050, 9 Jan 04, SA [REDACTED] coordinated with SGT [REDACTED] 94th MP Co, FOB Rifles Base, Al Asad, Iraq, who related he secured the crime scene pending the arrival of Criminal Investigation Division (CID). SGT [REDACTED] also provided a copy of the Standard Operating Procedure (SOP) for the guard force. (See Guard Force SOP for details)

b7c2

b7c1

CRIME SCENE EXAMINATION: Around 1055, 9 Jan 04, SA [REDACTED], this office, and INV [REDACTED] 94th MP Co, conducted a crime scene examination of the FOB Rifles Base Detention Facility located at MGRS 38S KC 60160 40494.

CHARACTERISTICS OF THE SCENE: The detention facility was located in a large, hardened airplane hangar. The interior of the hangar was divided into two large confinement areas and four isolation areas built using barbed and concertina wire. Each area had a metal-framed cage type door. The four isolation areas were located adjacent the southern end of the hangar.

b(7)(C)(4)

CONDITION OF THE SCENE: At the time of the examination, the detention facility housed 130 detainees. The detainees were primarily housed in the two large confinement areas. Three detainees were housed individually in three of the four isolation cells. The body of Mr. [REDACTED] was located in the isolation cell nearest the southwest corner of the hangar. The body was lying face up, his head toward the cell door. He was covered with a blanket. He was wearing undergarments that appeared to be soiled, a shirt, which was up towards his chest and a pair of pants, which were down to his knees. Extensive bruising was visible on the upper body. The bruises were dark blue and purple in color. There was a second blanket rolled up on the floor at the foot of the body. There was a light colored dish dash (Man Dress) draped over the concertina wire to the left of the deceased. A pair of leg shackles lay on the floor in the northeastern corner of the cell. There was an open 'meal ready to eat' (MRE) in the cell and one water bottle in the cell. It did not appear that any of the contents of the MRE were consumed. Immediately outside the deceased's cell was a rag. The rag was lying on the floor, and was used to gag the deceased. There was a denim jacket lying on the floor outside of the cell in the southwest corner of the hangar.

ENVIRONMENTAL CONDITIONS: At the time of the crime scene examination the outside temperature was approximately 55 degrees Fahrenheit. There was low humidity and no signs of moisture. The temperature inside the hangar was approximately 60 degrees Fahrenheit.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] <i>b2</i>		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED] <i>b7c1</i>		Ar Ramadi, (Rifles Base, Iraq)	
[REDACTED]		DATE	EXHIBIT
[REDACTED]		11 Jan 04	1

CID FORM 94

FOR OFFICIAL USE ONLY

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025125

EXHIBIT

00 045

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

MM" = b(6)(4)/b(7)(C)(4)

PAGE 2 OF 11 PAGE

DETAILS

FACTORS PERTINENT TO ENTRY/EXIT: There was one door that allowed entry/exit to Mr. [REDACTED] isolation cell. The Detention Facility was accessible by two doors. One door was located on the northern wall of the hangar the other on the southern wall.

SCENE DOCUMENTATION: SA [REDACTED] exposed digital photographs of the crime scene utilizing a Nikon Coolpix 995 Digital Card Camera with built in flash. SA [REDACTED] prepared a crime scene sketch. (See Photographic CD #040009.679 and Crime Scene Sketch for details) b7c1

COLLECTION OF EVIDENCE: SA [REDACTED] collected one white and red rag, which was used to gag Mr. [REDACTED], as evidence on a DA Form 4137, Evidence/Property Custody Document. b7c2

Around 1055, 9 Jan 04, SA [REDACTED] coordinated with SGT [REDACTED] 66th MI, 3ACR, Fort Carson, CO, (Rifles Base, Iraq) who provided the detainee capture file pertaining to Mr. [REDACTED]. A review of the packet revealed Mr. [REDACTED] was detained on 4 Jan 04. He was detained by SGT [REDACTED] Air Defense Artillery (ADA) Battery, 1st Squadron, 3rd Armored Cavalry Regiment (ACR), FOB Rifles Base, Al Asad, Iraq and SSG [REDACTED] ADA Battery, 1 Squadron, 3rd ACR. Mr. [REDACTED] was detained on alternate supply route, ASR, Bronze with two other Iraqi males. At the time of his detention he was in possession of a pair of binoculars, three handheld radios, two motorcycle batteries, one hand pick and approximately one hundred feet of wire. (See Capture File for details) b7c1 b7c2

Around 1110, 9 Jan 04, SA [REDACTED] interviewed SGT [REDACTED] Maintenance Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq. SGT [REDACTED] rendered a sworn statement; wherein he stated he and SPC [REDACTED], S and T Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, placed Mr. [REDACTED] in shackles when he refused to stand as punishment for talking. Mr. [REDACTED] was shackled to the top of the door of his cell in such a way that forced him to stand. When he refused to stop talking, SGT [REDACTED] and SPC [REDACTED] gagged him. SGT [REDACTED] further related, about five minutes later he discovered Mr. [REDACTED] was not breathing. SGT [REDACTED] unshackled Mr. [REDACTED] and removed his gag. SGT [REDACTED] laid him on the floor and discovered he had no pulse. SGT [REDACTED] then sent SPC [REDACTED] to summon medical aid. (See Sworn Statement for details) b7c1 b7c2 b7c2

Around 1119, 9 Jan 04, SA [REDACTED] interviewed SPC [REDACTED] SPC [REDACTED] rendered a sworn statement wherein he described assisting SGT [REDACTED] with gagging Mr. [REDACTED] and SGT [REDACTED] discovering Mr. [REDACTED] was not breathing. (See Sworn Statement for details) b7c1 b7c2

Around 1125, 9 Jan 04, SA [REDACTED] released Mr. [REDACTED]'s remains to PFC [REDACTED] Mortuary Affairs, 54th Quartermaster Co, attached to 3rd ACR, FOB Rifles Base, Al Asad, Iraq. b7c1 b7c2

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] b7c1		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED] b2		DATE	EXHIBIT
		11 Jan 04	1

CID FORM [REDACTED] FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025126

EXHIBIT 1

00 046

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195.1 (b)(7)(c)(4)
"Mr" = b(6)(4) / b(7)(c)(4)

PAGE 3 OF 11 PAGE

DETAILS

Around 1200, 9 Jan 04, SA [redacted] interviewed SPC [redacted] Aviation Maintenance, AVIM, Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Iraq. SPC [redacted] rendered a sworn statement, wherein he related Mr. [redacted] approached him on 8 Jan 04, complaining his zip tie handcuffs were cutting off circulation to his hands. SPC [redacted] removed the handcuffs, bandaged the abraded injury underneath, and re-cuffed Mr. [redacted]. SPC [redacted] also related at 0215, 9 Jan 04, Mr. [redacted] attempted to escape from the detention facility. SPC [redacted] detained Mr. [redacted] in the hallway leading from the isolation cells. (See Sworn Statement for details)

Around 1200, 9 Jan 04, INV [redacted] interviewed CPL [redacted], S and T Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, who provided a sworn statement in which he stated members of a Special Forces unit interrogated Mr. [redacted] between 1200 and 1600, 8 Jan 03. (See Sworn Statement for details)

Around 1205, 9 Jan 04, SA [redacted] interviewed SGT [redacted] who related Mr. [redacted] was not interrogated by Military Intelligence personnel. The only personnel who interrogated Mr. [redacted] were the Special Forces unit operating in the area. He further stated there was no written record of Special Forces signing Mr. [redacted] out of the detention facility in violation of SOP. SGT [redacted] thought Mr. [redacted] may have been a diabetic and been prescribed heart medicine but could not provide any documentation to show his medical condition.

Around 1225, 9 Jan 04, SA [redacted] interviewed SSG [redacted] AVIM Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq. SSG [redacted] stated he was the Non-Commissioned Officer in Charge (NCOIC) of the detention facility guards. SSG [redacted] stated Mr. [redacted] was detained about five days prior to his death. SSG [redacted] confirmed Special Forces interviewed Mr. [redacted] on at least one occasion. The only medications SSG [redacted] was aware of were cough syrup and Motrin. SSG [redacted] related there was a board that told the guards what medicines each prisoner was supposed to receive. SSG [redacted] further related Mr. [redacted] was not on sleep deprivation, but was not sleeping.

Around 1235, 9 Jan 04, INV [redacted] 94th MP Co, interviewed SPC [redacted] S and T Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq. SPC [redacted] related he worked from 0000-0400, 9 Jan 04, as a guard. He witnessed Mr. [redacted] attempt to escape. He alerted SGT [redacted] and SPC [redacted] who apprehended Mr. [redacted] and returned him to his isolation cell and shackled him to a pole.

Around 1236, 9 Jan 04, SA [redacted] interviewed SGT [redacted] 2133 Transportation Co, Iowa Army National Guard, IA, attached to 3rd ACR, FOB Rifles Base, Al Asad, Iraq. SGT [redacted] related Mr. [redacted] was a detainee for about one week. SGT [redacted] stated Special Forces soldiers interviewed Mr. [redacted] on at least one occasion.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted]		Ar Ramadi, (Rifles Base, Iraq)	
DATE		EXHIBIT	
11 Jan 04		1	

CID FORM [redacted] FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025127 **EXHIBIT** /
00 047

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

PAGE 4 OF 11 PAGE

"mr" = b(6)(C)

DETAILS

Around 1246, 9 Jan 04, SA [redacted] interviewed SPC [redacted] 2133 Transportation Company, Iowa Army National Guard, IA, attached to 3rd ACR, FOB Rifles Base, Al Asad, Iraq, who rendered two sworn statements. SPC [redacted] related Mr. [redacted] had been in custody for about one week. SPC [redacted] stated Special Forces soldiers interrogated Mr. [redacted]. About 2300, 8 Jan 04, SPC [redacted] saw Mr. [redacted] while Mr. [redacted] had his shirt off. SPC [redacted] noticed several dark bruises on Mr. [redacted] upper body. (See Sworn Statements for details)

AGENT'S COMMENT: SPC [redacted] statement was recorded on two separate Sworn Statement forms, as he prematurely signed the first statement. SA [redacted] swore SPC [redacted] to each statement separately.

Around 1250, 9 Jan 04, INV [redacted] interviewed SGT [redacted] AVIM Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, who rendered a sworn statement. SGT [redacted] related he noticed bruising on Mr. [redacted] abdomen between 2000 and 2200, 8 Jan 04. SGT [redacted] related he could see the bruises from some distance, as he was standing on the raised platform in the detention facility. (See Sworn Statement for details)

Around 1250, 9 Jan 04, SA [redacted] interviewed SSG [redacted] 2133 Transportation Co, Iowa Army National Guard, IA, attached to 3rd ACR, FOB Rifles Base, Al Asad, Iraq. SSG [redacted] related he was the supervisor of the guard shift from 0000-0400, 9 Jan 04. During that shift, Mr. [redacted] attempted to escape from the detention facility. The escape attempt occurred about 0215, 9 Jan 04. SPC [redacted] stopped the escape attempt. While SPC [redacted] was subduing Mr. [redacted] Mr. [redacted] defecated in his clothing. While returning Mr. [redacted] to his cell, SSG [redacted] noticed large bruises on his ([redacted]) sides. Mr. [redacted] was moving very slowly and appeared to experiencing difficulty with all of his movements. SSG [redacted] related Special Forces soldiers interrogated Mr. [redacted] earlier in the week.

Around 1251, 9 Jan 04, INV [redacted] interviewed PFC [redacted], Maintenance Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq. PFC [redacted] stated he assisted SGT [redacted] in unshackling Mr. [redacted] and laying him on the floor. PFC [redacted] stated he observed significant bruising on the upper body of Mr. [redacted]

Between 1218 and 1253, SA [redacted] INV [redacted] and INV [redacted], 94th MP Co, conducted canvass interviews of the soldiers listed below. None of the soldiers were able to provide information pertinent to this investigation.

NAME	SSN	UNIT
SGT [redacted]	[redacted]	Maintenance Troop, Support Squadron, 3 rd ACR, FOB Rifles Base Al Asad, Iraq

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted]		DATE	EXHIBIT
[redacted]		11 Jan 04	1

CID FORM 1 FEB 77 FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025128

EXHIBIT

00 048

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

"M" = b(6)(4)

PAGE 5 OF 11 PAGE

DETAILS

- SGT [REDACTED] Maintenance Troop, Support Squadron, 3rd ACR, FOB Rifles Base Al Asad, Iraq
- PFC [REDACTED] S and T Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq
- PFC [REDACTED] HHT, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq
- PFC [REDACTED] S and T Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq
- PFC [REDACTED] HHT, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq
- SPC [REDACTED] AVIM Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq
- SPC [REDACTED] 2133 Transportation Company, Iowa Army National Guard, IA, attached to 3rd ACR, FOB Rifles Base, Al Asad, Iraq

Around 1335, 9 Jan 04, SA [REDACTED] ^{b7c1} interviewed Ms. [REDACTED] ^{b7c4} Linguist, Titan Corporation, Norfolk, VA, who related she was the linguist present when Mr. [REDACTED] received his medical screening. Physician's Assistant, PA, (CPT) [REDACTED] Medical Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, performed the screening. Mr. [REDACTED] told the doctor he had high blood pressure and was diabetic. PA [REDACTED] checked Mr. [REDACTED] blood sugar. He also examined the medication Mr. [REDACTED] had with him for his high blood pressure. PA [REDACTED] returned the medication to Mr. [REDACTED], and told him to notify the guards if he ran out. ^{b7c2}

Around 1345, 9 Jan 04, SA [REDACTED] ^{b7c1} and SA [REDACTED] ^{b7c1} conducted a re-check of the crime scene, and were unable to locate the medicine described by Ms. [REDACTED] ^{b7c4}

Around 1423, 9 Jan 04, SA [REDACTED] ^{b7c1} and SA [REDACTED] ^{b7c1} examined the remains of Mr. [REDACTED] ^{b(7)(c)(4)} There was extensive bruising on the upper body of Mr. [REDACTED]. Bruises were visible over the sternum, the abdomen and on both sides. The bruises were large and very dark purple in color. Abraded injuries were present near the left elbow. There was a pair of pants on the remains that were down to the ankles. He was wearing boxer shorts and a white t-shirt. The white t-shirt was up towards the armpits. The hands were bound with flexi cuff style handcuffs. There was a bandage on the left wrist. There was swelling present under the bandage. Mr. [REDACTED] had defecated in his underwear prior to dying. SA [REDACTED] exposed digital photographs of the remains utilizing a Nikon Coolpix 995 Digital Card Camera. (See Photo Packet and Compact Disc 04-0009-679-83486 (Exam of body) for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED]		Ar Ramadi, (Rifles Base, Iraq)	
DATE		EXHIBIT	
11 Jan 04		1	

CID FORM 9
1 FEB 77
ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025129

EXHIBIT

00 049

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

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

PAGE 6 OF 11 PAGE

DETAILS

Around 1500, 9 Jan 04, SA [redacted] interviewed Mr. [redacted] (detainee, Rifles Base, Iraq) utilizing Mr. [redacted] Interpreter, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, as an interpreter. Mr. [redacted] occupied the isolation cell adjacent Mr. [redacted]'s. Mr. [redacted] related Mr. [redacted] had been complaining for three days about wanting to go home. On 8 Jan 04, Mr. [redacted] observed bruises on Mr. [redacted] after Mr. [redacted] removed his dish dash because it was wet from having water thrown on him as punishment for talking. Mr. [redacted] further complained of being cold after being doused with water.

Around 1530, 9 Jan 04, SA [redacted] interviewed Mr. [redacted] (detainee, Rifles Base, Iraq) with Mr. [redacted] serving as interpreter. Mr. [redacted] occupied one of the isolation cells. He was detained on 8 Jan 04, and was not able to provide any information pertinent to this investigation.

Around 1540, 9 Jan 04, SA [redacted] and INV [redacted] interviewed Mr. [redacted] an Israeli national who occupied one of the isolation cells. Mr. [redacted] detailed the levels of punishment he witnessed detainees receive for talking in their cells. The first level of punishment was being made to stand. The second level was being made to kneel. The third level was having your head doused in water. The fourth level was being gagged. Mr. [redacted] was awakened during Mr. [redacted] escape attempt and noticed he was having extreme difficulty breathing. Mr. [redacted] stated masked men came and took Mr. [redacted] out of the detention facility three days prior to his death. When Mr. [redacted] returned, Mr. [redacted] noticed he was in much worse physical shape and described him as being hurt badly.

Around 1555, 9 Jan 04, SA [redacted] interviewed Mr. [redacted] (detainee, Rifles Base, Iraq) with Mr. [redacted] serving as interpreter. Mr. [redacted] was confined in the large confinement area adjacent Mr. [redacted] isolation cell. Mr. [redacted] related men in mask came and took Mr. [redacted] to interrogation two or three times. Each time, Mr. [redacted] returned, he was having difficulty breathing. On the morning of 9 Jan 04, when Mr. [redacted] was made to stand up, he had to be lifted up by the guards. He also stated Mr. [redacted] complained of being cold at night. On 8 Jan 04, Mr. [redacted] observed Mr. [redacted] being "hog tied" and then doused with water as punishment for talking. Mr. [redacted] noticed a lot of bruises on Mr. [redacted] at that time. He further stated he had never seen any of the detention facility guards hit or hurt anyone.

Around 1705, 9 Jan 04, SA [redacted] interviewed CPT [redacted] CPT [redacted] related no life saving measures were performed on Mr. [redacted]. CPT [redacted] stated rigor mortis was present, but not fixed and he was in the supine position when he examined Mr. [redacted] body. CPT [redacted] pronounced Mr. [redacted] dead at 0900, 9 Jan 04.

Around 1709, 9 Jan 04, SA [redacted] interviewed SGT [redacted] and PFC [redacted], both assigned to Med Troop, Support Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, SGT [redacted] and PFC [redacted] were the medics that responded to the detention facility. The initial call

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted]		Ar Ramadi, (Rifles Base, Iraq)	
[redacted]		DATE	EXHIBIT
[redacted]		11 Jan 04	

CID FORM 9 FOR OFFICIAL USE ONLY

1 FEB 77

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025130

EXHIBIT

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

"ma" = b(6)(4)

PAGE 7 OF 11 PAGE

DETAILS

was for breathing difficulties. Upon arrival at the detention facility, Mr. [REDACTED] was lying on his back, covered by a blanket. SGT [REDACTED] stated he checked Mr. [REDACTED] for a pulse or any signs of life, which met with negative results. No life saving measures were conducted by SGT [REDACTED] or PFC [REDACTED]. No blood was present at the scene, however they observed bruising on the abdominal area of Mr. [REDACTED].

Around 2030, 9 Jan 04, SA [REDACTED] interviewed CPT [REDACTED] B Co, 1st Battalion, 5th Special Forces Group, Fort Campbell, KY (FCKY), Operational Detachment Alpha (ODA) 525, Rifles Base, Iraq. CPT [REDACTED] related members of his unit interviewed Mr. [REDACTED] on two occasions. The first interrogation was conducted on 6 Jan 04 from approximately 1000 to 1800, at the ODA compound on FOB Rifles Base. SFC [REDACTED], SFC [REDACTED], SFC [REDACTED] and SSG [REDACTED] all assigned to ODA 525, B Co, 1/5th, SF GRP, FCKY, and [REDACTED] (Titan Corporation Contractor, Interpreter), were present during the first interrogation. Between 1300 and 1400, 7 Jan 04, SFC [REDACTED] and Mr. [REDACTED] interrogated Mr. [REDACTED] the FOB Rifles Base detention facility.

Around 0923, 10 Jan 04, SA [REDACTED] advised SFC [REDACTED] of his legal rights which he waived and provided a verbal statement in which he stated he did not take part in the interrogation of Mr. [REDACTED]. SFC [REDACTED] stated he was the team sergeant and did not take part in interrogations or operations as a norm. SFC [REDACTED] stated he spoke with his team about the interrogation of Mr. [REDACTED] and they informed him he was not beaten, but had attacked SFC [REDACTED] during the interrogation and had to be restrained. (See Waiver Certificate for details)

Around 1050, 10 Jan 04, SA [REDACTED] advised SFC [REDACTED] of his legal rights which he waived and rendered a sworn statement in which he stated Mr. [REDACTED] attacked SFC [REDACTED] during the interrogation on 6 Jan 04. SFC [REDACTED] stated prior to the attack Mr. [REDACTED] was released from his flexi cuffs and was seated on a chair in the interrogation room. He stated he was unsure why Mr. [REDACTED] suddenly changed his manner from relatively docile to aggressive. But he stated once the attack occurred it took SFC [REDACTED] SSG [REDACTED] and himself to restrain Mr. [REDACTED]. SFC [REDACTED] stated Mr. [REDACTED] was struck in the mid section by all three of them several times in order to gain control over him. SFC [REDACTED] also provided a copies of the Interrogation Summary's dated 6 Jan 04, and 8 Jan 04, which document the interrogation and recovery of an Improvised Explosive Device, reportedly set by Mr. [REDACTED] (See Waiver Certificate / Sworn Statement and Interrogation Summaries for details)

Around 1052, 10 Jan 04, SA [REDACTED] and SA [REDACTED] interviewed Mr. [REDACTED] detainee number [REDACTED] utilizing Mr. [REDACTED] as the interpreter. Mr. [REDACTED] stated he was arrested with Mr. [REDACTED]. Mr. [REDACTED] related he was treated well during the arrest, but Mr. [REDACTED] was kicked in the chest two or three times by one of the soldiers. Mr. [REDACTED] stated it was a caucasian soldier about 5'6" tall. Mr. [REDACTED] was

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED]		Ar Ramadi, (Rifles Base, Iraq)	
[REDACTED]		DATE	EXHIBIT
[REDACTED]		11 Jan 04	/

CID FORM 9 [REDACTED] FOR OFFICIAL USE ONLY

1 FEB 77

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025131

EXHIBIT

00 051

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

"Mr" = 6(G)(4)

PAGE 8 OF 11 PAGE

DETAILS

Mr. [redacted] was interrogated one time by men wearing masks. The men did not strike or hurt Mr. [redacted]. Mr. [redacted] stated he was in the proximity of Mr. [redacted] holding cell on 6 Jan 04. At that time, Mr. [redacted] told Mr. [redacted] the men in black masks had tortured him. On 8 Jan 04, Mr. [redacted] saw Mr. [redacted] in the FOB Rifles Base detention facility. Mr. [redacted] had removed his shirt after he was doused with water for talking. Mr. [redacted] noticed large bruises on Mr. [redacted] abdomen. Mr. [redacted] did not see anyone strike Mr. [redacted] after they were arrested. He further stated no one had struck Mr. [redacted] while he was in U.S. custody. Mr. [redacted] stated he did not think Mr. [redacted] had eaten since being detained, he had only seen him drink water.

b7c4

Around 1125, 10 Jan 04, SA [redacted] and SA [redacted] interviewed Mr. [redacted] detainee number [redacted] utilizing Mr. [redacted] as interpreter. Mr. [redacted] related he was detained with Mr. [redacted]. At the time they were detained, one U.S. soldier kicked Mr. [redacted] in the chest. Mr. [redacted] thought the soldier only kicked Mr. [redacted] one time. Mr. [redacted] stated he was interrogated only one time by the men in masks while in U.S. custody. He stated one of the men kicked him while he was walking behind him, but not very hard. The kick did not leave a bruise. On 8 Jan 04, Mr. [redacted] saw Mr. [redacted] without his shirt on. Mr. [redacted] had taken his shirt off after guards doused him with water for talking. Mr. [redacted] noticed large bruises on Mr. [redacted] upper body.

b7c4

Around 1354, 10 Jan 04, SA [redacted] advised SSG [redacted] of his legal rights, which he waived and rendered a sworn statement in which he stated he struck and kicked Mr. [redacted] several times in the mid section in an attempt to restrain him after he (Mr. [redacted]) attacked SFC [redacted] during an interrogation on 6 Jan 04. SSG [redacted] stated during the struggle to restrain Mr. [redacted] (Mr. [redacted]) made several attempts at SFC [redacted] weapon, which was in a shoulder holster. SSG [redacted] stated there was one other incident where force was required to get Mr. [redacted] into a Non Tactical Vehicle (NTV), but stated it was not as severe as the force required to restrain him during the interrogation. (See Waiver Certificate and Sworn Statement for details)

b7c

Around 1436, 10 Jan 04, SA [redacted] advised SFC [redacted] of his legal rights, which he waived. SFC [redacted] rendered a sworn statement wherein he stated he participated in the interrogation of Mr. [redacted] on 6 Jan 04. During the interrogation, Mr. [redacted] jumped out of his chair and grabbed SFC [redacted] by the front of his shirt. SFC [redacted] stated he kned Mr. [redacted] in the ribs repeatedly in an attempt to take his breath away. SFC [redacted] also punched Mr. [redacted] in the ribs several times. SFC [redacted] further related SSG [redacted] and SFC [redacted] assisted with subduing Mr. [redacted]. SFC [redacted] estimated it took one to two minutes to subdue Mr. [redacted]. (See Waiver Certificate and Sworn Statement for details)

b7c

Around 1449, 10 Jan 04, SA [redacted] advised SGT [redacted] of his legal rights. SGT [redacted] waived his rights and rendered a sworn statement. SGT [redacted] denied he hit or kicked Mr. [redacted] when they apprehended him on 4 Jan 04. SGT [redacted] further stated Mr. [redacted] was guarded by SPC [redacted].

b7c5

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

SA [redacted]
SIGNATURE

87th Military Police Detachment (CID) (DSE) (FWD)
Ar Ramadi, (Rifles Base, Iraq)

DATE
11 Jan 04

EXHIBIT
1

CID FORM 94 FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 1

025132

00 052

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

all → "ma" = b(6)(C) / b(7)(E)(4)

PAGE 9 OF 11 PAGE

DETAILS

[REDACTED] ADA BTRY, 1st Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, while he searched the vehicle Mr. [REDACTED] was traveling in at the time of his arrest. SGT [REDACTED] did recall that Mr. [REDACTED] refused to stop talking when directed on numerous occasions however, he never witnessed anyone hit or kick Mr. [REDACTED] (See Waiver Certificate and Sworn Statement for details)

b7c5

Around 1527, 10 Jan 04, SA [REDACTED] advised SPC [REDACTED] of his legal rights. SPC [REDACTED] waived his rights and rendered a sworn statement wherein he admitted to kicking Mr. [REDACTED] about two or three times in the chest. SPC [REDACTED] stated he was assigned to watch the detainees while their vehicle was being searched. While he was guarding them, Mr. [REDACTED] continued to talk and attempted to get up several times before he resorted to force (kicking) to keep him on the ground. SPC [REDACTED] further stated his intent was to keep Mr. [REDACTED] from getting up and talking, not to inflict bodily harm. SPC [REDACTED] admitted Mr. [REDACTED] was restrained with flexi cuffs at the time he kicked him. (See Waiver Certificate and Sworn Statement for details)

b7c5

Around 1635, 10 Jan 04, SA [REDACTED] interviewed SSG [REDACTED] who stated he searched the vehicle which Mr. [REDACTED] was traveling in when he was apprehended. While he was conducting his search, SPC [REDACTED] was guarding the detainees. SSG [REDACTED] stated he did not witness any abuse of the detainees. SSG [REDACTED] further stated Mr. [REDACTED] seemed to be in fair health and was able to walk and breathe without any visible difficulties. SSG [REDACTED] stated all the detainees were delivered to the enemy prison of war (EPW) detention site in the same condition as when they were initially detained.

b7c5

Around 1642, 10 Jan 04, SA [REDACTED] interviewed Mr. [REDACTED] who stated he was the interpreter during the interrogation of Mr. [REDACTED], which lasted approximately one to one and a half hours on 6 Jan 04. He stated during the interrogation Mr. [REDACTED] attacked SFC [REDACTED] which required SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] to restrain Mr. [REDACTED]. Mr. [REDACTED] stated there was punching and kicking from both sides. Mr. [REDACTED] stated he believed SFC [REDACTED], SFC [REDACTED] and SSG [REDACTED] used the appropriate level of force to subdue Mr. [REDACTED]. [REDACTED] stated during the transfer of Mr. [REDACTED] into the NTV, Mr. [REDACTED] resisted and was forced into the vehicle by SSG [REDACTED] and someone else who he could not recall. Mr. [REDACTED] stated there was not an excess of force used to get Mr. [REDACTED] into the NTV.

b7c5

Around 1650, 10 Jan 04, SA [REDACTED] interviewed SFC [REDACTED] ADA BTRY, 1st Squadron, 3rd ACR, FOB Rifles Base, Al Asad, Iraq, who corroborated the statements of SSG [REDACTED] and SGT [REDACTED]

b7c2

Around 1720, 10 Jan 04, SA [REDACTED] interviewed SSG [REDACTED] Co, 1/5th SF GRP, FCKY, who stated he was part of the Positive Identification (PID) mission in which Mr. [REDACTED] brought members of ODA 525 to the site where he (Mr. [REDACTED]) had emplaced three 155 artillery rounds along the side of a roadway in order to attack coalition forces. While preparing for the mission he observed SSG [REDACTED] and [REDACTED]

b7c5

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] <i>b7c1</i>		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED] <i>b2</i>		Ar Ramadi, (Rifles Base, Iraq)	
		DATE	EXHIBIT
		11 Jan 04	1

CID FORM 1 FEB 77 FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025133

EXHIBIT 1

00 053

except as noted b7c5

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

"Mr" = b(6)(4) / b(7)(C)(4)

PAGE 10 OF 11 PAGE

DETAILS

SSG [redacted] B Co, 1/5th SF GRP, FCKY, try for approximately five minutes to get Mr. [redacted] in the back seat of an NTV. SSG [redacted] stated SSG [redacted] was pulling Mr. [redacted] from the driver's side back seat while SSG [redacted] was pushing from the passenger's side of the NTV. SSG [redacted] stated he observed SSG [redacted] slapping at Mr. [redacted] legs and arms in an attempt to get Mr. [redacted] into the NTV. SSG [redacted] stated Mr. [redacted] was cooperative with the exception of the incident with the NTV. SSG [redacted] stated he had been with the team for approximately one year and had never seen or heard of any member of the team mistreat a detainee.

b7c1

Around 1730, 10 Jan 04, SA [redacted] advised SFC [redacted] ODA 525, 5th Special Forces Group, Fort Campbell, KY 42223, of his legal rights, which he waived. SFC [redacted] rendered a sworn statement, wherein he stated he did not participate in the interrogation of Mr. [redacted]. SFC [redacted] did supervise a mission during which Mr. [redacted] identified a site where he ([redacted]) had emplaced an improvised explosive devise (IED). At the outset of the mission, Mr. [redacted] hesitated when told to get into the truck SFC [redacted] was driving. SFC [redacted] witnessed SSG [redacted] slap and kick Mr. [redacted] until he got into the truck. Mr. [redacted] did not appear to be injured while he was with SFC [redacted] (See Waiver Certificate and Sworn Statement for details)

Around 1834, 10 Jan 04, SA [redacted] advised SSG [redacted] of his legal rights which he waived and rendered a verbal statement. SSG [redacted] stated around 1330, 6 Jan 04, he was tasked to conduct a PID from information gained from the interrogation of Mr. [redacted]. He stated he was not involved in the interrogation but did have an incident in which he had to lay hands on Mr. [redacted]. SSG [redacted] stated as SSG [redacted] was attempting to get Mr. [redacted] into the NTV, Mr. [redacted] resisted. SSG [redacted] stated he got on the drivers side of the NTV in the back seat and pulled Mr. [redacted] into the NTV while SSG [redacted] pushed from the other side. SSG [redacted] stated at one point during the struggle to get Mr. [redacted] into the NTV SSG [redacted] kicked Mr. [redacted] twice in the abdomen in an attempt to get him into the NTV. SSG [redacted] stated Mr. [redacted] did not cause any other trouble during the mission. (See Waiver Certificate for details)

-b7c1-

CRIME SCENE EXAMINATION: Around 1315, 11 Jan 04, SA [redacted] and SA [redacted] conducted a crime scene examination of the ODA 525 detainee interrogation area, located within the ODA Compound, Rifles Base, Iraq, MGRS 38S KC 62928 43339.

Characteristics of the Scene: The ODA interrogation room was located within a bunker on the compound. The bunker was comprised of one main room with two attached smaller rooms. The main room was utilized for interrogating detainees. There was ductwork from the ventilation system that ran along the ceiling of the room.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted] b7c1		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted] b2		DATE	EXHIBIT
		11 Jan 04	1

CID FORM 94 1 FEB 77 FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025134

EXHIBIT 1

00 034

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 11 OF 11 PAGE

DETAILS

Condition of the Scene: The bunker was neat and well organized. The main room was furnished with one table and four plastic chairs. All of the furniture was standing upright. There were no signs of damage to any of the walls or furniture.

Factors pertinent to Entry/Exit: The main access point to the bunker was via a staircase that led from an open outside entryway. A metal blast door located at the bottom of the staircase provided access to the main room of the bunker. The secondary access point was an escape hatch that could be accessed from a latter that ran up from the center of the bunker.

Scene Documentation: SA [REDACTED] exposed digital photographs of the bunker utilizing a Nikon Coolpix 995 Digital Card Camera. SA [REDACTED] prepared a sketch of the bunker. (See CD 04-0009-CID679-83486 (bunker) and Sketch for details)

Collection of Evidence: Nothing of evidentiary value was discovered during the crime scene examination.

///LAST ENTRY///

all b7c1

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] 02		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED]		DATE	EXHIBIT
		11 Jan 04	1

CID FORM 9 FOR OFFICIAL USE ONLY

1 FEB 77 LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025135

EXHIBIT
00 055

Page(s)

56-67

Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil
(813) 827-5341/2830

25136

Photographic Packet

0009-04-CID679-83486

Number	Description of Photographs
1	Photo depicting North view of detention facility (main entrance) <i>all (b)(6)(4)/(b)(7)(C)(4)</i>
2	Photo depicting Mr. [REDACTED]'s isolation cell
3	Photo depicting Mr. [REDACTED]'s isolation cell
4	Photo depicting rag used as gag and shirt used by Mr. [REDACTED] to push barbed wire down.
5	Photo depicting rag used as gag
6	Photo depicting shackles used to restrain Mr. [REDACTED]
7	Photo depicting Mr. [REDACTED] in isolation cell
8	Photo depicting bruises to Mr. [REDACTED]'s abdomen
9	Photo depicting bruises to Mr. [REDACTED]
10	Photo depicting bruises to Mr. [REDACTED]
11	Photo depicting bruises to Mr. [REDACTED]
12	Photo depicting detention facility from Mr. [REDACTED] isolation cell
13	Photo depicting Mr. [REDACTED] isolation cell
14	Photo depicting shackles in Mr. [REDACTED] isolation cell
15	Photo depicting detention facility from Mr. [REDACTED] isolation cell
16	Photo depicting detainee latrine area located on North side of facility
17	Photo depicting door to Mr. [REDACTED]'s isolation cell
18	Photo depicting Military Intelligence building located just East of detention facility

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025137

EXHIBIT 3

00 068

Page(s)

69

English Translation:

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

Audio/Video depicting foreign
nationals and Americans

025133

Bates Pages 25139-25143 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

Page(s)

75-80

English Translation:

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

Audio/Video depicting foreign
nationals and Americans

025144

Bates Pages 25145-25146 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

Page(s)

83 - 84

English Translation:

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

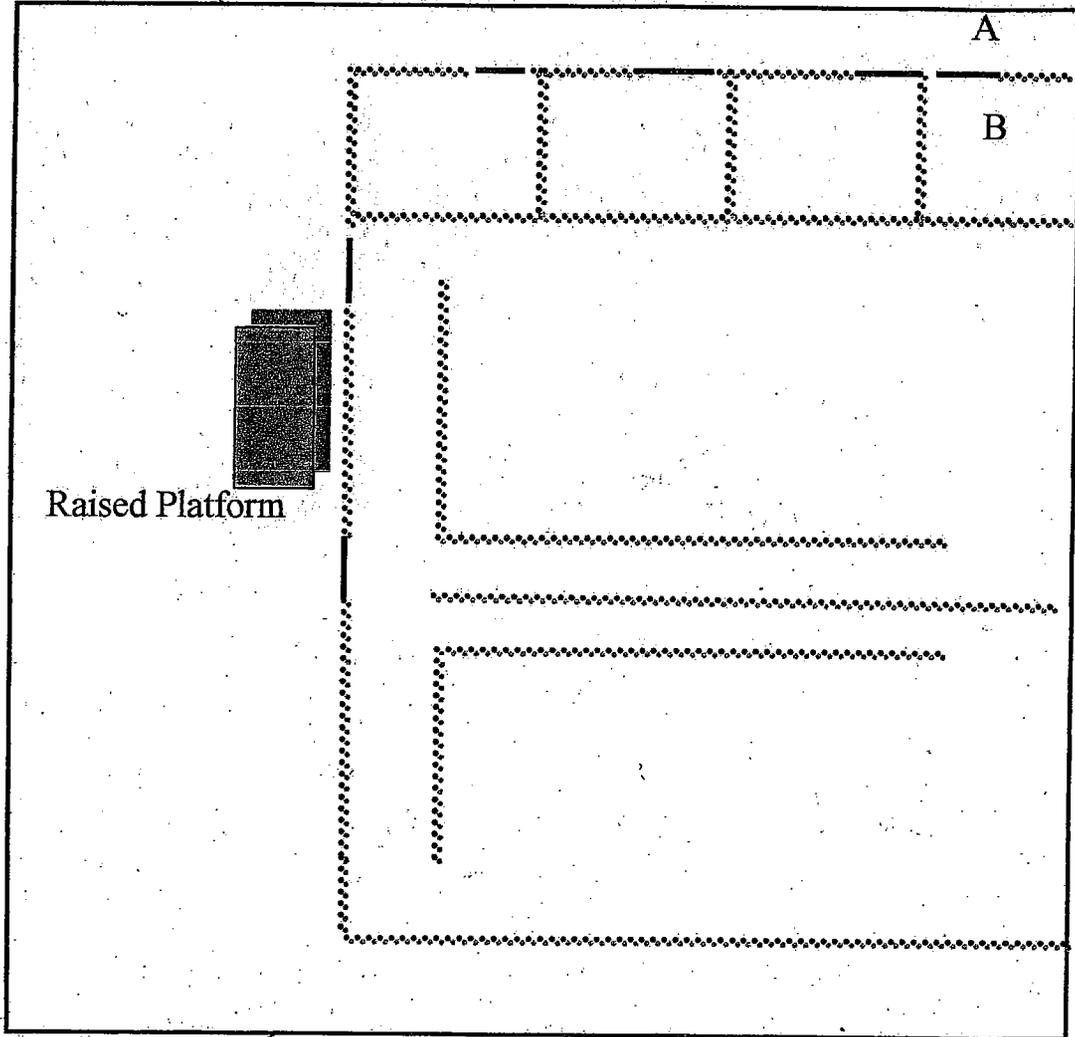
Civilian Agency Records

Audio/Video depicting foreign
nationals and Americans

025147

Bates Pages 25148-25149 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

Rough Sketch Depicting Crime Scene



Legend

Title Block

A. Cloth used as a Gag

B. Body of Mr. [redacted]

..... Constantia Wire

— Cell Door



N

Not to Scale

Case Number: 0009-04-CID679-83486.

Offense: Undetermined Death

Scene Portrayed: Hanger

KC 60160 40494, FOB Rifles Base, Iraq

Victim: Mr. [redacted] 570-4

Time/Date Began: 1155, 9 Jan 04

Sketched By: SA [redacted]

Verified By: SA [redacted]

> b7c1

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025150

EXHIBIT 4

00 087

Page(s)

88-101

Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil
(813) 827-5341/2830

25 151

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION Rifles Base AL ASAD IRAQ	DATE 9 JAN 04	TIME 1310	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS Sgt	
ORGANIZATION OR ADDRESS Maintenance Troop, Support Squadron 3ACR, Ft CARSON Rifles Base, IRAQ			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 09 JAN I did TAKE OVER SHIFT ON GUARD AT THE EPW SITE AT 0355. AT THAT TIME SSG [REDACTED] WAS THE NCOIC AND GAVE ME AN UPDATE AS TO WHAT HAD HAPPENED ON HIS SHIFT. I WAS INFORMED THAT ONE OF THE ISOLATION PRISONERS HAD ATTEMPTED TO ESCAPE. AFTER I LEARNED THIS I PROCEEDED TO PLACE THE PRISONER INTO LEG AND HAND CUFFS AND SECURE HIM TO THE FENCE INSIDE HIS ISOLATION PEN ON ONE OF THE FENCE BINDINGS THIS ENDED AT ABOUT 0420-0430. FROM THEN UNTILL 0630 THE PRISONER WAS QUIET AND UNCOMPLAINING OTHER THAN THE OCCASIONAL HANDCUFF DRAGGING ACROSS THE FLOOR. AT 0625 THE GENERATOR THAT PROVIDES LIGHTS RAN OUT OF FUEL AND I WENT OUT TO FILL IT AND RESTART IT AT THE SAME TIME MY CREW WERE MONITORING THE PRISONERS AND SWITCHING THE POWER TO LOCAL POWER. AT 0640-0645 I [REDACTED] AT 0630 THE PRISONERS WERE WOKEN UP AND 2 OF MY GUARDS WERE SENT INTO THE CAGE TO INSPECT FOR LEFTOVER FOOD FROM THE PREVIOUS MEAL AND TO ISSUE THE MORNING MEAL. AT 0640-0645 2 GUARDS TOOK 3 PRISONERS TO THE TRASH POINT THEN RETURNED AND BEGAN TAKING PRISONERS OUT INTO THE YARD TO PEE AND POOP. AT AROUND 0710-0715 THE PRISONERS WERE TALKING AND WOULD NOT STOP SO I TOLD THEM ALL TO STAND UP INCLUDING THE ISOLATION PRISONERS. THE PRISONER FROM EARLIER WOULD NOT STAND SO I WENT TO HIS CAGE AND YELLED AT HIM TO STAND UP AFTER MAKING SURE HE WAS STANDING I TURNED MY BACK TO WALK AWAY AND HE WOULD SIT DOWN. SO I WENT BACK AND YELLED AT HIM AGAIN WITH THE SAME RESULTS. HE THEN SAT DOWN AGAIN ON THE THIRD TIME THAT HE DID THIS I WENT INTO HIS CAGE WITH SPC [REDACTED] AS OUR WATCH AND UNSUCCESSFULLY TRIED TO UNDO HIS CUFFS AND MOVED HIM FROM THE FENCE POST TO THE UPPER PART OF THE DOOR TO MAKE HIM STAY STANDING. AT THIS TIME THE PRISONER WAS TALKING AND WAS TOLD TO SHUT UP. WHEN THE PRISONER WOULD NOT I TOLD SPC [REDACTED] TO GAG HIM. SPC [REDACTED] THEN WENT AND RETRIEVED A CAGY AND WE PROCEEDED TO GAG THE PRISONER. SPC [REDACTED] HAD NEVER GAGED A PRISONER SO I TOLD HIM TO DO IT SO HE WOULD NOT GET BITTEN. I THEN APPLIED PRESSURE TO THE PRISONERS LOWER SHOULDERS IN THE FRONT PRISONER CENTS ONCE THE CAGY WAS IN PLACE. WE CLOSED AND LOCKED THE CAGE AND PROCEEDED TO

all b7c

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 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.

Except as noted b7c5

STATEMENT OF SGT [REDACTED] TAKEN AT Rifles Base DATED 9 JAN 04 CONTINUED

move to the front to wash our hands as it was very obvious the Prisoner had defecated himself earlier. Once I was done washing my hands I looked back at the Prisoner and saw he was slumped down. I thought nothing of it at the time and continued to move prisoners to the yard. at 0730-0735 I noticed the Prisoner was still slumped down this was only 5-6 minutes after I had washed my hands so I went to see why he wasn't standing up. I approached the cage and told him to stand up he didn't move so I hit the cage door to make noise. he still didn't move. At this point I also noticed that he was not breathing so I opened the cage door and released him to the floor where I attempted to find a pulse. there was none at which time I had SPC [REDACTED] call them go on foot to the MT building and get Sgt [REDACTED] and then to the sleep area to get Ssg [REDACTED] Site Nurse. at 0750 Sgt [REDACTED] came in followed by SSG [REDACTED] at which time I moved the body to the middle of the isolation cage with spc [REDACTED] help and covered it with a blanket. it was 0755 and I was released as guard by Sgt [REDACTED] and his team and moved to the MT building to await MP's for statements. while waiting I over heard the Docs Medic's come in and they said that they needed to go back for a doctor to pronounce time of death. this was at 0810 and the medic informed me that they could do nothing that he had been dead for almost 20-25 minutes from the time I found him. I later learned that the Prisoner was a diabetic and possible high blood pressure and was ~~found to~~ said to of bad medicine on him. I heard that the doctor had slumped up but did not know the time, and had pronounced the Prisoner dead. I continued to wait with my guard at the MT building till Mr. [REDACTED] came and began his interview

- b7c1

Q: [REDACTED]

A: [REDACTED]

Q: How exactly was he gassed?

A: The cloth is tied into a small ball about 1/2 to 1" in diameter and then the ball is placed into the prisoners mouth with the excess cloth tied off behind their head to allow them to breath through their nose

Q: Could you tell he was still able to breath after he was gassed?

A: Yes, he was making grunting noises and I saw/heard him breathing

Q: When did this prisoner arrive?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 42 PAGES

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

FOR OFFICIAL
USE ONLY

EXHIBIT 16

025153

all b7c5

STATEMENT OF Sgt [REDACTED] TAKEN AT R. Ples Base DATED 9 JANUARY CONTINUED

A: ON OR around the 4th of JANUARY

Q: When he arrived what was his physical condition?

A: He was old but other than that he was in good condition I.E. No Bruises, lumps or any thing that would suggest he was in bad shape.

Q: Did you notice his condition change?

A: Yes, about 1200 hrs on the 8th of JANUARY I noticed that he was walking about slumped and complained of being very tired. he also shuffled his feet instead of lifting them when he walked.

Q: Did you notice any bruises on him and when?

A: Not until this morning after I found him dead and his shirt lifted up did I notice that his chest was bruised all the way around.

Q: Who was interviewing him?

A: I don't know.

Q: What is the guard force allowed to do to the detainees as control measures and/or punishment?

A: We are allowed to make them stand, sit on their knees, gag, hogtie, PT with water bottles out in front or above their heads, and kneeenders. We are not allowed to strike the prisoners.

Q: Why do you think this detainee died?

A: Perhaps he was old and his heart failed? or he was a diabetic and he didn't take his meds? I really don't know.

Q: Did you ever give any medicine to this detainee?

A: No, the detainee was not on the medical board as needing to receive medication.

Q: Do you have anything else to add to your statement?

A: No. /// END OF STATEMENT ///

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

PAGE 3 OF 11 PAGES

025154

EXHIBIT 6

LOCATION FOB Rifles Base, Al Asad, Iraq	DATE 9 Jan 04	TIME 12:10	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SPC/AD	
ORGANIZATION OR ADDRESS S+T Troop, Support Squadron, 3rd ACR			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I, [REDACTED],

That Sgt. [REDACTED] was having trouble getting the inmate (# [REDACTED]) to quit talking so he asked me to assist him with putting a gag on him. So I help put the gag on him and he cuffed him to the top of the gate and locked the gate behind him. We then walked away and started letting inmates out to use the restroom. This all started taking place around 0720 or 0730. I was on top of the guard tower directing ^{inmates} in and out of the cage. [REDACTED] and the other soldier were outside with the inmates. About 10 minutes went by and Sgt. [REDACTED] noticed the cuffed prisoner slumped down with his eyes closed. He immediately went to check on him and determined he was not breathing. He then told me to go to the M1 shack next door and get help. So I ran over and got Sgt. [REDACTED] and he arrived about 5 minutes later. I was still in the process of directing the inmates in and out of the cage for restroom breaks while Sgt. [REDACTED] and Sgt. [REDACTED] were checking on the casualty. When Sgt. [REDACTED] noticed the inmate slumped over and not breathing he took off his gag and cuffs and yelled then for me to go get help from the M1 shack. This is about all that I can remember to the best of my ability.

Q: Are you aware of any escape attempts made by this prisoner?

A: Not to my knowledge.

Q: Do you know the deceased prisoner's name or ID number?

A: No.

Q: Which cage was the deceased prisoner housed in?

A: When you face the cages he was in the far left isolated cage in the far back.

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

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

STATEMENT OF

TAKEN AT

FILE NUMBER:
DATED

CONTINUED:

STATEMENT (Continued)

Q: Do you know if anyone made any attempts to resuscitate the prisoner?

A: I know that I did not because I went to go get help but as far as anyone else I do not know.

Q: Did this prisoner ever complain to you about being injured?

A: No he did not

Q: Do you know if this prisoner was ever interviewed?

A: I just don't know for sure

Q: Do you know how long this prisoner was in custody?

A: At least one week maybe more

Q: Is there anything you would like to add to this statement?

A: No !!! END OF STATEMENT !!! [REDACTED] 6705

AFFIDAVIT

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

6705

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of Jan, 2004 at FOB Riples Base, Al Azad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

SENSITIVE
LAW ENFORCEMENT USE ONLY

025157

00 107

LOCATION FOB Rifles Base	DATE 9 JAN 04	TIME 1225	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SPC/E-4	
ORGANIZATION OR ADDRESS Avim Troop, 3 ACIL, FOB Rifles Base, Iraq (Fort Carson Co)			

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

- Started working on site Jan 05 2003 on SSG [REDACTED] Crew
- Yesterday Morning The Prisoner came to me During Cell Shake Down and show me his cuts. They were cutting his hand Due to Server Swelling. I Removed them at that time and put leg IRONS on him I went Back Bandages the cuts.
- That night went came onto shift The Prisoner would not sleep and keep saying that he wanted to go home.
- At 0215 the Gentleman in question tried to escape From the Prison. At this time I detained him with Proper Force. He was elderly, and so I did not use all that much.
- After that he was put in a sleep deep spot ~~and~~ till his cage was fixed.
- At 0400 we Finished the Cage and Put cuts and leg IRONS on him. The he was cutt with about 2 feet of Slack so he could lay down away From the wire. to the corner Post. also that is when I left shift.

Q: SA [REDACTED] b7c1
A: SPC [REDACTED]

Q: Describe How he escaped?

A: Pushed wire Down and then through his coat over the wire and Steped acrossed.

Q: What happend to his leg irons?

A: They were off when we came on Shift. And we did not know untill the Escape.

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

all 5705

FILE NUMBER:

STATEMENT OF [REDACTED] TAKEN AT FOIA Plus Case DATED 9 SA 003 CONTINUED

Q: Since you started working at the BPDW site has anyone ever taken the IZ that died out for interrogation if so who and when?

A: I AM Not 100% But I think The First night I was here SF had him. That would be the only time I can remember

Q: What injuries did the IZ who died have on his body?

A: All That I saw besides The cuts on his hand was a massive Bruise on his Torso, I think I was his left Side. Cirapped around to his lower stomach and lower Back

Q: Do you have anything to add to this statement?

A: Yes No Prisoners were awake During time of escape except For the sleep Dep.

Q: When you took the prisoner back to his holding area after his escape did he lay down and attempt to sleep?

A: Not that I know But when I left he was still sitting up

Q: Do you have anything to add to this statement?

A: No!
// END of Statement // [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

PAGE 2

OF 3 PAGES EXHIBIT 8 00 109

025159

STATEMENT OF [REDACTED] TAKEN AT FBI R. H. B. Base DATED 9 JAN 03 CONTINUED:

STATEMENT (Continued)

[REDACTED]

b7c

NOT USED

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME, THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT 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 9th day of JAN, 2009 at FBI R. H. B. Base

ORGANIZATION OR ADDRESS

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

Article 136 134 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025160

EXHIBIT 8

00 110

all b7c2

LOCATION FUB WEBSTER, RIFLES BASE, IRAQ	DATE 2040109	TIME 12:38	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E4/CPL	
ORGANIZATION OR ADDRESS S+T TRP / SPT 3ACR			

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

ON ~~8~~ 8 JAN 04 I worked the 1200-1600 shift. During this shift the deceased Prisoner was taken out for interrogation by SF. When he came back in he looked fine nothing different from when he left. This I saw from a distance I had no close contact with him.

On 9 JAN 04 I worked a 0400-0800 shift. I came in all the prisoners were asleep. They were woken up about 0600-0630 the prisoner was still alive. Due to prisoners talking I made them stand up. The deceased prisoner did not stand up at first. I yelled at him and then he stood up. SGT [REDACTED] made him stand up at a later time. He would not stay up so he was handcuffed to the fence.

At around 0800-0700 I took the prisoners for the latrines around 0730-0800 SFC [REDACTED] came running out going to the MI shack. I yelled what's up and he said a prisoner had died.

A SGT [REDACTED]
A CPL [REDACTED]

Q How do you know it was SF that picked up victim.

A I was told by sgt [REDACTED]

Q Did you notice any injuries or bruises on victim prior to SF taking the victim.

A NO

Q Did you notice any injuries or bruises on victim upon return from SF

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

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

cell b7c2

STATEMENT OF

TAKEN AT

FILE NUMBER:
DATED

CONTINUED:

STATEMENT (Continued)

A: NO

Q DID YOU RECEIVE A BRIEF ON WHAT DISCIPLINE YOU CAN DO TO PRISONERS AND WHAT YOU CAN'T DO, DESCRIBE THAT BRIEF

A: YES I WAS TOLD NOT TO RAPE THEM UP JUST IF THEY ARE DOING WRONG MAKE THEM STAND IF COUNTRY PUT A MUZZEL ON THEM, DONT HIT THEM

Q WHO GAVE YOU THE BRIEFING.

A: Sgt [REDACTED]

Q: DID YOU NOTICE A GAGE ON THE VICTIM TODAY.

A: I WAS TOLD SPC [REDACTED] PUT A GAGE ON HIM BUT I DID NOT SEE IT I WAS OUTSIDE.

Q DID YOU SEE THE VICTIM BEING HANDCUFFED TO THE ENTRANCE TO HIS CAGE WITH HIS HANDS ABOVE HIS HEAD.

A: YES HIS HANDS WERE HANDCUFFED BUT ONLY ABOUT SHOULDER HIGH.

Q WHO HANDCUFFED HIM.

A: Sgt [REDACTED]

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO YOUR STATEMENT.

A: NO

AFFIDAVIT

I, CPL [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]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 09 day of JANUARY, 2004 at FOSWEBSTER, AL ABAD, IRAQ

[REDACTED]

(Signature of Person Administering Oath)

SGT [REDACTED]

(Typed Name of Person Administering Oath)

RET 136(b)(4) UCMJ

(Authority To Administer Oaths)

025162

00 112

ORGANIZATION OR ADDRESS

cell b7c2

ORGANIZATION OR ADDRESS

STATEMENT SENSITIVE
INITIALS OF PERSON MAKING STATEMENT
ENFORCEMENT USE ONLY

STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

all b7c 2

LOCATION FOB Rifles Base, Al Asad, Iraq	DATE 9 Jan 04	TIME 1312	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SPL/NG
ORGANIZATION OR ADDRESS 2133 rd TC, Iowa NG, attached to 3 rd ACR			

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

THE INMATE THAT PASSED AWAY 9 JAN 04, was not a serious problem, I was on shift when the MP's brought him in approx. about 7 days prior to death we had no physical problems with the inmate except he was constantly talking, we had him in a segregation pen, to stop him from TALKING. NO OTHER PROBLEMS EVER originated after-wards. ON THE NIGHT OF 8 JAN 04, I SAW THE INMATE WITH HIS SHIRT OFF AND HAD DARK-BLACK EXCESSIVE BRUISING AROUND THE ABDOMINAL AREA. HE HAD BEEN INTERROGATED A FEW TIMES BUT NOTHING WAS SAID OR DONE AFTER!

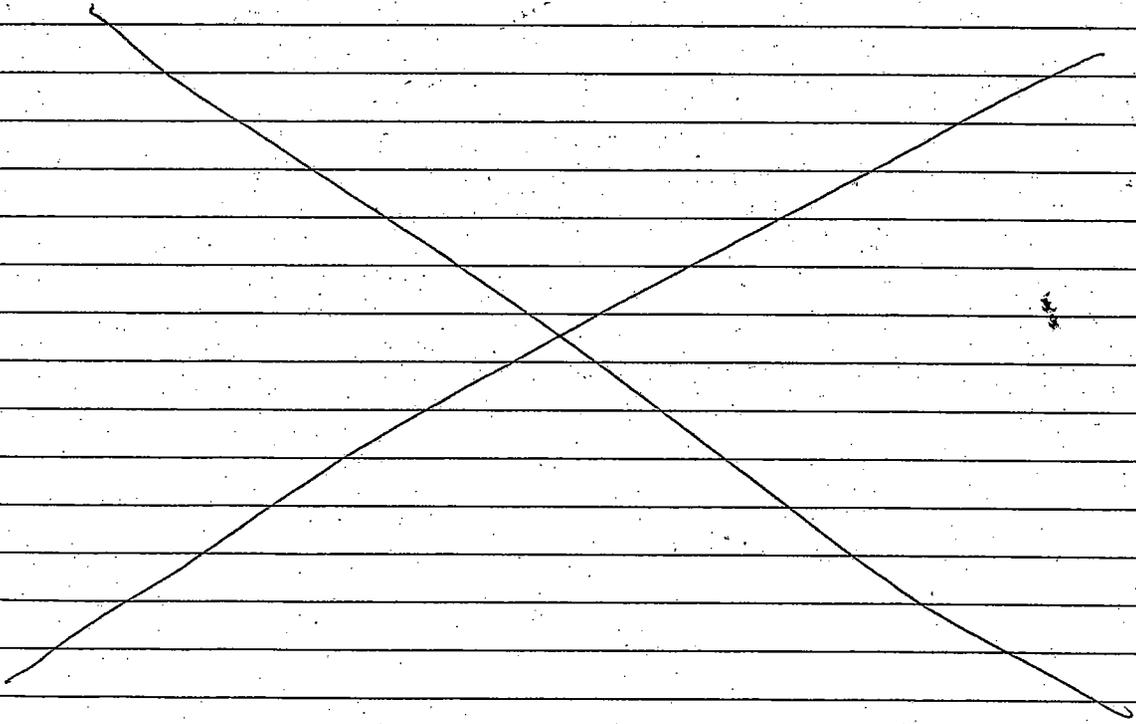


EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
---------	---	-------------------

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

025163

EXHIBIT 10

00 113

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

all 0702

LOCATION FOB Raffles Base Al Bad Dmg	DATE 9 Jan 04	TIME 1325	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SPC1WG	

ORGANIZATION OR ADDRESS
2133rd Trans Co, Dowse NG, attached to 3rd ACR

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

Q: Do you know if the prisoner had any bruises when he arrived at the EPW cage?
 A: No, I did know of any at that time.

Q: Did you see anyone strike this prisoner?
 A: Never

Q: Do you know how the prisoner got the bruises?
 A: No

Q: Do you know who interrogated this prisoner?
 A: I believe SF/ODA

Q: Do you know when this prisoner was interrogated?
 A: No, I have no idea.

Q: What time did you see the bruises on the prisoner on 8 Jan 04?
 A: About 2300 LAST NIGHT.

Q: Is there anything you would like to add to this statement?
 A: No ||| END OF STATEMENT ||| [REDACTED]

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

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

STATEMENT OF

TAKEN AT

FILE NUMBER:
DATED

CONTINUED:

STATEMENT (Continued)

NOT USED [REDACTED] b7c2

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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of Jan, 20 09 at FOB Riples Base, Al Asud Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

Art 136 B 4 UCMJ

(Authority To Administer Oaths) 00 116

INITIALS OF PERSON MAKING STATEMENT

025166

LOCATION FOR WEBSTER, AL ASAD, RIJES BASE, IRAQ	DATE 20010109	TIME 1330	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5 / SGT	
ORGANIZATION OR ADDRESS AVIM TRP / SPT / SACR [REDACTED]			

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

On January 09, 2004 at 1950 hours came on guard shift. I took position on the elevated platform at 2000 hours. From 2000-2200 hours I continued to watch the prisoners from the elevated platform. From where I was sitting on the platform, I noticed that the deceased prisoner who was found dead this morning had a bruise around his stomach. Around 2215 hours until 2300 hours, I stood guard outside the prisoners' latrine facilities and watched them urinate and take a crap. Around 2300 hours, the prisoners were put to bed. I assumed my position on the platform around 2305 hours. I continued to watch the prisoners until 0000 hours. I was released from my shift on January 09, 2004 at 0005 hours. On January 09, 2004 at 1130 hours, SSG [REDACTED] woke me up and told me to go to the prisoner site because a prisoner died. I entered the building around 1135 hours.

Q: SGT [REDACTED]

A: SGT [REDACTED]

Q: PRIOR TO 08 JAN. 2004 DID YOU NOTICE BRUISES OR INJURIES TO THE VICTIM

A: NO

Q: DO YOU KNOW IF ANYONE INTERVIEWED THE VICTIM

A: NO

Q: DO YOU KNOW HOW THE VICTIM GOT THE BRUISES AROUND HIS MID-SECTION.

A: NO

Q: DO YOU KNOW HOW LONG THE VICTIM WAS DETAINED AT THIS CAMP.

A: NO

Q: HAVE YOU EVER SEEN ANYONE HITTING THE VICTIM?

A: NO

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 02 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.

all b7c 2

STATEMENT OF

TAKEN AT

FILE NUMBER:

DATED

CONTINUED:

STATEMENT (Continued)

Q: WERE YOU EVER GIVEN A BRIEFING ON POLICY OR PROCEDURES ON THE TREATMENT OF THE EPW'S.

A: YES, SGT [redacted] showed me how to hold the prisoners that we are in processing. I was told to shoot them if they tried to run away or gang up on another guard member.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO YOUR STATEMENT?

A: NO

END OF STATEMENT

NOT USED

AFFIDAVIT

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

Signature of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 09 day of January 20 04 at FORT WEBSTER, ALASKA, RIFLES BASE, PRNO

(Signature of Person Administering Oath)

SGT [redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

INITIALS OF PERSON MAKING STATEMENT

ART 136(b)(4) UCMJ 110 118 (Authority To Administer Oaths)

025168

Photographic Packet

0009-04-CID679-83486

all b(7)(c)(4)

Number	Description of Photographs
1	Photo depicting body of Mr. [REDACTED] from feet
2	Photo depicting side view of Mr. [REDACTED]
3	Photo depicting body of Mr. [REDACTED] from head
4	Photo depicting close up of head
5	Photo depicting over view of torso and head
6	Photo depicting over view of torso and legs
7	Photo depicting close up of hands and abdomen
8	Photo depicting bruises on abdomen with scale
9	Photo depicting bruises of chest
10	Photo depicting bruises of chest with scale
11	Photo depicting bruises on abdomen (left side)
12	Photo depicting bruises on abdomen (left side) with scale
13	Photo depicting bruises on abdomen with scale
14	Photo depicting laceration on right arm with scale
15	Photo depicting bruises on right chest
16	Photo depicting bruises on right chest with scale

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025169

EXHIBIT 13

Ex 13
00 119

Page(s)

120 - 127

English Translation:

Withheld due to:

 Foreign Language

 Photos depicting Americans

 X Photos depicting foreign nationals

 Civilian Agency Records

 Audio/Video depicting foreign
nationals and Americans

025170

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 Base, IRAQ

2. DATE

108 JAN 04

3. TIME

0922

4. FILE NUMBER

8. ORGANIZATION OR ADDRESS

B Co 1/5 Special Forces, Group
FT CAMPBELL, KY

7. GRADE/STATUS

SFC/AD

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: aggravated assault, negligent homicide (1)

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

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

-or-

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

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the 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)

b7c5

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b7e1

b. ORGANIZATION OR ADDRESS AND PHONE

5. TYPE NAME

SA

6. ORGANIZATION OF INVESTIGATOR

87th MP Det (CID)
FORT BRAGG, NC, Rifles Base, IRAQ

SECTION C. Non-waiver

1. I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

EXHIBIT 14

025171

00 136

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 Base, Iraq	2. DATE 10 JAN 04	3. TIME 1050	4. FILE NUMBER
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS B Co 1/5 Special Forces Group FT Campbell, KY		
6. SSN [REDACTED]	7. GRADE/STATUS SFC/A1S		

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/~~am~~ aggravated assault, negligent homicide 1/1

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

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWER [REDACTED] b7c5	
1a. NAME (Type or Print)	[REDACTED]	4. SIGNATURE OF INTERVIEWEE [REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. SIGNATURE OF WITNESS [REDACTED]	[REDACTED]
2a. NAME (Type or Print)	[REDACTED] b7c/K	6. ORGANIZATION OF INVESTIGATOR 807th MP Det (CIS) FT BRAGG, NC, Rifles Base, IRAQ	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]		

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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 Office of The Deputy Chief of Staff for Personnel.

LOCATION: Rifles Base IRAQ	DATE: 10 JAN 04	TIME: 1220	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS SFC/AD	

ORGANIZATION OR ADDRESS
B Co. 15 Special Forces Group, FT CAMPBELL, KY (Rifles Base, IRAQ)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Detainee 1582 was brought to my attention on the night of 5 Jan 04. I was told that 3 guys were picked up the day before and 3 radios were found w/ wires coming out of them ready to detonate an IED. I was instructed by my Team Leader to question the 3 detainees on the following day. The morning of 6 Jan 04, the detainees were picked up from the detention facility and brought to a holding cell. I readied my interrogation room and had a passenger of the taxi brought in for questioning first his name was [redacted]. His story was plausible so I sent him away and had the driver of the taxi brought in for questioning. His answers matched the first man's answers. Then he was sent back to the holding cell and detainee [redacted] was brought in. His picture was taken, then I started questioning him. At first he told extreme lies about how he came into possession of the radios. Then once I caught him in his lies he said that he would tell the truth if he could sit down. I had his flex cuffs taken off and he sat down. I continued questioning him and he still said that he did not know how to use the radios and he would learn in Fallujah or Husaybah. Again I called him on his lies and he became angry and jumped out of his chair and attacked [redacted] by grabbing and punching him. [redacted] then kicked him and they both tried to subdue him. I came around the table to help and grabbed his feet to assist in getting him to the ground. He still fought and they were finally able to subdue him and get him to the ground. Detainee [redacted] was hit in the midsection region, to the best of my knowledge, to get him to bring down his arms, get control of him and flex cuff his hands. I do not think that the force used was excessive. He was strong and fought back. I returned to my chair and had detainee [redacted] flex cuffed to an overhead pipe in order to prevent any further attacks. I questioned him and he said he would tell me the truth if he could have some water first. Either [redacted] gave him water from a bottle and once he was done drinking his front tooth came out. [redacted] who is a medic, checked the tooth which was whole and his gums. There was no bleeding and it was determined that the tooth was probably rotten and fell out. Detainee [redacted] never said he had any pain and he did not look to be suffering from any pain. I continued -

b7c5
b7c4
b7c5
b7c4
b7c4

EXHIBIT	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] 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.

questioning him and he told me that he was going to hook up the radios to bombs so that he could kill Americans. I asked him why these bombs were a red he said he could show me. My team Sgt, [redacted] heard this and prepared a split team to take detainee [redacted] to show us the bombs. Detainee [redacted] was then seated with his hands flexcutted in front of him. And awaited the split team for movement. [redacted] then took him out of the room and they went to the Bomb sites. b7c2 b7c5

The next time I saw detainee [redacted] was on 8 Jan 04 at about 1100 where I questioned him at the Detention facility at Al Asad. I picked him up from their holding area and walked with him to the questioning Booth. His hands were not flexcutted, but his feet were shackled. He sat down on a stool and me and my translator [redacted] asked him questions concerning the making of the bombs, detonation devices and people he worked with. He looked fine and did not complain about any pain. I questioned him for about an hour, then took him back to the holding area.

Q: [redacted] b7c1

A: [redacted] b7c5

Q: Who was involved in each interrogation? b7c5

A: 1st Interrogation: Myself, [redacted] (for a short time)

2nd Interrogation: Myself, [redacted]

Q: Besides restraining # [redacted] after he attacked [redacted] was # [redacted] struck by anyone any other time? b7c2

A: I heard he resisted getting into the vehicle for transportation to IED site. [redacted] knows more about it.

Q: Was # [redacted] struck in the facial area? b7c2

A: I did not see any strikes to the face.

Q: Did you strike [redacted] at any time, describe? b7c2

A: I went to grab his feet and he started kicking me so I hit his legs and stomach a couple times with a closed fist and then grabbed his legs so the [redacted] could take him to the ground. b7c5

Q: How long did it take to get [redacted] under control? b7c2

A: 1-2 min.

Q: You saw the photos of the bruises on [redacted] Do you think they were

INITIALS OF PERSON MAKING STATEMENT: [redacted] b7c5

PAGE 2 OF 4 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 1/5

025174

00 139

except as noted b7c4

STATEMENT OF SFC [REDACTED] TAKEN AT Rifles Base DATED 10 JAN 04

9. STATEMENT (Continued)

caused by this incident?

A: I have no idea.

Q: Do you have anything else to add to your statement?

A: No. // END OF STATEMENT //

all
b7c5

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025175

EXHIBIT 15

b7c5

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] (Person Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 10 day of JANUARY, 2004 at RIFLES BASE, DEAD

ORGANIZATION OR ADDRESS

b7c1

[REDACTED]

(Signature of Person Administering Oath)

SA

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136 (b)(4) OCMJ

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025176

EXHIBIT 15
00 141

Page(s)

142 - 155

Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil
(813) 827-5341/2830

25177

RIGHTS WAIVER PROCEDURE/WAIVER CERTIFICATE

For use on this form, see AR 190-30; the proponent agency is ODC...

DATA REQUIRED BY THE PRIVACY ACT

0009-03-CID679-83486

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 Base, IRAQ	2. DATE 10 JAN 04	3. TIME 1354	4. FILE NO.
5. [REDACTED]	8. ORGANIZATION OR ADDRESS B Co. 1/5 SF GRP FT CAMPBELL, KY		
6. SSN [REDACTED]	7. GRADE/STATUS SSG/AD		

b7c

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: aggravated assault, negligent homicide III

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)		SIGNATURE OF INTERVIEWER	
1a. NAME (Type or Print)	[REDACTED]	[REDACTED] b7c	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	[REDACTED]	
2a. NAME (Type or Print)	[REDACTED]	5. TITLE OF INVESTIGATOR	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR	SA [REDACTED] 674 MP DET (CID) FT BRAGG, NC, Rifles Base, IRAQ

b7c

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately 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, Iraq; 2. DATE: 10 JAN 04; 3. TIME: 1500; 4. FILE NUMBER: 0009-03-CID679-; 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]; 6. SSN: [REDACTED]; 7. GRADE/STATUS: SSG/AD; 8. ORGANIZATION OR ADDRESS: B Co 1/5 SF Group, Ft Campbell, KY, Rifles Base, Iraq; 9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 6 Jan 2003 @ approx. 1030 local I, SSG [REDACTED], picked up 4 detainees from the AL Asad detention facility. The detainee named [REDACTED] (NFI) was among the four that I transported back to the Special Forces compound, located on AL Asad Air base (Rifles Base). Upon arrival at the compound, the detainees were placed in the detainee holding area (DHA). I was then told in what order the detainees were to be questioned. The questioning started with the school teacher. The taxi driver was to follow him. While questioning the school teacher it was initial determined he had little or no information about the detonation devices that were discovered within the taxi. This detainee, teacher, was then transported back to the DHA. The taxi driver was the next to be questioned. During the questioning it was determined that his information about the ownership of the detonators was legitimate. He stated that they may belong to his fare, [REDACTED]. At this point it was

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

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

all b7c5

STATEMENT OF [REDACTED] TAKEN AT Rifles Base, Iraq DATED 10 Jan 2003 CONTINUED

determined that [REDACTED] should be questioned next. The line of questioning used initially was the standard baseline stuff. Name, Age, job, things of this nature. When asked about the detonators, [REDACTED] first said that he saw them on the side of the road and asked the taxi driver to stop so he could have a look. [REDACTED] stated that he saw some thing shiny on the side of the road and it was this that caught his attention. He stated that he intended to turn them in at the local police station. This was determined to be a lie. Once the capture report was consulted, it was discovered by an ODA member, that one of the devices was found in [REDACTED] jacket pocket. The other ~~two~~ were found inside the wall of the trunk. Once this fact was made available to [REDACTED] he then stated that the devices were his and the property of the other two detainees. [REDACTED] then stated that he had bought the devices in a market somewhere in Baghdad, but had no knowledge on their use or employment. [REDACTED] then made the mistake of admitting that he was a LTC in the Iraqi army under the former regime. After many more unremarkable questions and answers, [REDACTED] admitted that he knew how to use the devices and was in the process of doing so when he was detained. [REDACTED] was then asked where he planned to employ the devices, to which he gave a non-specific location. Further questions obtained a location vic RTI/ISR Bronze Hwy 12. When asked if he would go the ODA where he employed the device, [REDACTED] agreed. At this point it was decided to make [REDACTED] more comfortable. His flex-cuffs were cut and he was allowed to take a seat. He was then showed a sat photo of the general area of the IED location. Asad then stated that he couldn't tell on the photo nor could he read the map. As a former LTC this was determined to be either a lie or a stalling tactic. It was at this point that the detainee physically attacked SFC [REDACTED]. The detainee jumped up from

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025180

EXHIBIT 18

all b7c's
STATEMENT OF SSG [REDACTED]

TAKEN AT Rifles Base JAWADATED 10 JAN 04 CONTINUED

the chair he was sitting in and bodily grabbed SFC [REDACTED] Asad then became very combative. SFC [REDACTED] first attempt to subdue Asad were unsuccessful. It was at this point, about 5 seconds into the situation, that I entered the situation to assist SFC [REDACTED]. Our initial attempts to subdue Asad were met with extreme resistance. I was surprised at [REDACTED] physical strength. We had greatly underestimated it. His strength coupled with the bulk of his frame made him extremely difficult to subdue and restrain. Several times during the struggle I felt or saw Asad reaching for my side arm, which I was wearing on a shoulder rig. I was forced by this action to lay several kicks into his midsection. Once on the ground, [REDACTED] continued to struggle with myself and SFC [REDACTED]. [REDACTED] continued to attempt to get a weapon from one of the two of us. The entire incident lasted between 1-2 minutes. Once [REDACTED] was back under control, he was reflex-cuffed. He then made the statement "I wanted to kill Americans". He then decided that he was going to fully cooperate with us. After he calmed down he asked for and received some water. I held the bottle of water to his mouth and allowed him to drink. He took several gulps of ~~the~~ drinks from the bottle. Once [REDACTED] finished his drinking he spit something on the floor. At first I thought it was a "wad of spit", but upon further investigation found that it was a whole tooth. I picked the tooth up and showed it to SFC [REDACTED], who determined that it was unbroken and had just fell out. Again, the tooth was whole and undamaged and there was little or no bleeding from the ~~tooth~~ hole that the root had come from. Shortly after this SFC [REDACTED] call from the OPS building and instructed that the detainees were to be prepared for movement to the IED site. SFC [REDACTED] also instructed me to get my kit ready for the mission. At this point I left the room and went to get ready for the TIA mission. At this time I was gone for around

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 3 OF 7 PAGES

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025181

EXHIBIT 18
00 159

except as noted b7c5

0000-00-010019-03486

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

STATEMENT OF SSG [redacted] TAKEN AT Rifle Base, SNAQ DATED 10 JAN 04

9. STATEMENT (Continued)

24

20 minutes. Myself and SSG [redacted] were instructed to drive the [redacted] and be prepared to disarm and destroy the IED, if required. SFC [redacted], SSG [redacted], and [redacted] were to drive the [redacted] as the D.I.D. vehicle, with [redacted] seated in the back seat with SSG [redacted]. We parked the [redacted] outside the question facility where [redacted], SFC [redacted], SFC [redacted] were waiting. When we tried to move [redacted] to the [redacted] he began passive resistance. Dragging his feet walking slow, anything he could do to stall for time. I could tell by the sharp look in his eyes that he was not as tired as we would have us believe. We made several attempts to get dead into the truck and again were met with both passive and active resistance. He would stick his legs back out of the door, attempt to fall back out of the truck, again stalling. It took 3 of us to finally get him up into the truck. As we attempted to close the door he would stick a body part out in attempt to stop us. Several attempts to close the door were met with one body part or another blocking the door. Body, head, legs, arms and hands were all used by [redacted] to stop the door from closing. After a very physical shove we were able to close the door. It was at this point the team was able to move to the IED. The IED was identified and disarmed, by the ODA members. [redacted] then info us that he was willing to show us where the had acquired the 155mm artillery rounds that he used for the IED.

b24

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 4 OF 7 PAGES

STATEMENT OF SSG [REDACTED] TAKEN AT Rifles Base IRAQ DATED 10 JAN 04

9. STATEMENT (Continued)

[REDACTED] then led the team to a location about 10 km north of FOIS Eden. There the team discovered a veritable "Wal Mart" of IED making materials. Asad was removed from the truck and allowed to relax on a dirt berm by the vehicles. The team stayed on the site until a contact element from 3rd ACR arrived to secure the cache. ~~The team~~ This occurred at around 1630-1700 6 Jan 2003. The team then returned to Al Kad airbase to prepare for a mission that night. [REDACTED] was transported back up to the 3rd ACR detention facility. After this point I had no further contact with the detainee, [REDACTED]

Q: [REDACTED] b7c1

A: [REDACTED]

Q: Who was involved in the 1st interrogation of [REDACTED]?

A: Myself, SFC [REDACTED] SFC [REDACTED]

Q: Who was the main interrogator?

A: SFC [REDACTED]

Q: Did SFC [REDACTED] assist in restraining ASAD when he attacked SFC [REDACTED]?

A: I believe so, but I was more concerned about the situation at hand and do not recall.

Q: Was [REDACTED] struck during any part of the interrogation besides when he attacked SFC [REDACTED]?

A: yes, minor slaps and shoves as a result of false information.

Q: Did [REDACTED] appear in good health when he was returned to the detention facility?

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 7 PAGES

STATEMENT OF

SSG [REDACTED]

TAKEN AT

Rifles Base, Iraq

DATED

10 JAN 04

9. STATEMENT (Continued)

A: I did not return [REDACTED] to the detention facility, but when I last saw him at the cache site he was relaxing ~~comp~~ comfortably and did not appear to be in any type of physical distress.

Q: Do you have any thing else to add to your statement?

A: No. !!! END OF STATEMENT !!!

[REDACTED]

all b7c5

b7c

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 6

OF 7

PAGES

025184

USAPA V1 00 EXHIBIT 18

00 102

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

[REDACTED] (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 10 day of JANUARY 18 2004 at Kirtland Base, NM

ORGANIZATION OR ADDRESS

[REDACTED] (Person Administering Oath)

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

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

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 7 OF 7 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025185

EXHIBIT 18

00 163

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g) 0009-034 CID679-83486
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 Rifles Base, Al Asad Iraq	2. DATE 10 Jan 09	3. TIME 1936	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] b7c5	8. ORGANIZATION OR ADDRESS ODA 525 5 th Special Forces Group FOB Rifles Base, Al Asad, Iraq		
6. SSN [REDACTED]	7. GRADE/STATUS SFC/AD		

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

suspected/accuse Aggravated Assault, Negligent Homicide

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF SUSPECT/ACCUSED [REDACTED]
1a. NAME (Type or Print) [REDACTED] b7c5		4. SIGNATURE OF WITNESS [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		5. TYPED NAME OF INVESTIGATOR SA [REDACTED]
2a. NAME (Type or Print) [REDACTED] b7c1		6. ORGANIZATION OF INVESTIGATOR 97th MP Det (CID) FOB Rifles Base
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		

Section C. Non-Waiver

- I do not want to give up my rights:

I want a lawyer.

I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

all b7c's

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION FOB Rifles Base, Al Asad, Iraq	DATE 10 Jan 04	0009-08-4 1648	FILE NUMBER CID 679-83486
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SFC/AO	
ORGANIZATION OR ADDRESS ODA SAS, 5 th Special Forces Group, FOB Rifles Base, Al Asad, Iraq			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approx. 0900, 3 days ago during the morning task org. meeting, [REDACTED] and I were tasked to pick up 4 detainees from the detention facility. At approx 1000 we picked up the 3 personnel detained in a taxi for having IED detonators, and one detainee from Rawah. We brought them down to our holding facility and unloaded them. At that point took the vehicle back and parked it while arrangements were made to question the first detainee. I am not sure if I was present during the first interrogation, if so, it was only briefly. When I returned to the interrogation room it was after lunch and the interview with the subject in question was in progress. At the point I entered the subject was being ambiguous and denying cooperation with any other individuals in his IED operations. He denied receiving funding from any source and claimed he fabricated the detonators himself. During this phase of questioning he was being made to stand with his zip tied hands secured to an overhead pipe. Eventually he agreed to tell us what we wanted if we let him sit. At this point he was cut free, hands untied and made comfortable. Then his answers became vague again, and he was becoming uncooperative. During this portion I was standing at his 2 o'clock approx. 1 metre away when his eyes fixed on me and he lunged toward me. He grabbed me the front of my shirt and in response I tried to subdue him. During this period I attempted to take his breath away by knifing him in the ribs repeatedly and punching. The scuffle went to the floor as we tried to get control of his hands and feet. Once we maintained control we zip tied his hands and attached them to the overhead pipe again. Once he caught his breath questioning resumed. At some point he asked for water and [REDACTED] put a bottle to his lips. He began to choke and spit out a tooth. On examination of the tooth the root was intact and there was minimal bleeding from the socket. During subsequent questioning he agreed to take us to the cache site [REDACTED] (who had entered the room just prior) went to make arrangements for transport. [REDACTED] and I got the detainees ready to travel and brought him

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

DA FORM 2823 1 JUL 72
LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

EXHIBIT 19

025187

00 105

STATEMENT OF [REDACTED] TAKEN AT Pithers Base DATED 10 Jan 04 CONTINUED

out of the interrogation room to await the vehicles. Once we handed him over to the group that would take him to PID, I had no further involvement with him.

Q: Do you know the detainee's name or number?

A: No.

Q: Who was in the interrogation room during the scuffle with the detainee?

A: Myself, [REDACTED] and [REDACTED] the interpreter.

Q: How long were you in the room before the detainee grabbed you?

A: About 15-20 minutes.

Q: Were you between the detainee and the door to the room?

A: Yes.

Q: Were you wearing a weapon?

A: I ~~was~~ was carrying my sidearm in a shoulder holster.

Q: Do you know if any of the other people in the room were carrying a weapon?

A: I don't know for sure, but it would not have been unusual for them to be armed.

Q: Prior to the detainee grabbing you, did anyone hit the detainee?

A: No. Not while I was in the room.

Q: Did anyone hit the detainee after he was subdued and handcuffed?

A: No.

Q: Do you believe the actions you took in subduing the detainee were necessary to ensure your safety?

A: Of course.

Q: Did the detainee complain of breathing difficulty after he was subdued?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

all 6705

EXHIBIT 19

025188

00 166

STATEMENT OF [REDACTED] TAKEN AT Rifles Base DATED 10 Jan 04 CONTINUED:

STATEMENT (Continued)

A: No. He was talking fine and breathing okay.

Q: Where was the interrogation conducted?

A: The SF compound on Rifles Base.

Q: How long did the interrogation continue after the detainee grabbed you?

A: Maybe 30 to 45 minutes.

Q: Is your unit authorized to use physical force in interrogation?

A: No. We operate under the rules of the Geneva Convention.

Q: Does your unit have an SOP covering interrogations?

A: I have heard that there is one, but I haven't read it.

Q: Did anyone help you subdue the detainee?

A: Yes.

Q: Is there anything that you would like to add to this statement?

A: No. // END OF STATEMENT

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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of Jan 20 04 at FORT RIFLES Base, Al Asad Iraq

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025189

EXHIBIT 19

00 107

DATA REQUIRED BY THE PRIVACY ACT

0009-03-4-CID679-83486

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION <i>Rifles Base, Iraq</i>	2. DATE <i>103AN04</i>	3. TIME <i>1449</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>ADA 1/3 AC12</i>		
6. SSN [REDACTED]	GRADE/STATUS <i>56T/E-5</i>		
Fort Carson, CO			

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 Criminal Investigator Command* and wanted to question me about the following offense(s) of which I am suspected/accused *Negligent Homicide, Aggravated Assault*

before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
I do not have to answer any questions 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) <i>b7c5</i>	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print) <i>b7c1</i>	[REDACTED]	5. TYPED NAME OF INVESTIGATOR <i>SA [REDACTED]</i>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>87th MP Det CID Ar Ramadi, Iraq</i>

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.

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 20

LOCATION FOB Rifles Base, Iraq	DATE 10 JAN 04	TIME 1510	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SGT / E-5
ORGANIZATION OR ADDRESS A DA V3 ACIR, FOB Rifles Base, Iraq (Fort Carson)			

I, SGT [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Pulling the three individuals out of the cage went very smooth they were very passive and did what we said. Upon searching the personnel I found a credit and immediately put him on the ground. I then proceeded to have that individual open the package so we did not blow ourselves up. Then he was put back on the ground and were watched by my gunner. All of the men were sitting down. The older one did keep talking and my gunner constantly told him to "shut up". When we stopped them and turned them over to the EPA site on Rifles Base, Iraq they were all in pretty good shape.

Q: SA [REDACTED]
 A: SGT [REDACTED]

Q: Did you kick or hit any of the detainees?
 A: no

Q: Did you witness anyone hit or kick the detainees?
 A: no

Q: Could all of the detainees walk and breath without any visible signs of pain?
 A: yes

Q: were the detainees in the same physical state when

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
---------	---	-------------------

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

EXHIBIT 20

all b7c5

025191

00 169

all b7c5

FILE NUMBER:

STATEMENT OF SGT [REDACTED] TAKEN AT [REDACTED] Base DATED 10 JAN 04 CONTINUED

you left them at the EPW site?

A: Yes

Q: who was your gunner?

A: SPC [REDACTED]

Q: Was SPC [REDACTED] primarily the soldier watching the order of the detainees who kept talking?

A: He was watching all of the detainees

Q: Do you have anything else to add to this statement?

A: No

///END of Statement ///

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

PAGE 2 OF 3 PAGES

EXHIBIT 20

DATA REQUIRED BY THE PRIVACY ACT

0009-08-CID679-83486

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 Rafles Base, Iraq
2. DATE: 103A Nov 03
3. TIME: 1527
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS: SPC
8. ORGANIZATION OR ADDRESS: ADA 1/3A1R, FOB Rafles Base, Iraq

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Negligent homicide, Aggravated Assault

- 1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF...
5. TYPED NAME OF INTERVIEWEE
6. ORGANIZATION OF INVESTIGATOR: 87th MP Det CID, Ar Ramadi, Iraq

Section C. Non-Waiver

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

2. SIGNATURE OF INTERVIEWEE

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

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 21

025194

00 172

Handwritten notes: b7c, b7c5

LOCATION <i>FOB Rifles Base, Iraq</i>	DATE <i>1034N03</i>	TIME <i>16:25</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS <i>SPC/E-4</i>
ORGANIZATION OR ADDRESS <i>ADA, V3 ACIT, FOB Rifles Base, Iraq (Fort Carson Co)</i>			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about 4 Jan 04 that my Platoon was heading north on Route 12 when we pulled over a maroon car for suspicious activity. When we searched the 3 people in the car and the car we found 3 motorolas with wires and clips on em, a Pick for digging a reel of wire and two motorcycle batteries wired together. We detained all three persons after that the oldest one kept talking and trying to get up so kept telling him to shut up a few times then I started to put the Barrel of my M16A2 in his and tell to shut up or I'll shoot him and he kept talking and trying to get up then I kicked him in the chest 2-3 times to slightly knock the wind out of him and to get him to stop talking unless he is talked to. Then we loaded them up into the HUMVEE and brought them to AIASAD and processed them in and took them to the detainee sight.

Q: SA [REDACTED]

A: SPC [REDACTED]

Q: Were the three Iraqi's who were detained in your care or sight until they were dropped off at the EPW site?

A: YES

Q: How much force did you use when you kicked the older man?

A: On a scale of 1-10 10 being the strongest I used a three.

Q: Did anyone besides you assault the old man in a way which would cause severe damage to his sides (chest)?

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

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

DA FORM 2823

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025195

EXHIBIT 21

all 6705

00 173

STATEMENT OF SPC [REDACTED] TAKEN AT R. H. B. S. C. DATED 10 JANUARY CONTINUED

A: NO

Q: Do you feel that when you kicked the old man it caused any damage to vital organs or permanently damaged his health in any way?

A: NO way I caused any damage to vital organs. My intent was to make him stop talking and stay on the ground

Q: How many times did the old man try to get up before you used force to stop him?

A: Two times before we hand cuffed him, two times after we hand cuffed him and then I kicked each time after that which was 2-3 times.

Q: Did you kick either of the other detainees?

A: No because the listened and/or they knew better

Q: Was the old man able to walk and talk after you kicked him or was his physical state diminished?

A: He was fine only needed help into the truck, because he was hand cuffed

Q: Was the old man in good health and physical condition in your opinion?

A: He appeared to be in good health for his age.

Q: Do you have anything to add to this statement?

A: NO.

/// END of Statement /// [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 21

all b7c5

025196

00 174

FILE NUMBER:

STATEMENT OF SPC [REDACTED] TAKEN AT RIFLES POSTED 100A [REDACTED] CONTINUED:

STATEMENT (Continued)

b7c5

Not used

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.

WITNESSES:

b7c5

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of JAN, 20 04 at FORT RIFLES Base

ORGANIZATION OR ADDRESS

b7c

ORGANIZATION OR ADDRESS

SA [REDACTED]

(Typed Name of Person Administering Oath)

Article 136 B 4

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025197

EXHIBIT 21

00 175

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

0009-08⁴-CID679-83486

1. LOCATION FOB Rifles Base, Al Asad, Iraq	2. DATE 10 Jan 04	3. TIME 1730	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] b7C5	8. ORGANIZATION OR ADDRESS ODA 525 5 th Special Forces Group FOB Rifles Base, Al Asad, Iraq		
6. SSN [REDACTED]	7. GRADE/STATUS SFC/AD		

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accuse Aggravated Assault and Negligent Homicide III
 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 questions 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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3.
1a. NAME (Type or Print) [REDACTED] b7C5	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED] b7C5	[REDACTED]	5. TYPED NAME OF INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR B7E MP Det(CID) FOB Rifles Base

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.

LAW ENFORCEMENT SENSITIVE
 FOR OFFICIAL USE ONLY

EXHIBIT 22

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION FOB Rifles Base, Al Asad, Iraq	DATE 10 Jan 04	TIME 1840	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SFC/AD
ORGANIZATION OR ADDRESS ODA 525, 5 th Special Forces Group, FOB Rifles Base, Al Asad, Iraq			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 6th of January 2004 myself [REDACTED] were coming back from lunch around noon. The team Sgt [REDACTED] informed us that a detainee being questioned by fellow OPA members was going to PID an IED location along highway 12. Myself [REDACTED] got 2 vehicles ready to go. We drove up to where the detainee was about 1230-1245 hrs. The detainee was hooded and sitting down resting. I got out of the vehicle and stood the detainee up and pulled off his hood. I introduced myself and told him our plan to have him PID the IED. I told him not to give us a hard time and in return he would be able to have his flex cuffs removed. I asked him if he understood and he said "yes". At time [REDACTED] took the detainee to the rear passenger side of our Defender PU truck. I jumped in the vehicle and started it and made a radio check. At the same time they told the detainee to get in the vehicle. The detainee started to resist and was acting like he couldn't get in the vehicle. At that time he was slapped and pushed around. He was yelled at and told to get in the vehicle. This went on for about a min. He was kicked in either the leg or buttocks. I couldn't see the exact location due to the angle. Finally [REDACTED] lifted him into the vehicle and sat him down. We then drove to the site. The detainee was very cooperative and showed us where the site was. We pulled around the backside of the dirt mound where the IED was implaced. We all got out of the vehicle and traced the wires to the 1st of 3 155 artillery shells. After positive identification of IED the detainee had his flex cuffs removed and was given a bottle of water. The detainee was told to sit down and relax. After disarming the IED the detainee was moved to the site for photographic evidence. The detainee moved under his own control and had a normal gait. We then loaded up the shells and flex cuffed the detainee for the ride to the controlled detention site. After the detention we drove to the site where the detainee said he

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
---------	---	-------------------

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

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

STANDARD FORM NO. 64 (FORM 2822) 1 JAN 68 WHICH WILL BE USED

all 67c5

025199- EXHIBIT 22

STATEMENT OF [REDACTED] TAKEN AT Rife's Bar DATED 10 January CONTINUED

got the rounds he used for the IED. Once we arrived at the site we discovered a huge weapons cache. We also detained 4 Iraqi males on the site. After the site was secured I removed the detainee from the vehicle and removed his flex cuffs and had him sit down. He was given water and offered him some food. He declined the food. We were on the site approx 2-2 1/2 hours. During that time the detainee complained about his wrists and that his back hurt. But he ~~also~~ only mentioned this one time. During the time at the site we joked around about going for a swim in the river that was right next to the ~~site~~ river. He was joking around and actually smiled at me as he told me he wasn't a very good swimmer. Once the site was secured by the 2nd ACR we flexcuffed the detainee and left his hood off for the ride back to Al Asud. Right outside of Bagdadi the detainee tried to unlock his door. At that time I asked what he was doing, then [REDACTED] put his hood back on, we arrived at the detention facility without further incident and dropped him off with the guards. During the entire PID mission the detainee was not touched. Approx time 4-5 hours. Also during that time he seemed a little sore but nothing to cause me to think he had sustained any injuries.

Q: What is [REDACTED] last name?

A: [REDACTED] He is a SSG in my unit.

Q: What is [REDACTED] last name?

A: [REDACTED]. He is a SSG in my unit.

Q: What is [REDACTED] first last name?

A: [REDACTED] He is also in my unit.

Q: Who is [REDACTED]?

A: SFC [REDACTED]. He is my Team Sgt.

Q: Who slapped and pushed the detainee when you were putting him in the vehicle?

A: [REDACTED]

Q: Did [REDACTED] also kick the detainee?

A: Yes. Then he and [REDACTED] pulled him into the

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 22

025200

00 178

all b7c5

STATEMENT OF SP [REDACTED] AT [REDACTED] Rifles Base DATED 10 JAN 07 CONTINUED:

STATEMENT (Continued)

vehicle.

Q: Did you see any injuries on the detainee?

A: No.

Q: Is there anything you would like to add to this statement?

A: No. //END OF STATEMENT//

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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]
LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY [REDACTED]

[REDACTED] (Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of Jan, 20 07 at FOTS Rifle Base, Al Udeid, Iraq

[REDACTED] (Signature of Person Administering Oath)

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

AJT 136 TS 4 UCMJ (Authority To Administer Oaths)

EXHIBIT 22

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 Base, IRAQ	2. DATE 10 JAN 04	3. TIME 1834	4. FILE NUMBER
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS B Co, 15 th SF GP FT CAMPBELL, KY (Rifles Base, IRAQ)		
6. [REDACTED]	7. GRADE/STATUS SSG / AD		

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: aggravated assault, negligent homicide

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) [REDACTED]	b7c5	[REDACTED]
6. ORGANIZATION OR ADDRESS AND PHONE		[REDACTED]
2a. NAME (Type or Print) [REDACTED]	b7c1	[REDACTED]
6. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR SA [REDACTED] 87 th MP Det (CID) FT BRAGG, NC, Rifles Base, IRAQ

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

EXHIBIT 23

025202

00 180

Photographic Packet

0009-04-CID679-83486

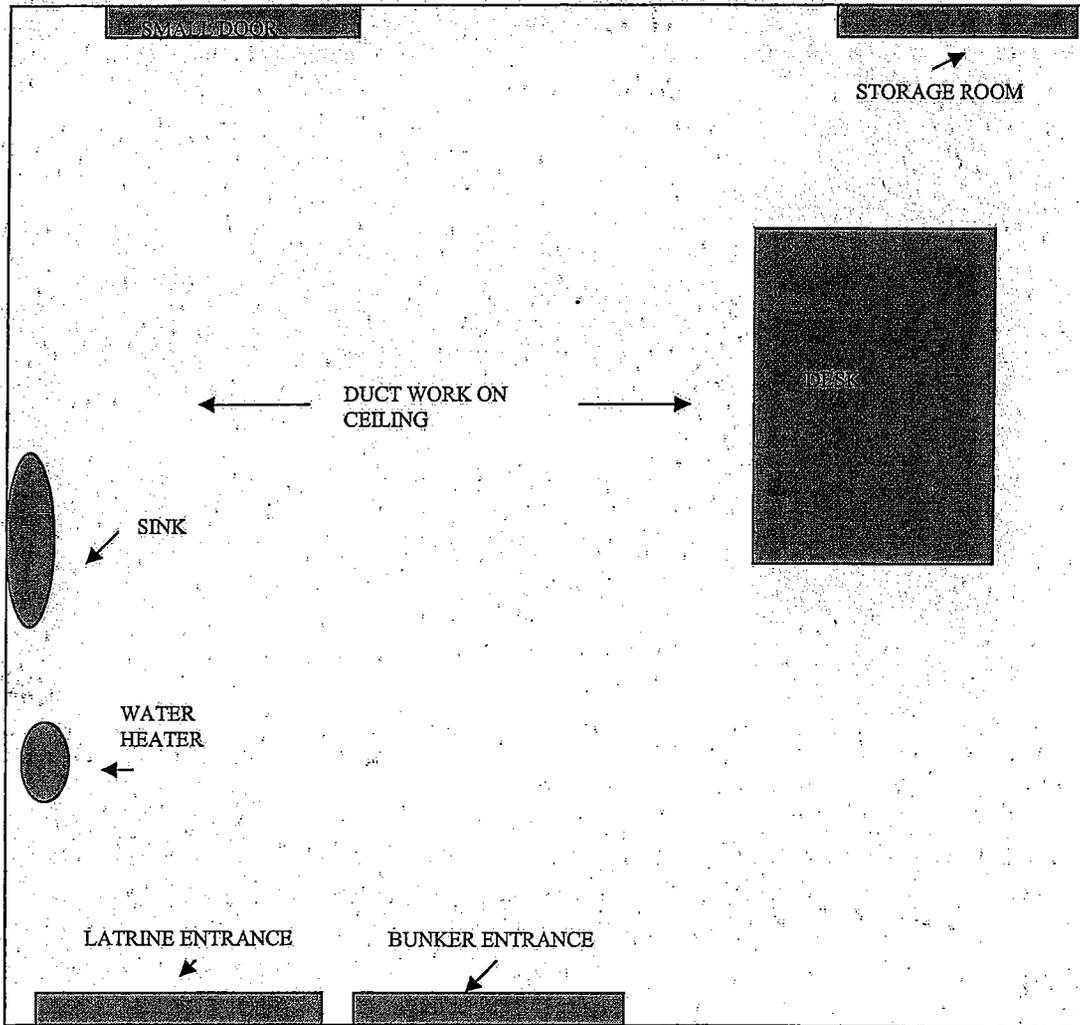
Number	Description of Photographs
1	Photo depicting entrance to detainee holding area located within ODA 525 compound
2	Photo depicting individual detainee holding areas
3	Photo depicting individual detainee holding cell
4	Photo depicting entrance to bunker used by ODA 525 for interrogations
5	Photo depicting hall way of bunker
6	Photo depicting hall way of bunker
7	Photo depicting bunker interrogation room
8	Photo depicting vent used to restrain detainees in a standing position
9	Photo depicting bunker interrogation room
10	Photo depicting bunker interrogation room
11	Photo depicting unknown stain on floor
12	Photo depicting vehicles used by ODA 525 during PID

025203

Ex 29
00 181

Bates Pages 25204-25217 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

ROUGH SKETCH DEPICTING BUNKER



LEGEND:



NOT TO SCALE

TITLE BLOCK:

ROI: 0009-04-CID679-83486

OFFENSE: NEG HOMICIDE

DEPICTING: BUNKER

LOCATION: 38S KC 62928-43339

VICTIM: [REDACTED]

PREPARED: 1315, 11 JAN 04

SKETCHED BY: SA [REDACTED]

VERIFIED: SA [REDACTED]

7674

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 25

025218

00 196

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

PAGE 1 OF 1 PAGE

"mr" = all b(2)(c)(4)

b7c1

DETAILS

About 1300, 11 Jan 04, SA [REDACTED] Forensic Science Officer and SA [REDACTED], 10th Military Police Battalion, Baghdad International Airport (BIAP), APO AE 09335, attended the autopsy of Mr. [REDACTED] conducted by CDR (Dr) [REDACTED], Chief Deputy Medical Examiner, Office of the Armed Forces Medical Examiner, Rockville, MD 20850 while at Mortuary Affairs, Baghdad, Iraq. Mr. [REDACTED] had numerous blunt force injuries on his body. Most of Mr. [REDACTED] ribs were fractured and some had multiple fractures. Mr. [REDACTED] Thyroid cartilage and Hyoid bone were both fractured. The manner of death was determined to be homicide and the cause of death was determined to be a combination of blunt force injuries and asphyxia. CDR [REDACTED] provided Preliminary Autopsy Report ME 04-14 and CD Rom with the photographs taken of the injuries. (See Preliminary Autopsy Report and CD Rom for details)

//////////////////// LAST ENTRY //////////////////////////////////////

b7c2

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

10th MP BN (CID) (ABN) (FWD)
BIAP, APO AE 09335

SIGNATURE

DATE

12 Jan 04

EXHIBIT

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE ONLY

025219

EXHIBIT 26
00 197

Page(s)

198-269

Referred to:

U.S. ARMY MEDICAL COMMAND
FREEDOM OF INFORMATION/
PRIVACY ACT OFFICE
ATTENTION: MCFP
2050 WORTH ROAD, SUITE 13
FORT SAM HOUSTON, TEXAS
78234-6013

MR. JOHN PETERSON
John.Peterson1@cen.amedd.army.mil
(210) 221-7826

25220

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 1 OF 9 PAGE

DETAILS

Around 1025, 12 Jan 04, SA [redacted] advised SFC [redacted] of his legal rights, which he waived and provided a verbal statement in which he maintained his original statement was true and correct. (See Waiver Certificate for details) *b7c1 b7c5*

Around 1248, 12 Jan 04, SA [redacted] advised SFC [redacted] of his legal rights, which he waived and provided a verbal statement in which he maintained his original statement was true and correct. (See Waiver Certificate for details) *b7c1 b7c5*

Around 1348, 12 Jan 04, SA [redacted] advised SSG [redacted] of his legal rights, which he waived and provided a verbal statement in which he maintained his original statement was true and correct. (See Waiver Certificate for details) *b7c1 b7c5*

Around 1435/13 Jan 04, SA [redacted] interviewed Mr. [redacted] (Titan Corporation Category 2 interpreter) assigned to ODA 525, who stated the only time he had contact with Mr. [redacted] was during an interrogation which occurred around 1020, 7 or 8 Jan 04. Mr. [redacted] stated he was the interpreter during the interrogation conducted by SFC [redacted], which took place at the detention facility on Rifles Base, Al Asad, Iraq. Mr. [redacted] stated the interrogation lasted approximately forty-five minutes. He stated at no time during the interrogation was Mr. [redacted] beaten or struck. He stated during the interrogation he noticed Mr. [redacted] left leg shaking. He also stated Mr. [redacted] seemed to be limping when he was escorted back to his isolation cell. Mr. [redacted] stated he had been assigned to ODA 525 since the early part of October 2003, and had never witnessed anyone from ODA 525 beat or mistreat a detainee. *b7c1 b7c5 b7c4*

Around 2030/13 Jan 04, SA [redacted] coordinated with Dr. [redacted] MD, CDR, MC, USN, DMO/FS, Chief Deputy Medical Examiner, Armed Forces Institute of Pathology, who stated it would have been possible, but unlikely, Mr. [redacted] would have been able to hide the extent of his injuries for two or three days. Dr. [redacted] stated there should have been some outward signs of injury, such as labored breathing. Dr. [redacted] stated several of the rib fractures had little bleeding, similar to that of post mortem breaks. He stated Mr. [redacted] died most likely of a combination of his injuries as well as being gagged and forced to stand. *b7c1 b7c2*

Around 0900, 28 Jan 04, SA [redacted] coordinated with MAJ [redacted] Provost Marshal, 82d Airborne Division, Champion Main, Ramadi, Iraq, who provided copies of the CJTF-7 Interrogation and Counter-Resistance Policy, 10 Sep 03, and a document from FOB 51 S-2 pertaining to Detention Operations relating to Detainees, 7 Oct 03. A review of the documents revealed torture or physical abuse was not an option for interrogations. Both documents were classified "Secret", and would not be an attached exhibit to the final report; however the documents would remain in the files of this office for future review. *b7c1 b7c2*

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted] <i>b2 b7c1</i>		87th Military Police Detachment (CID) (DSE) (FWD) Ar Ramadi, (Rifles Base, Iraq)	
[redacted]		DATE	EXHIBIT
[redacted]		16 Sep 04	29

FOR OFFICIAL USE ONLY

1 FEB 77

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 29
00 270

025221

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 2 OF 9 PAGE

DETAILS

Around 1230, 1 Feb 04, SA [redacted] ^{b7c1} coordinated with MAJ [redacted] SJA, 1/5th SF Group, Ft Campbell, KY, (BIAP, Iraq) who provided copy of the Commanders Inquiry conducted by CPT [redacted] ^{b7c2} Adjutant, 1/5th SF Group, Ft Campbell, KY, (BIAP, Iraq). (See 15-6 Report for details)

Around 1450, 14 Feb 04, SA [redacted] coordinated with personnel assigned to Mortuary Affairs, 54th Quartermaster Co, attached to 3rd ACR, FOB Rifles Base, Al Asad, Iraq, who provided a copy of DD Form 2064, Death Certificate, which was signed by CPT [redacted] (Physicians Assistant), Medical Troop, Support Sqd, 3 ACR, Fort Carson, CO, which lists time of death as 0900, 9 Jan 04, and the major findings of autopsy as "Died in sleep". (See DD Form 2064 for details) ^{b7c2}

Around 1600, 18 Feb 04, SA [redacted] verified the height of the door frame from which Mr. [redacted] was hung from to be six feet nine inches.

Around 1435, 19 May 04, SA [redacted] ^{b7c1} coordinated with SA [redacted] Armed Forces Institute of Pathology, who provided a copy of the final autopsy report. A review of the report revealed the Cause of Death as Blunt Force Injuries and Asphyxia and the Manner of Death as Homicide. (See Final Autopsy Report for details)

Around 0900, 8 Jun 04, SA [redacted] ^{b7c1} advised SGT [redacted] of his legal rights, which he waived and provided a verbal statement clarifying his previous statement. SGT [redacted] stated he worked the 2000-0000, shift on 8 Jan 04, and the 0400-0800, shift on 9 Jan 04. He stated upon arriving for his shift on 8 Jan 04, Mr. [redacted] was in the sleep deprivation area located in front of the guard tower. He stated Mr. [redacted] was in leg shackles only and sat there his entire shift. SGT [redacted] stated on his 0400-0800, 9 Jan 04, shift Mr. [redacted] was placed into his isolation cell and shackled to a post, legs shackled with an approximate two foot slack, and his hands were flexi cuffed in front. SGT [redacted] further clarified his statement regarding Mr. [redacted] being forced to stand as follows; after he and SPC [redacted] forced him to stand by hand cuffing his flexi cuffed hands to the top of the door frame of his cell, they gagged Mr. [redacted] with a length of cloth, which had a knot tied in the center of it. SPC [redacted] from behind Mr. [redacted] pulled the gag into his mouth while SGT [redacted] used pressure points on the chin and lower jaw to force Mr. [redacted] to open his mouth. After the gag was secured SPC [redacted] and SGT [redacted] left Mr. [redacted] cell. While SGT [redacted] was washing his hands he noticed Mr. [redacted] slumped over, after about three minutes he went to check on him. After trying to speak with Mr. [redacted] SGT [redacted] noticed Mr. [redacted] was not breathing; he checked Mr. [redacted] pulse at the carotid artery and found no pulse. He then un-cuffed Mr. [redacted] who fell to the floor, head towards the outside of his cell, the body approximately half way out of the cell. He stated he called for help / medics and checked one more time for a pulse which met with negative results. ^{b7c5}

"Mr." = b(6)(c4)
b(7)(c)(c)(c4)
all

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] ^{b7c1}

ORGANIZATION

87th Military Police Detachment (CID) (DSE) (FWD)
Ar Ramadi, (Rifles Base, Iraq)

DATE

16 Sep 04

EXHIBIT

29

CID FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 29

025222

00 271

Wapt as noted b7c5

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

num = b(7)(c)(4)

PAGE 3 OF 9 PAGE

DETAILS

SGT [redacted] stated it took the medics approximately thirty minutes to arrive. He further stated he was not on duty at the time of the escape attempt and he did not tell SGT [redacted] he assisted in the re-capture of Mr. [redacted]. SGT [redacted] stated the use of the latrines for the prisoners was not a mandatory thing; they went if they had to go. He stated Mr. [redacted] did not use the latrines on his last two shifts prior to Mr. [redacted] death. (See Waiver Certificate for details)

b7c1
Around 1020, 8 Jun 04, SA [redacted] advised SPC [redacted] of his legal rights, which he waived and provided a sworn statement in which he stated PFC [redacted] choked Mr. [redacted] with a police style baton and slapped him in the face after Mr. [redacted] failed escape attempt. (See Waiver Certificate and Sworn Statement for details)

b7c1
Around 1245, 8 Jun 04, SA [redacted] advised PFC [redacted] of his legal rights, which he waived and rendered a verbal statement. PFC [redacted] stated he was not involved in the re-capture of Mr. [redacted] after Mr. [redacted]'s escape attempt on 9 Jan 04. He stated he did not slap or choke Mr. [redacted] with a nightstick. He stated the only time he had hands on Mr. [redacted] was after he yelled at him for escaping and then opened the door to the cell Mr. [redacted] was in and told him if he wanted to go home then go. He stated when Mr. [redacted] made for the door he, PFC [redacted], pushed him back causing Mr. [redacted] to fall backwards. PFC [redacted] stated he was unaware that Mr. [redacted] was already in leg shackles when he did this. PFC [redacted] then requested a lawyer upon further questioning of his alleged choking of Mr. [redacted]. (See Waiver Certificate for details)

b7c1
Around 0900, 9 Jun 04, SA [redacted] interviewed SGT [redacted] who clarified his previous statement given on 9 Jan 04. SGT [redacted] stated the use of the latrines by the detainees was voluntary and he did not remember whether or not Mr. [redacted] used the latrine during his shift of 2000 - 0000, 8 Jan 04. SGT [redacted] described Mr. [redacted] as an old sick man. SGT [redacted] stated the on coming shift was SPC [redacted], PFC [redacted] another sergeant and maybe SPC [redacted].

b7c1
Around 0938, 9 Jun 04, SA [redacted] advised SPC [redacted] of his legal rights, which he waived and rendered a sworn statement in which he described in detail the escape attempt by Mr. [redacted] on 9 Jan 04. SPC [redacted] clarified his previous statement concerning SGT [redacted] presence during the take down of Mr. [redacted]. SPC [redacted] stated SPC [redacted] took down Mr. [redacted] alone. (See Waiver Certificate and Sworn Statement for details)

b7c1
Around 1130, 9 Jun 04, SA [redacted] interviewed CPL [redacted] who clarified his previous statement given on 9 Jan 04. CPL [redacted] stated Mr. [redacted] did not use the latrine during the 0400-0800, 9 Jan 04, shift. He stated the isolation cells were the last to go to the latrine and by the time it was their turn he was already dead. CPL [redacted] stated when he used the term "muzzled" when describing punishment for the detainees, he was referring to gagging a detainee for repeated talking.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted] <i>b7c1</i>		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted] <i>b7c1</i>		DATE	EXHIBIT
		16 Sep 04	<i>29</i>

FOR OFFICIAL USE ONLY

EXHIBIT 29

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025223

00 272

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 4 OF 9 PAGE

DETAILS

Around 1300, 9 Jun 04, SA [redacted] advised SPC [redacted] of his legal rights, which he waived and rendered a verbal statement clarifying his previous statement given 9 Jan 04. SPC [redacted] stated at no time did he or SGT [redacted] strike, strangle or other wise inflict injury to Mr. [redacted]. SPC [redacted] stated after he assisted SGT [redacted] in gagging Mr. [redacted], Mr. [redacted] was breathing and talking through the gag. SPC [redacted] stated he had not heard of the attempted escape by Mr. [redacted] until informed by CID. (See Waiver Certificate for details)

Around 1600, 9 Jun 04, SA [redacted] interviewed SGT [redacted], Maintenance Troop, Support Sqd, 3 ACR, Fort Carson, CO, who provided a sworn statement in which he stated he in processed Mr. [redacted] on 4 Jan 04, and did not observe any bruises or injuries. He stated Mr. [redacted] was seen at least two other times by medics (NFI) for complaints of rib injuries. (See Sworn Statement for details)

Around 0900, 10 Jun 04, SA [redacted] advised SPC [redacted] AVIM Troop, Support Sqd, 3 ACR, Fort Carson, CO of his legal rights which he waived and provided a sworn statement in which he stated he did not see PFC [redacted] choke or strike Mr. [redacted]. (See Waiver Certificate and Sworn Statement for details)

Around 1100, 10 Jun 04, SA [redacted] interviewed SPC [redacted], clerk, assigned to Medical Troop, Support Sqd, 3 ACR, Fort Carson, CO who stated after transferring all the data from the green note book used to document treatment given to detainees into a digital database he burned the note book. A search of the digital database for name, injury, date and detainee number, met with negative results.

Around 1125, 10 Jun 04, SA [redacted] interviewed CPT [redacted] Medical Troop, Support Sqd, 3 ACR, Fort Carson, CO, stated he never treated Mr. [redacted] for any medical problems, nor did he conduct the medical screening of Mr. [redacted]. CPT [redacted] stated the medical screening was conducted by the detention facility personnel and that doctor's, physician's assistance or medics were only contacted about a screening if the detainee had some sort of injury or complaint.

Around 1150, 10 Jun 04, SA [redacted] coordinated with CPT [redacted] Cdr, Medical Troop, Support Sqd, 3 ACR, Fort Carson, CO, who stated medics were assisted by either a Doctor or PA when conducting sick call for the detainee's. He stated CPT [redacted] and 1LT [redacted] were the only two PA's assigned to his unit. The other PA's/Dr's who were attached to his unit while deployed were CPT [redacted] Fort Bliss, TX (NFI), CPT [redacted] Fort Hood (NFI) and CPT [redacted], Fort Riley. However he stated he would coordinate with all the medics assigned to his Troop for personnel who treated Mr. [redacted]

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted]		Ar Ramadi, (Rifles Base, Iraq)	
[redacted]		DATE	EXHIBIT
[redacted]		16 Sep 04	29

CID FORM 1 FEB 77

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025224

EXHIBIT 29 00 273

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

b(6)(CID Regulation 195-1)

"ma" = b(7)(c)(4)

PAGE 5 OF 9 PAGE

DETAILS

Around 1210, 10 Jun 04, SA [redacted] interviewed 1LT [redacted] who stated she never treated Mr. [redacted] and was unaware of who if anyone did. *b7c1*

Around 1300, 10 Jun 04, SA [redacted] coordinated with CPT [redacted] who stated none of his medics recall treating Mr. [redacted] or seeing a detainee at the detention facility with the injuries described. CPT [redacted] also stated a DA 6 was not maintained to document who was on call or working any particular day. *b7c1*

Around 1230, 14 Jun 04, SA [redacted] coordinated with CDR [redacted] who stated the described method of choking by PFC [redacted] would be sufficient to break the hyoid bone. He also stated Mr. [redacted] would have died as a result of the broken hyoid bone with or without the other injuries, unless he had received medical attention. When asked if Mr. [redacted] would have died of the blunt force injuries without the broken hyoid bone he stated probably. *b7c1*

Around, 1125, 17 Jun 04, SA [redacted] interviewed CPT [redacted] USA MEDDAC, Fort Hood, TX, who stated he did not recall ever treating Mr. [redacted] or any detainee with the symptoms described during the time period of Mr. [redacted] detention. *b7c2*

Around 0900, 18 Jun 04, SA [redacted] interviewed CPT [redacted] who stated she did not treat Mr. [redacted] or any detainee with the symptoms described during the time period of Mr. [redacted] detention.

Around 0900, 19 Jul 04, SA [redacted] coordinated with SA [redacted] Fort Leonard Wood Resident Agency, 6th Group (CID), USACIDC, Fort Leonard Wood, MO, who provided the polygraph examination reports and waiver certificate of PFC [redacted] and SPC [redacted] SA [redacted] also provided the waiver certificate and sworn statement of SPC [redacted] in which SPC [redacted] stated he witnessed PFC [redacted] utilize a nightstick to lift Mr. [redacted] from a sitting position to a standing one by placing the nightstick under Mr. [redacted] chin and pulling. (See Waiver Certificates, Sworn Statements and Polygraph Examination Reports for details) *b7c1*

Around 0904, 27 Jul 04, SA [redacted] and SA [redacted] 11th MP BN (CID), Fort Hood, TX, advised SGT [redacted] of his legal rights which he waived. SGT [redacted] provided a verbal statement wherein he stated he did not strike or choke any detainee, nor did he witness anyone do it. He also stated he did not remember touching Mr. [redacted] throat, but went on to say "it was a long time ago, and that anything was possible. SGT [redacted] went on to describe how SPC [redacted] placed the gag into Mr. [redacted] mouth while he forced Mr. [redacted] mouth open using the before mentioned method. SGT [redacted] stated SPC [redacted] placed the gag into Mr. [redacted] mouth while standing behind Mr. [redacted] [redacted] stated the cloth gag never went below his hands, which prevented the gag from coming into contact with Mr. [redacted] throat. SGT [redacted] stated he felt responsible for the detainee's death because *b7c1*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] *102*

SIGNATURE

ORGANIZATION

87th Military Police Detachment (CID) (DSE) (FWD)
Ar Ramadi, (Rifles Base, Iraq)

DATE

16 Sep 04

EXHIBIT

29

CID FC
1 FE

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025225

EXHIBIT *29*

00 274

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0009-04-CID679-83486

CID Regulation 195-1

MR = 22 b(6)(4)/b(7)(C)(4)

PAGE 6 OF 9 PAGE

DETAILS

he was the NCOIC of the shift and he took the death personally. SGT [REDACTED] also stated [REDACTED] was the first deceased person he had been in contact with his entire life. (See Waiver Certificate for details)

Around 1440, 27 Jul 04, SA [REDACTED] interviewed SPC [REDACTED] who provided a verbal statement in which he elaborated on his previous statements. SPC [REDACTED] was questioned specifically about how PFC [REDACTED] utilized a MP style, black in color, nightstick to lift Mr. [REDACTED] to a standing position. SPC [REDACTED] stated Mr. [REDACTED] was in a sitting or kneeling position when PFC [REDACTED] who was standing behind Mr. [REDACTED] placed the nightstick under Mr. [REDACTED] chin and lifted him to a standing position. This action was taken because Mr. [REDACTED] had refused to stand on his own power. SPC [REDACTED] stated Mr. [REDACTED] was facing away from the general population of detainees and was positioned in front of the guard tower. He stated he did not recall whether or not Mr. [REDACTED] turned his head while PFC [REDACTED] lifted him. He stated he did not observe any immediate trauma to Mr. [REDACTED] neck, but did state Mr. [REDACTED] requested a doctor and motioned towards his abdomen. SPC [REDACTED] stated he did not know if Mr. [REDACTED] ever saw a doctor or not, but did state he put Mr. [REDACTED] detainee number on the medics board for him to be seen.

Around 0800, 28 Jul 04, SA [REDACTED] advised SPC [REDACTED] of his legal rights which he waived and provided a verbal statement in which he denied striking or choking Mr. [REDACTED]. SPC [REDACTED] stated he believed he may have been responsible for the death of Mr. [REDACTED] when he placed the cloth gag into his mouth, but insisted he did not strike Mr. [REDACTED] the throat or any where else. He also was adamant about not choking him or seeing anyone else choke Mr. [REDACTED]. (See Waiver Certificate for details)

Around 1000, 9 Aug 04, SA [REDACTED] and SA [REDACTED] attended a briefing with Dr. [REDACTED] and Dr. [REDACTED] concerning the injuries and cause of death of Mr. [REDACTED]. Dr. [REDACTED] stated the majority of the injuries sustained by Mr. [REDACTED] were caused hours, not days, prior to his death. He stated most of Mr. [REDACTED] ribs were broken, several with multiple fractures. The ribs were broken in a crushing fashion described by Dr. [REDACTED], as normally seen in a vehicle accident death. Dr. [REDACTED] stated Mr. [REDACTED] would have been in great pain and would have had great difficulty breathing and would not have been able to walk or attempt an escape. Dr. [REDACTED] also stated Mr. [REDACTED] had an unhealthy heart and most likely had hyper tension as well as bruised lungs. Dr. [REDACTED] stated it was possible Mr. [REDACTED] sustained one or two broken ribs and most of the visible bruising from the incident with ODA 525 two days prior to his death, but not any of the life threatening injuries.

Agent's Comment: With the information provided by Dr. [REDACTED] it is probable that the crushing injuries occurred during, or just after, his escape attempt, since the pathologist insisted he would not have been able to make an escape attempt with the injuries noted. The personnel on shift during the time of the failed escape attempt were SSG [REDACTED], SPC [REDACTED], SPC [REDACTED], PFC [REDACTED] and SPC [REDACTED]. SPC [REDACTED] and PFC [REDACTED] stated they did not witness the escape attempt, as they were outside the building at the time performing a detail: SPC [REDACTED] admitted to apprehending Mr. [REDACTED] but stated he

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [REDACTED]		Ar Ramadi, (Rifles Base, Iraq)	
DATE		EXHIBIT	
16 Sep 04		29	

CID FORM

1 FEB 77

FOR OFFICIAL USE ONLY

ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025226

EXHIBIT 29

UU 275

except as noted all b7c5

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 7 OF 9 PAGE

DETAILS

used an appropriate level of force. The escape attempt occurred early in the morning which would explain the reason a possible assault was not observed by other detainees as they were asleep.

Around 1047, 17 Aug 04, SA [redacted] and SA [redacted], this office, advised SSG [redacted] of his legal rights which he waived and rendered a verbal statement clarifying his previous statements. SSG [redacted] detailed the following events pertaining to the apprehension of Mr. [redacted] by SPC [redacted] SSG [redacted] SPC [redacted] and SPC [redacted] were watching a DVD (Buffy the Vampire Slayer) when they noticed Mr. [redacted] escaping. SPC [redacted] and PFC [redacted] were also on the shift, but were outside the building burning feces. After Mr. [redacted] actually got out of his cell and was shuffling towards the back door of the detention facility was when SSG [redacted] told SPC [redacted] to get him. SSG [redacted] stated SPC [redacted] ran towards Mr. [redacted] with SPC [redacted] next, followed by himself. He stated SPC [redacted] made contact with Mr. [redacted] by pushing him into the back wall of the facility, which was made of plywood, then he bear hugged Mr. [redacted] turned him and brought him to the floor. SPC [redacted] landed directly on top of Mr. [redacted] SSG [redacted] stated he did not touch the detainee, nor did he see SPC [redacted] touch him other than assisting SPC [redacted] escort Mr. [redacted] to the front of the holding area. Once Mr. [redacted] was brought to the front of the holding area, he was shackled and flexi cuffed. SSG [redacted] stated PFC [redacted] was in the holding area with the detainee but he did not see anyone else in with the detainee. He believed the door of the holding area was left open which would give the remaining soldiers unrestricted access. SSG [redacted] stated he went to the isolation cell to repair it in order to prevent another escape. While he was repairing the pen, PFC [redacted] placed a gag on Mr. [redacted] at it was on him for only fifteen minutes. He stated it took him approximately one hour to repair the cell, at which time PFC [redacted] and SPC [redacted] walked Mr. [redacted] under his own power, to the isolation cell and shackled him to the corner of the cell. SSG [redacted] stated he checked the security of the detainee and that was the last contact he, or his soldiers, had with Mr. [redacted]. SSG [redacted] stated he felt he held his soldiers back from abusing not only this prisoner, but others by placing time limits for gagging and hog tying of prisoners. Additionally, SSG [redacted] stated SPC [redacted] approached him upon hearing of the death of Mr. [redacted] and asked if in his opinion, the take down of Mr. [redacted] was in any way responsible for the cause of death of Mr. [redacted] (See Waiver Certificate for details)

Around 1315, 18 Aug 04, SA [redacted] and SA [redacted] attempted to interview PFC [redacted] The interview was terminated prior to a rights advisal because PFC [redacted] stated he had retained a lawyer and was told by his attorney not to provide any further statements.

Around 1500, 19 Aug 04, SA [redacted] and SA [redacted] advised SPC [redacted] of his legal rights which he waived and provided a verbal statement. He continued to deny any knowledge of anyone striking or choking Mr. [redacted]. SPC [redacted] described how SPC [redacted] prevented Mr. [redacted]s escape as follows. After hearing the barbed and constantina wire rattle he noticed Mr. [redacted] was out of his isolation cage and walking quickly to the back door of the detention facility. He alerted SSG [redacted] and SPC [redacted] who were

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted]		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE [redacted]		Ar Ramadi, (Rifles Base, Iraq)	
DATE		EXHIBIT	
16 Sep 04		29	

CID FOR LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 29

except as noted b7c5

AGENT'S INVESTIGATION REPORT

ROL NUMBER

0009-04-CID679-83486

CID Regulation 195-1

"pm" = b(6)(c) / b(7)(e) (f)

PAGE 8 OF 9 PAGE

DETAILS

watching a DVD with him (SPC ██████████ SPC ██████████ stated SPC ██████████ took off running and caught Mr. ██████████ just before he went out side the door. SPC ██████████ pulled Mr. ██████████ back by the shoulders to the ground and secured him until he and SSG ██████████ arrived, at which time Mr. ██████████ may or may not have been leg shackled, then walked to the front of the detention facility and placed in the sleep deprivation area. SPC ██████████ stated Mr. ██████████ walked under his own power to the sleep deprivation area and did not appear to be injured or having trouble breathing. He stated while Mr. ██████████ was in the sleep deprivation area SSG ██████████ repaired Mr. ██████████ cell, which reportedly took only five minutes, (According to SSG ██████████ statement it took nearly an hour to repair the cell). SPC ██████████ related other than keeping Mr. ██████████ awake he was not punished for the escape attempt. When asked why the detainee was not punished SPC ██████████ stated he believed the detainee to be at least seventy years old and emotionally unsound. SPC ██████████ stated when his shift was over around 0400, 9 Jan 04, Mr. ██████████ was being escorted by PFC ██████████ from the sleep deprivation area, but he did not see where PFC ██████████ took him. (See Waiver Certificate for details)

Agent's Comment: SPC ██████████ was extremely argumentive throughout the interview and refused to provide his fingerprints or allow his photograph to be taken until ordered by a member of his command.

Around 1735, 19 Aug 04, SA ██████████ and SA ██████████ advised SPC ██████████ of his legal rights, which he waived and rendered a sworn statement. He admitted to conspiring with SSG ██████████ SPC ██████████ SPC ██████████ and PFC ██████████ in order to hide the fact that Mr. ██████████ actually got outside the detention facility prior to being apprehended. (See Waiver Certificate and Sworn Statement for details)

Around 0816, 20 Aug 04, SA ██████████ and SA ██████████ advised CPL ██████████ of his legal rights, which he waived and rendered a verbal statement. He stated during his shift, 0400-0800, 9 Jan 04, Mr. ██████████ was in his isolation cell alone the entire time, until SGT ██████████ went into the cell to make him stand and gag him. He stated he did not see anyone strike or hurt Mr. ██████████ CPL ██████████ stated he was alerted by SPC ██████████ of the deceased prisoner, as SPC ██████████ ran from the detention facility towards the MI section of the compound. CPL ██████████ stated he was outside with other detainees allowing them to utilize the latrine when SPC ██████████ notified him. (See Waiver Certificate for details)

Around 0855, 20 Aug 04, SA ██████████ and SA ██████████ advised SPC ██████████ of his legal rights, which he waived and rendered a verbal statement. He stated Mr. ██████████ was in his view the entire shift 0400-0800, 9 Jan 04, and he did not see anyone in or near the cell occupied by Mr. ██████████ until he and SGT ██████████ gagged/forced him to stand. (See Waiver Certificate for details)

Around 2025, 25 Aug 04, SA ██████████ interviewed CPT ██████████ William Beaumont Army Hospital, El Paso, TX who stated he was attached to Medical Troop, Support Sqd, 3 ACR, Fort Carson, CO, while deployed to Iraq. While deployed he served as a PA with duty at Rifles Base, Al Asad, Iraq. He stated part of the doctors' and PA's duties were to provide medical assistance to the detainees at the

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA ██████████		87th Military Police Detachment (CID) (DSE) (FWD)	
SIGNATURE		DATE	EXHIBIT
██████████		16 Sep 04	29

CID FORM 1 FEB 04 FOR OFFICIAL USE ONLY

ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025228

EXHIBIT 29
00 277

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 9 OF 9 PAGE

DETAILS

detention facility on Rifles Base; however, CPT [REDACTED] ^{b7c2} stated he did not treat Mr. [REDACTED] in Jan 04, or any detainee with similar injuries.

Around 0906, 16 Sep 04, SA [REDACTED] ^{b7c1} and SA [REDACTED] advised SPC [REDACTED] of his legal rights, which he waived and rendered a verbal statement. SPC [REDACTED] admitted that he, SPC [REDACTED] SPC [REDACTED] and PFC [REDACTED] ^{b7c5} agreed not to tell investigators that they were watching movies while on guard duty. SPC [REDACTED] also stated he believed PFC [REDACTED] pushed Mr. [REDACTED] which caused him to fall backward. He stated this occurred after his escape attempt, while Mr. [REDACTED] was in the sleep deprivation area with his legs shackled. SPC [REDACTED] denied anyone on his team ever assaulted Mr. [REDACTED] while he was detained. SPC [REDACTED] stated he did not observe the escape attempt or take-down by SPC [REDACTED] and was told Mr. [REDACTED] was apprehended prior to him getting out of the building. (See Waiver Certificate for details)

///LAST ENTRY///

b(6)(4)
b(7)(c)(4)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]
SIGNATURE [REDACTED] ^{b7c1}

ORGANIZATION

87th Military Police Detachment (CID) (DSE) (FWD)
Ar Ramadi, (Rifles Base, Iraq)

DATE

16 Sep 04

EXHIBIT

29

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

FOR OFFICIAL USE ONLY

025229

EXHIBIT 29

00 278

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 Base, Al Asad, Iraq	2. DATE 13 JAN 04	3. TIME 1025	4. FILE NUMBER 0009-04CID67983846
5. Name (Last First MI) [REDACTED] b7c5	8. ORGANIZATION OR ADDRESS B Company 1 st BN, 5 th Special Forces Group Fort Campbell, KY (Rifles Base, Iraq)		
6. SSN [REDACTED]	7. GRADE/STATUS E-7/AD		

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: false official statement, murder

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print) b7c5		[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		4. [REDACTED]	
2a. NAME (Type or Print) b7c1		5. TYPE NAME OF INVESTIGATOR SA [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 87th MP Det (ABN) (CID) Fort Bragg, NC 28310 (Rifles Base, Iraq)	

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

**LAW ENFORCEMENT SENSITIVE
 FOR OFFICIAL USE ONLY**

025230

EXHIBIT 30

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 Base, Al Asad, Iraq	2. DATE 13 Jan 04	3. TIME 1248	4. FILE NUMBER 0009-04-CID679-83846
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS B Company 1 st BN, 5 th Special Forces Group Fort Campbell, KY (Rifles Base, Iraq)		
6. SSN [REDACTED]	7. GRADE/STATUS E-7/AD		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigation of the name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: false official statement, murder

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF WAIVERE
1a. NAME (Type or Print) b7c5		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE b7c1		[REDACTED]
2a. NAME (Type or Print)		3. TITLE OF INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATION 87th MP Det (ABN) (CID) Fort Bragg, NC 28310 (Rifles Base, Iraq)

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT

00 280

31

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 Base, Al Asad, Iraq		2. DATE 13 Jan 2003	3. TIME 1348	4. FILE NUMBER 0009-04CID67983846
5. Name (Last First MI) [REDACTED] b7c5		8. ORGANIZATION OR ADDRESS B Company 1 st BN, 5 th Special Forces Group Fort Campbell, KY (Rifles Base, Iraq)		
6. SSN [REDACTED]	7. GRADE/STATUS E-6/AD			

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: false official statement, murder

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

-or-

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

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the 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] b7c5		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE
		[REDACTED]
2a. NAME (Type or Print) [REDACTED] b7c1		INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		SA [REDACTED]
		6. ORGANIZATION OF INVESTIGATOR 87th MP Det (ABN) (CID) Fort Bragg, NC 28310 (Rifles Base, Iraq)

SECTION C. Non-waiver

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

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

Page(s)

282 - 337

Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil
(813) 827-5341/2830

25233

Page(s)

338 - 345

Referred to:

U.S. ARMY MEDICAL COMMAND
FREEDOM OF INFORMATION/
PRIVACY ACT OFFICE
ATTENTION: MCFP
2050 WORTH ROAD, SUITE 13
FORT SAM HOUSTON, TEXAS
78234-6013

MR. JOHN PETERSON
John.Peterson1@cen.amedd.army.mil
(210) 221-7826

25234

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 FORT CARSON, CO	2. DATE 8 Jun 04	3. TIME 0907	4. FILE NO. 0009-04-CID679
5. NAME (Last, First, MI) [REDACTED]	7. GRADE/STATUS SGT / AS		8. ORGANIZATION OR ADDRESS 83486 maintenance troop support troop
6. SSN [REDACTED]	3ACR, FORT CARSON, CO 80913		

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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected/accused: negligent homicide III

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)	b7c5	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF SUPERVISOR	
		[REDACTED]	
2a. NAME (Type or Print)	b7c1	5. TYPED NAME OF INVESTIGATOR	
		SA [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR	
		BAMMP Det (CIS) FORT BRASS, NC 28310	

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

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: FORT CARSON, CO
2. DATE: 8 Jun 04
3. TIME: 10:26
4. FILE NO.: 0004-04-115679 83486
5. NAME (Last, First, MI): [Redacted] bnc5
6. SSN: [Redacted]
7. GRADE/STATUS: SP4 IAS
8. ORGANIZATION OR ADDRESS: ANIM troop, Support Sqd
3ACK, FORT CARSON, CO 80913

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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected: negligent homicide 101

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print): bnc5 [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: [Redacted]
2a. NAME (Type or Print): b7c1 [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR: ANIM MP Det (CID) FORT BRAGG, NC 28310

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

025236

EXHIBIT 37

SWORN STATEMENT

LOCATION: Fort Carson, CO

FILE NUMBER: 0009-04-CID679-83486

DATE: 8 Jun 04

TIME: 12:15

NAME: [REDACTED]

SSAN: [REDACTED]

GRADE/RANK: SPC

ORGANIZATION OR ADDRESS: AVIM Troop, Support Sqd, 3ACR, Fort Carson, CO 80913

all b7c's

I, [REDACTED] want to make the following statement under oath:

This statement is to clarify and add to my previous statement I gave on 9 Jan 04.

Q: [REDACTED]

A: [REDACTED]

Q: Who was present when [REDACTED] attempted to escape?

A: SSG [REDACTED] SPC [REDACTED] PFC [REDACTED] and myself, and possibly SPC [REDACTED]

Q: Who physically took [REDACTED] down?

A: I did, he was all most to the back door of the hanger, I approached from the rear, put my hands on his shoulders and pulled him backward to the ground. He kind of buckled at the knees when he went down, he put his hands down to his sides to cushion his fall. He didn't hit hard. I held him down by his shoulders until SPC [REDACTED] and SPC [REDACTED] got there, then I moved to his feet, that was when I realized he was not wearing leg shackles. I yelled / asked who took off his shackles, no one knew. By this time SSG [REDACTED] gave me a pair of leg shackles and I put them on him. At this time I did notice he was having trouble breathing and also he had a very large bruise from the top of his right shoulder down to his lower abdomen, it looked like it wrapped all around him.

Q: What happened next?

A: Myself PFC [REDACTED] and SPC [REDACTED] brought [REDACTED] to the front near the watchtower, SSG [REDACTED] went to [REDACTED] pen to fix it. [REDACTED] was put on his knees, the three or four of us, I think SPC [REDACTED] was there as well, were discussing how to keep this incident under wraps. As we discussed this [REDACTED] was kneeling directly in front of us, PFC [REDACTED] got pissed off and used his nightstick to choke [REDACTED] for about 10 to 15 seconds. After he finished choking him he moved to [REDACTED] front and slapped [REDACTED] with an open hand in the face and yelled, "What the fuck were you thinking" Shortly after this [REDACTED] tried to lie down, he didn't want to be on his knees any more, we then told him to stand and when he wouldn't we, each of us separately picked [REDACTED] up from under his arms to get him to stand. He would stand for 3 or 4 minutes and then lay down again which would force us to get him up again.

Q: How long did this go on for?

A: Till the end of shift, 0400, 9 Jan 04, he also got water poured on him one time for not standing.

Q: When and who put him back into his isolation pen?

A: Shortly before 0400, 9 Jan 04, SGT [REDACTED] (on coming shift) put [REDACTED] back into his pen.

Q: Was he shackled or cuffed when placed back into his pen?

A: He was leg shackled to a pole in his pen in such a way that allowed him about 2 feet of slack. I don't remember if he was hand cuffed.

Q: Did you see anyone else abuse or strike [REDACTED] or any of the other prisoners?

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

DA Form 2823-E

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 37

025237

00 348

A. NO.

Q: Why didn't you provide this information in your original statement to CID?

A: I was nervous.

Q: Did you hit or strike [redacted] b(7)(C)(e)

A: No.

Q: Did you try to stop PFC [redacted] from choking or striking [redacted]

A: No, I wasn't thinking.

Q: Is there anything else you would like to add to your statement?

A: No.///END OF STATEMENT/// [redacted]

b7c

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.

Witness #1:

b7c
[redacted signature]
(Signature of [redacted] Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 8th Day of Jun 2004, at [redacted]

Witness #2:

b7c
[redacted signature]
(Signature of Person Administering Oath)

SA [redacted]
(Typed name of Person Administering Oath)
Article 136 (b) (4) UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

DA Form 2823-E

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 37

025238

00 349

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 Fort Carson, CO	2. DATE 8 Jan 04	3. TIME 1245	4. FILE NO. 0009-04-CID679 8-3486
5. NAME (Last, First, Middle) [REDACTED]	8. ORGANIZATION OR ADDRESS S+T Troop, Support Sqd 3ACR, Fort Carson, CO 80913		
6. SSN [REDACTED]	7. GRADE/STATUS PFC/AD		

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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected: negligent homicide

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.
1a. NAME (Type or Print) [REDACTED]	b7c5	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		4. [REDACTED]
2a. NAME (Type or Print) [REDACTED]	b7c5	5. INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR S+T MP Det (CID) Fort Bragg, NC 28310

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

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

USAPA 2.0
EXHIBIT 38

025239

00 350

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: FORT CARSON, CO
2. DATE: 9 JUN 04
3. TIME: 0938
4. FILE NO.: 0009-04-CID679 83486
5. NAME (Last, First, MI): [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: SPC1AD
8. ORGANIZATION OR ADDRESS: 8th Troop, Support Sqel
3ACR, FORT CARSON, CO

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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected/a negligent homicide

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)

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print): [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]
2a. NAME (Type or Print): [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]
3. SIGNATURE OF INTERVIEWEE: [REDACTED]
4. TITLE OF INTERVIEWEE: [REDACTED]
5. TITLE OF INVESTIGATOR: SA [REDACTED]
6. ORGANIZATION OF INVESTIGATOR: 8th mp Det (CID) FORT BRAGG, NC 28310

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FORT CARSON, CO
2. DATE (YYYYMMDD): 20040709
3. TIME: 1130
4. FILE NUMBER: 0009-04-C/D/629 83486
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: SPC/AD
8. ORGANIZATION OR ADDRESS: S+T Support Sgd, 3 ACR, FORT CARSON, CO

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I WAS ON SHIFT AT AL ASAD DETAINEE SITE ON JAN 9th 04 WITH THE FOLLOWING SOLDIERS... SPC [REDACTED] PFC [REDACTED], SPC [REDACTED] & SPC [REDACTED] AT APPROX 0230 A DETAINEE ATTEMPTED TO ESCAPE FROM THE SITE, HIS ATTEMPT WAS NOTICED WHEN HE RATTLED THE CONSTANTINA WIRE IN HIS EFFORT TO STOP OVER IT. MYSELF, SGT [REDACTED] AND SPC [REDACTED] WERE THE ONLY SOLDIERS IN THE BLDG WHEN THE PRISONER MADE HIS ATTEMPT TO ESCAPE, [REDACTED] & [REDACTED] WERE OUTSIDE BURNING THE DETAINEE'S FEES. THE DETAINEE MADE HIS WAY FROM HIS CELL WHILST MYSELF & THE OTHER TWO GUARDS WERE OBSERVING A DVD ON A PORTABLE DVD PLAYER. SPC [REDACTED] RAN UP TO THE DETAINEE AND FORCED HIM TO THE GROUND, MYSELF & SPC [REDACTED] FOLLOWED BEHIND HIM. I DO NOT BELIEVE THE DETAINEE HAD ANY RESTRAINTS ON WHAT SOEVER. SPC [REDACTED] WALKED THE DETAINEE INTO THE CENTER WALKWAY BUT, I CANNOT REMEMBER IF WE PLACED RESTRAINTS ON HIM OR NOT. I AM GUESSING WE DID. SPC [REDACTED] & SPC [REDACTED] RETURNED SHORTLY AFTERWARDS AND WERE INFORMED ON WHAT HAPPENED. A DISCUSSION WAS HELD BY ALL ON WHAT TO DO NEXT & IT WAS DECIDED THAT BY SPC [REDACTED] TO

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 4 PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

TELL THE NCOIC OF THE INCIDENT THE NEXT MORNING. AN SOP ON THIS KIND OF SITUATION HAD YET TO BE TYPED UP.

AT SOME TIME MYSELF & SGT [REDACTED] OBSERVED THE CELL WHERE THE DETAINEE HAD ESCAPED FROM, SFC [REDACTED] ATTEMPTED TO FIX THE MIS-PLACED BARBED WIRE THAT THE DETAINEE HAD MOVED OUT OF HIS WAY.

AT NO TIME AFTER THE DETAINEE'S ATTEMPT AT ESCAPE DID I OBSERVE ANYONE GOING INTO THE CAGE & HARRASSING THE DETAINEE. I BELIEVE THE DETAINEE WAS SITTING DOWN BUT, SOMEONE MAY HAVE INSTRUCTED HIM TO STAND UP AS A FORM OF PUNISHMENT. I REALLY DON'T KNOW?

AT THE END OF OUR SHIFT PFC [REDACTED] WAS ESCORTING THE DETAINEE BACK TO HIS CELL WHEN HE OBSERVED THAT HE HAD "SHAT" HIMSELF. I BELIEVE THE NEXT SHIFT TOOK OVER FROM THERE.

WHEN [REDACTED] STOPPED THE PRISONER FROM ESCAPING I ASKED THE PRISONER WHAT HE WAS DOING? HE SIMPLY ANSWERED BACK "HOME, MISTER, HOME", AND POINTED AT THE DOOR. HE SEEMED TO ME LIKE HE WASN'T THINKING STRAIGHT, AND BELIEVED HE WAS ABLE TO LEAVE WHENEVER HE WANTED TO.

Q: [REDACTED]

A: [REDACTED]

Q: Did you see anyone strike or choke the detainee following his escape attempt.

A: NO

Q: Who stayed with the detainee after the escape attempt?

A: I DO NOT BELIEVE ANYONE STAYED INSIDE THE CAGE.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES

aub7cf

025242

EXHIBIT 59
USAPA 1-99

00 353

STATEMENT OF Sgt [REDACTED] TAKEN AT FORT CARSON, CO DATED 9 Jun 04

9. STATEMENT (Continued)

Q: When all of you were discussing when to tell the NCOIC of the incident where were you?

A: I WAS STANDING NEAR THE CENTER OF THE HANGER, ~~OR~~ SOMEWHERE NEAR THE SUPPLY ROOM.

Q: Was the detainee punished at all for attempting to escape?

A: TO MY KNOWLEDGE HE WAS NOT.

Q: Were you in view of the detainee for the entire shift?

A: YES, EXCEPT FOR TIMES I LEFT THE HANGER TO BRW PAGES, OR GO TO THE BATHROOM OUTSIDE.

Q: Do you have any knowledge of PFC [REDACTED] choking or slapping the detainee?

A: NO.

Q: Do you have anything else to add to your statement?

A: NO!!! END OF STATEMENT!!! [REDACTED]

all b7c5

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

EXHIBIT 739

025243

00 354

9. STATEMENT (Continued)

b7c5

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c5

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of June, 2004.

ORGANIZATION OR ADDRESS

[REDACTED]

(Signature of Person Administering Oath)

b7c5

SA [REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136 (b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 4 PAGES

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: Fort Carson, CO
2. DATE: 9 Jun 04
3. TIME: 13:12
4. FILE NO.: 0009-04-C10679
5. NAME (Last, First, MI): [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: SPC/AD
8. ORGANIZATION OR ADDRESS: 81T Troop, Support Sqd 3ACR
Fort Carson, CO

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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected/negligent homicide 111

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print): [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: [Redacted]
2a. NAME (Type or Print): [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: 8A [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 81T MP Det (CID) Fort Bragg, NC 28310

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

DA FORM 3881 NOV 89... OF NOV 84 IS OBSOLETE

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 40 USAPA 2.01

025245

00 356

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: Fort Carson CO
2. DATE (YYYYMMDD): 20040709
3. TIME: 17:08
4. FILE NUMBER: 004-04-018679 63466
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: Sgt / AD
8. ORGANIZATION OR ADDRESS: Maintenance Troop, Support Sqd, 3AER, Fort Carson, CO

9. [REDACTED] b(c)(4), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I first met [REDACTED] when he was impressed. It was my team that impressed him. He didn't complain of any medical problems that night. The next day he saw a PA/Doctor at what we called sick call on the sight. Two days later I notice the count was down and ask who left? They told me ODA [REDACTED] was one for interragating. When [REDACTED] came back he was complaining about pain by his stomach and lifted his man dress and there was bruising so I put him on EPW sick for the next day. I dont remember the out come of his visit. I do know I gave him motion do to it be on the med board. I had the 20:00 to 00:00 shift and that meant I was the one to put them all to sleep that night. He motion to me he wasnt tried.
Q: [REDACTED] b7c1
A: [REDACTED]
Q: What day was it the first time you saw bruises on [REDACTED] b(6)(f) b(7)(c)(4)
A: about three days AFTER he arrived.
Q: How many times did he see the medics?
A: I believe around 3 times
Q: Did [REDACTED] tell you what his medical problem was?
A: He motioned like someone had been hitting him.
Q: Did he say who?
A: MEN IN MASKS.
Q: Do you remember the name of the dr. or medics that helped [REDACTED]
A: No.
Q: Did you ever see [REDACTED] hit or struck by anyone?

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

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

STATEMENT OF

[REDACTED]

TAKEN AT FORT CARSON CO DATED 20040709

9. STATEMENT (Continued)

A: No.

Q: Did the medics or DR/PA document their treatments?

A: Yes, in a little green book. Army standard I believe it said detainee sight on it.

Q: Who maintained this book?

A: All the PA/DR's b(6)(4)

Q: Where was [REDACTED] the last time you saw him alive?

A: He was in the third cell of isolation

Q: When was this?

A: He was in that case the whole shift 8 JAN 20:00 to 00:00.

Q: Do you have anything else to add to your statement?

A: No. !!! END OF STATEMENT !!! [REDACTED]

6702

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

EXHIBIT 41

9. STATEMENT (Continued)

b7c2

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.

b7c2

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Jun, 2004 at FORT CARSON, CO

ORGANIZATION OR ADDRESS

[REDACTED] (Person Administering Oath)

b7c1

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

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

EXHIBIT 41

025248

00 359

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <u>FORT CARSON CO</u>	2. DATE <u>10 Jun 04</u>	3. TIME <u>0913</u>	4. FILE NO. <u>0009-04-21A679</u> <u>85986</u>
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>AVEN TROOP, Support Sqdn, 3 ACR</u> <u>FORT CARSON CO</u>		
6. SSN [REDACTED]	7. GRADE/STATUS <u>SPC/AS</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print) <u>[REDACTED]</u>	3. SIGNATURE OF INTERVIEWEE <u>[REDACTED]</u>
b. ORGANIZATION OR ADDRESS AND PHONE <u>[REDACTED]</u>	4. TITLE OF INTERVIEWEE <u>[REDACTED]</u>
2a. NAME (Type or Print) <u>[REDACTED]</u>	5. SIGNATURE OF WITNESS <u>SA [REDACTED]</u>
b. ORGANIZATION OR ADDRESS AND PHONE <u>[REDACTED]</u>	6. ORGANIZATION OF INVESTIGATOR <u>87th MP Det (CIS)</u> <u>FORT BRAGG, NC 28316</u>

Section C. Non-waiver

1. I do not want to give up my rights <input type="checkbox"/> I want a lawyer	<input type="checkbox"/> 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

DA FORM 3897 NOV 89 LAW ENFORCEMENT SENSITIVE

FOR OFFICIAL USE ONLY

025249

EXHIBIT 1100 360

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: Fort Carson, CO
2. DATE: 20040716
3. TIME: 1612
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: SPC1A5
8. ORGANIZATION OR ADDRESS: Avim Troop, Support Sqd, 3ACR, FT CARSON, CO.

I, SPC [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Myself, SPC [redacted], SPC [redacted], SPC [redacted], and SFC [redacted] started shift at 2400 on Jan 09, 2004 at the EPW site on Al Asad base in Northwestern Iraq.
We were taking turns every hour on the tower and the other three personnel were on the ground watching the "cases". Approx. 0100 myself and SPC [redacted] went outside to burn the shit. We were outside for about 45 minutes to an hour. When we came inside we were informed by either SPC [redacted] or SFC [redacted] that the "old man" in isolation had tried to climb over the wire and escape. We were informed that SPC [redacted] had performed a simple take down and the old man was zip tied on his hands and put in isolation in front of the tower. A few of us went to the wire and asked the old man "What were you thinking?" We never entered the cage with the old man. We told him to sit down and not to talk. We then proceeded to help SFC [redacted] reinforce the wire and we continued with our duties of cleaning and inventoring the meds. Also, during the time the old man was being put into isolation in front of the tower, we called SSG [redacted] the NCOIC of the site and the MPs and notified them of what happened. We were relieved at 0400 by the next shift.

Q: [redacted] b7c1
A: [redacted]
Q: Who went to the fence and asked the detainee what he was

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

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

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

STATEMENT OF _____ TAKEN AT _____ DATED: _____

9. STATEMENT (Continued)

Thinking?

A: I know myself and SPC [redacted] were there but, I do not recall if anyone other than us were there.

Q: Did PFC [redacted] slap or choke the detainee?

A: Not in my presence or that I'm aware of. However, I was not around SPC [redacted] the whole time of the shift. We were cleaning the area we worked in and inventorying the meds in a separate room. I do not know what happened while I was in this room with the medications.

Q: Did you ever strike or choke a detainee?

A: No

Q: Was water thrown at the detainee who escaped?

A: I did not see this happen. However, after the escape attempt the detainee appeared to be wet. As if he had water thrown on him.

Q: Did any of the guards appear upset after the escape attempt?

A: It irritated us all but, the two (SPC [redacted] and SPC [redacted]) who had been at the site the longest appeared to be upset the most.

Q: Was the detainee sitting, kneeling or standing while in the sleep dep area?

A: We were directing him to sit down but, because of his size and in Iraq the elders are able to do whatever they want he would constantly try to stand and we would have to direct him verbally to sit back down.

Q: Did you see any one go into the sleep dep area to manually maneuver him into a sitting or standing position?

A: Not that I'm aware of.

Q: Do you have anything else to add to your statement?

A: NO !!! END OF STATEMENT !!! [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 3 PAGES

all 6705

9. STATEMENT (Continued)

b7c5

[Large diagonal line crossing out the main body of the 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.

b7c5

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of JUN, 2004 at FORT CARSON, CO

ORGANIZATION OR ADDRESS

[REDACTED]
(Person Administering Oath)

b7c

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

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

EXHIBIT 42

025252

00 363

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: FORT CARSON, CO **DATE:** 6-16-04 **TIME:** 0955
FILE NUMBER: [REDACTED]
NAME (Last, First MI): [REDACTED] **SSAN:** [REDACTED] **GRADE / STATUS:** E-4
ORGANIZATION OR ADDRESS: S & T SUPPORT SQUADRON, FORT CARSON, CO 80913

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: FALSE SWEARING REGARDING NEGLIGENT HOMICIDE/CONSPIRACY/// [REDACTED] Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

- 4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:** During the previous 30 days, have you requested an Attorney after being advised of your rights? NO [REDACTED]

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.

Witness# 1

Signature of Witness

Witness# 2

Signature of Witness

Signature of Investigator/Special Agent

SA [REDACTED]
FORT LEONARD WOOD RA (CID)
FORT LEONARD WOOD, MO 65473

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 43

025253

00 364

b7c5

b7c5

b7c1

b7c2

MEMORANDUM FOR

Director, United States Army Crime Records Center, United States Army Criminal Investigation Command, 6010 6th Street, Fort Belvoir, VA 22060-5585
 Special Agent In Charge, 87th Military Police Detachment, 3rd Military Police Group (CID), Fort Bragg, NC 28310

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 04-CID679-83486-5H1

AUTHORIZATION NUMBER: 04-1067, 14 Jun 04

DATE(S) OF EXAMINATION: 16 Jun 04

LOCATION OF EXAMINATION(S): Fort Carson, CO (FCC) *b7c5*

SUBJECT EXAMINED: [REDACTED] S & T Support Squadron, FCC 80913; 30 Nov 74; Liverpool, England

OFFENSE(S): False Swearing Regarding Negligent Homicide, Conspiracy; False Official Statement

PURPOSE OF EXAMINATION: Criminal Investigation *b2*

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation thus far has revealed Mr (LTC) [REDACTED] *b7c4* detainee number [REDACTED] was detained on 4 Jan 04.

After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 - 8 Jan 04, Mr [REDACTED] *b(6)(c)* was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. Mr [REDACTED] *b(7)(c)(f)* refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. Mr [REDACTED] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after Mr [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered Mr [REDACTED] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived on scene and checked for signs of life which met with negative results. Mr [REDACTED] was pronounced

FOR OFFICIAL USE ONLY

Attached as Exhibit ___ is a Polygraph Examination Report. IAW AR 195-6, para 2-6, this report will be destroyed no later than 90 days from the date of the Report of Investigation. The original of this report to include allied documents, is retained in the files of USACRC, 6010 6th Street, Fort Belvoir, VA 22060.

025254

00 365

released at 0700, 9 Jan 04. A 11 Jan 04, a forensic autopsy was performed on the remains of MR. [REDACTED] by Dr (CDR) [REDACTED] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. Mr. [REDACTED] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [REDACTED] opined the blunt force injuries present on the upper body of Mr. [REDACTED] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [REDACTED] was asked if Mr [REDACTED] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr [REDACTED] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [REDACTED] Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [REDACTED] SFC [REDACTED]; and SSG [REDACTED], all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [REDACTED], SFC [REDACTED] and SSG [REDACTED] admitted to striking and kicking Mr [REDACTED] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [REDACTED] SPC [REDACTED] admitted to kicking Mr [REDACTED] in the chest while his hands were bound during his apprehension when he refused to stop talking. On 9 Jan 04, SGT [REDACTED] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on Mr [REDACTED] abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related Mr [REDACTED] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him. [REDACTED] went on to state about 2300, 8 Jan 04 he observed Mr [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, Mr [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED] AVIM Troop Support Squadron, FCCO. While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, Mr [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed Mr [REDACTED] SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued Mr [REDACTED] SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed Mr [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] Maintenance Troop Support Squadron, 3rd ACR and [REDACTED] who apprehended and returned him to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR placed Mr [REDACTED] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. Mr [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered Mr [REDACTED] not breathing. [REDACTED] was interviewed and confirmed SGT [REDACTED] statement. On 8 Jun 04, [REDACTED] was advised of

(7)(E)(4)

(7)(E)(4)

b(6)(4)

FOR OFFICIAL USE ONLY

Attached as Exhibit [REDACTED] isa Polygraph Examination Report. IAW AR 195-6, para 2-6, this report will be destroyed no later than 90 days from the date of the Report of Investigation. The original of this report to include allied documents, is retained in the files of USACRC, 6010 6th Street, Fort Belvoir, VA 22060.

all b7c5

025255

00 366

57cs
[redacted] attempted to escape, PFC [redacted] provided a sworn statement in which [redacted] stated after Mr [redacted] choked Mr [redacted] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking." [redacted] stated the other person present during the incident besides himself and [redacted] was SPC [redacted] S&T Support Squadron, 3rd ACR. SPC [redacted] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked Mr [redacted] with a night stick, or that he slapped him. SPC [redacted] subsequently stated he wanted to speak with an attorney. SPC [redacted] was advised of his rights, which he waived and denied he ever saw [redacted] choke or slap Mr [redacted]. Mr [redacted] did have his Hyoid bone broken. [redacted] consented to undergo polygraph testing to prove the truthfulness of his statement.

b7c1
b(7)(c)(A)
INSTRUMENTATION: This examination was conducted using an Axciton computerized polygraph instrument, [redacted] last calibrated on the date of the examination.

OBSERVATIONS: Unusual physiological/psychological reactions were not observed during this examination.

EXAMINER'S CONCLUSIONS: During the pre-instrument phase, the examinee made no comments or statements contrary to those previously provided.

An analysis of the polygrams collected during Series I, determined insufficient criteria were present to form a conclusive decision regarding the truthfulness of [redacted]

During the post-instrument phase interview [redacted] continued to deny seeing [redacted] or anyone choke [redacted]

b(7)(C)(e)
Additional polygraph testing was deemed appropriate, which [redacted] declined when he declined to answer any further questions.

RELEVANT QUESTIONS USED:

Series I

Q: Did you see [redacted] choke that man?

A: No.

Q: Did you see [redacted] choke that man with a baton?

A: No.

Q: Did you see anyone choke that man?

A: No.

b7c1
WITNESS, MONITOR OR INTERPRETER: INV [redacted] USACIDC

EXAMINEE NATIVE LANGUAGE: English

LANGUAGE(S) USED DURING THE EXAMINATION: English

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. IAW AR 195-6, para 2-6, this report will be destroyed no later than 90 days from the date of the Report of Investigation. The original of this report to include allied documents, is retained in the files of USACRC, 6010 6th Street, Fort Belvoir, VA 22060.

025256

00 367

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security is used as an additional alternative means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary. [Redacted] } b7c5
LOCATION: FORT CARSON, CO DATE: 10 June 04 TIME: 2:45 pm
FILE NUMBER:
NAME (Last, First MI): [Redacted] SSAN: [Redacted] GRADE / STATUS: E-3
ORGANIZATION OR ADDRESS: S & T TROOP, SUPPORT SQUADRON 3 ACR, FORT CARSON, CO 80913

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: NEGLIGENT HOMICIDE/CONSPIRACY/FALSE OFFICIAL STATEMENT//
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 questions 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 the 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: During the previous 30 days, have you requested an Attorney after being advised of your rights? N [Redacted]

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. [Redacted] } b7c5

Witness #1 [Redacted] } b7c2
[Redacted]
IA [Redacted]

[Redacted Signature]
Signature of Interviewee

Witness # 2
Signature of Witness
[Redacted]

[Redacted Signature]
Signature of Investigator, Special Agent
SA [Redacted]
FORT LEONARD WOOD RA (CID)
FORT LEONARD WOOD, MO 65473 } b7c1

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

EXHIBIT 45

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

025257

00 368

DEPARTMENT OF THE ARMY
United States Army Criminal Investigation Command
Fort Leonard Wood Resident Agency
6th Military Police Group (CID), USACIDC
Fort Leonard Wood, MO 65473

CIRFR-RLW (195-6)

16 Jun 04

MEMORANDUM FOR

Director, United States Army Crime Records Center, United States Army Criminal Investigation Command, 6010 6th Street, Fort Belvoir, VA 22060-5585
Special Agent In Charge, 87th Military Police Detachment, 6th Military Police Group (CID), USACIDC, Fort Bragg, NC 28310

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 04-CID679-83486-5H1

AUTHORIZATION NUMBER: 04-1094, 16 Jun 04

DATE(S) OF EXAMINATION: 16 Jun 04

LOCATION OF EXAMINATION(S): Fort Carson, CO (FCC)

SUBJECT EXAMINED: [REDACTED]; E-3; [REDACTED] S & T Troop, Support Squadron, 3 ACR, Fort Carson, CO; 80913

OFFENSE(S): Negligent Homicide, Conspiracy, False Official Statement

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation revealed that Mr. (LTC) [REDACTED] detainee number [REDACTED] died while in U.S. military custody at the Detention Facility, Forward Operation Base, Rifle Base, Al Asad, Iraq. During a later autopsy AFIP Pathologists, it was determined he died from blunt force trauma and asphyxia. Additionally, it was revealed he had suffered multiple blunt force injuries to his upper body to include multiple fractures to all of his ribs. Dr. [REDACTED] the attending Pathologist, opined the injuries were consistent with a beating and the manner of death was ruled a homicide. During interviews of several of the U.S. Army personnel who were guards, several admitted to kicking and punching [REDACTED] numerous times in the chest and ribs after he either attempted to escape or would not follow their orders. During an interview of SPC [REDACTED], AVIM Troop, FCC, he identified [REDACTED] as having allegedly choked [REDACTED] with a police-style baton, after [REDACTED] attempted to escape. [REDACTED] also related SPC [REDACTED] S & T Troop, FCC, was also present. [REDACTED] was interviewed and denied seeing [REDACTED] or anyone choke [REDACTED] with anything to include a baton. Following this, [REDACTED] was later shackled by the wrist to the top of his cell door. Due to [REDACTED] not obeying the guard's orders to be quiet, the guards placed a gag around his mouth. After approximately five minutes, they noticed [REDACTED]

FOR OFFICIAL USE ONLY

Attached as Exhibit [REDACTED] is a Polygraph Examination Report. IAW AR 195-6, para 2-6, this report will be destroyed no later than 90 days from the date of the Report of Investigation. The original of this report to include allied documents, is retained in the files of USACRC, 6010 6th Street, Fort Belvoir, VA 22060.

b2
b7c2
b2c1
b2c5

025253

00 369

was not moving. They checked him for signs of life, realized he was not breathing, and summonsed medical assistance. Due to the admissions of the soldiers interviewed, the causes of the majority of the injuries have been determined, with the exception of the asphyxia. Investigators believe that [REDACTED] possibly did choke [REDACTED] as alleged by one of the guards and caused the throat injuries that lead to [REDACTED] death. [REDACTED] was advised of his rights, which he waived, and denied choking [REDACTED] with anything, to include a nightstick, nor did he see anyone do so. [REDACTED] consented to undergo a polygraph examination to verify the truthfulness of his statement.

INSTRUMENTATION: NA

OBSERVATIONS: NA

EXAMINER'S CONCLUSIONS: During the pre-instrument phase, [REDACTED] declined polygraph testing, but consented to discuss the matter under investigation. [REDACTED] made no comments or statements contrary to those previously provided. [REDACTED] later terminated the interview when he declined to undergo polygraph testing.

As no polygrams were collected, no opinion as to the truthfulness of [REDACTED] could be made.

WITNESS, MONITOR OR INTERPRETER: INV [REDACTED] USACIDC, FCC

EXAMINEE NATIVE LANGUAGE: English

LANGUAGE(S) USED DURING THE EXAMINATION: English

EXHIBITS: The allied documents are on file with the original report at the US Army Crime Records Center.

///ORIGINAL SIGNED///

SA [REDACTED]
Polygraph Examiner, [REDACTED]

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. IAW AR 195-6, para 2-6, this report will be destroyed no later than 90 days from the date of the Report of Investigation. The original of this report to include allied documents, is retained in the files of USACRC, 6010 6th Street, Fort Belvoir, VA 22060.

025259

00 370

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: FORT CARSON, CO **DATE:** 30 JUN 04 **TIME:** 0913
FILE NUMBER: 0009-04-CID679-83486-5H1
NAME (Last, First MI): [REDACTED] **SSAN:** [REDACTED] **GRADE / STATUS:** SPC
ORGANIZATION OR ADDRESS: AVIM TROOP SUPPORT SQDN, 3RD ACR, FORT CARSON, CO, 80913

b7c5

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **False Swearing regarding Negligent Homicide**
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 questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:** Have you ever been advised of your legal rights and requested legal counsel? **NO** [REDACTED]

b7c5

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.

b7c5

Witness #1
[REDACTED]

[REDACTED]

Witness # 2
Signature of Witness

b7c2

[REDACTED]

b7c1

Signature of Investigator/Spec
11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY
FOR OFFICIAL USE ONLY

EXHIBIT 47

025260

00 371

SWORN STATEMENT

LOCATION: FORT CARSON, CO, 80913
FILE NUMBER: 0009-04-CID679-83486-5H1
TIME: 1225 [REDACTED]
NAME: [REDACTED]
SSAN: [REDACTED]
GRADE/RANK: SPC
ORGANIZATION OR ADDRESS: AVIM TROOP SUPPORT SQDN, 3RD ACR, FORT CARSON, CO, 80913

*all b 705
other*

"Mr" = b(6)(c)/b(7)(c)(d)

[REDACTED], want to make the following statement under oath:

This statement is being prepared to clarify issues that were not fully explained or discussed in my earlier statements to CID.

This statement is being prepared for me by SA [REDACTED] but the thought and content of this statement are my own.

When I discussed the incident surrounding the eventual death of Mr. [REDACTED] in Al Asad, Iraq on 9 Jan 04, I had stated that I had witnessed SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR choke Mr. [REDACTED] with a nightstick. Today when I was initially interviewed, I stated that I was not 100% sure that it was SPC [REDACTED] who used the nightstick on MR. [REDACTED] but I stated that I was pretty certain that it was SPC [REDACTED]

After thinking about this incident further, I have to admit that I am positive and 100% certain that it was SPC [REDACTED] who used the nightstick on MR. [REDACTED] Furthermore, I have to admit that SPC [REDACTED] did not choke MR. [REDACTED] with the nightstick, but rather, SPC [REDACTED] used the nightstick to make MR. [REDACTED] stand up. At the time of this incident, MR. [REDACTED] was sitting down on the ground and refused to stand up. He had just tried to escape and we were worried about how we were going to explain how this had almost been accomplished. We were all under a lot of stress due to the actions of MR. [REDACTED]

and when he refused to stand up, SPC [REDACTED] got "pissed off" at MR. [REDACTED] and then he got behind MR. [REDACTED] and placed his nightstick under the chin of MR. [REDACTED]. SPC [REDACTED] then used upward pressure on the nightstick and used it to force MR. [REDACTED] into a standing position. This only took about 5 or 6 seconds to accomplish and when MR. [REDACTED] was on his feet, SPC [REDACTED] removed the nightstick from the chin of MR. [REDACTED]. I did not observe SPC [REDACTED] choke MR. [REDACTED] and since he did not pull back on the nightstick nor press it against the neck of MR. [REDACTED], I do not think it was possible for SPC [REDACTED] to have choked MR. [REDACTED] anyway.

The reason I am having problems discussing this incident is that I feel badly that I have to report SPC [REDACTED] for what he did. SPC [REDACTED] is a good friend of mine and I really like him, so it is hard for me to tell what I had observed SPC [REDACTED] do as far as the nightstick with MR. [REDACTED] is concerned.

Although I did say that I observed SPC [REDACTED] choke MR. [REDACTED] that was not a truthful statement since SPC [REDACTED] did not actually choke MR. [REDACTED]. I just did not know how to say what I meant, so I used the word "choke", but that was not entirely correct.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

DA Form 2823-E

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 47

025261

00 372

when I was last interviewed by CID, I knew what I wanted to say about this incident, but did not know exactly how to say it.

I also want to say that I did not choke MR. [REDACTED] and I did not witness anyone else choke him either. I also did not beat nor strike MR. [REDACTED] nor did I observe anyone else do so either, with the exception of the one time that SPC [REDACTED] slapped MR. [REDACTED] on the side of his face with an open hand after MR. [REDACTED] had tried to escape.

I have now told the entire truth about this incident and can add nothing further to this investigation.

b(7)(c)(4)

b7c5

Sworn Statement of SPC [REDACTED] taken at FORT CARSON, CO., 30-Jun-04,
CONTINUED:

AFFIDAVIT

I, [REDACTED] b7c5 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.

Witness #1:

[REDACTED]

[REDACTED] b2
(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 30th day of June 2004 at [REDACTED]

Witness #2:

[REDACTED]

[REDACTED] b7c1
(Signature of Person Administering Oath)

SA [REDACTED]
(Typed name of Person Administering Oath)
Article 136 (b) (4) UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c5

PAGE 2 OF 2 PAGES

DA Form 2823-E

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 47

025262

00 373

RIGHTS WAIVING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Fort Carson, CO **DATE:** 27 Jul 04 **TIME:** 0904
FILE NUMBER: 0009-04-CID679-83486-5H1
NAME (Last, First MI): [REDACTED] **SSAN:** [REDACTED] **GRADE / STATUS:** SGT
ORGANIZATION OR ADDRESS: Maint Troop, Supt Sqdn 3rd ACR, Fort Carson, CO, 80913

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **Negligent Homicide**

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: [REDACTED]

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

- or -

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

- 4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:** Have you ever been advised of your legal rights and requested legal counsel in the past 30 days? **NO**

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.

Signature of [REDACTED]

Signature of [REDACTED]

87th MP Det (CID) Ft. Bliss, NC

Witness# 2

Signature of Witness

Signature of Investigator/Special Agent

11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 48

025263

00 374

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

LOCATION: FORT CARSON, CO **DATE:** 28 Jul 04 **TIME:** 0751
FILE NUMBER: 0009-04-CID679-83486-5H1
NAME (Last, First MI): [REDACTED] **SSAN:** [REDACTED] **GRADE / STATUS:** SPC
ORGANIZATION OR ADDRESS: S&T TRP, SUPT SQDN, 3RD ACR, FORT CARSON, CO, 80913

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **Negligent Homicide**

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:** Have you ever been advised of your legal rights and requested legal counsel in the past 30 days? **No** [REDACTED]

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. [REDACTED]

Witness# [REDACTED]

Sig [REDACTED]

87 MP Det CID, Ft Bragg, NC

Witness# 2 [REDACTED]

Signature of Witness [REDACTED]

11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY

EXHIBIT 49

025264

00 375

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 Hickam Police Dept, Hickam, IA	2. DATE 17 AUG 04	3. TIME 1047	4. FILE NUMBER
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS 2133 rd Transportation Company IA National Guard		
6. SSN [REDACTED]	7. GRADE/STATUS E-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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: negligent homicide, FALSE official statement III

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print) SA [REDACTED]	[REDACTED]	[REDACTED] b7c5	
b. ORGANIZATION OR ADDRESS AND PHONE 87th MP Det (CID) Fort Bragg, NC 28310		4. SIGNATURE OF INVESTIGATOR	
2a. NAME (Type or Print) [REDACTED] b7c5	[REDACTED]	5. SIGNATURE OF INTERVIEWER	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 87th MP Det (ABN) (CID) Fort Bragg, NC 28310	

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

EXHIBIT 50

025265

00 376

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 FORT CARSON, CO	2. DATE 19 AUG 04	3. TIME 1500	4. FILE NO. 0009-04-011067 83486
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS S+T Support Sqd 3rd ACR, FT CARSON, CO 80913		
6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC		

PART 1 - 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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am

suspected/accused negligent homicide, false official statement etc

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7c5
1a. NAME (Type or Print) SA [REDACTED]		
b. ORGANIZATION OR ADDRESS AND PHONE 8704 MP, Det (CID) FT. BRAGG, NC 28310 b7c4		
2a. NAME (Type or Print) SA [REDACTED]	5. TYPE OF INVESTIGATOR SA [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 8704 MP Det (CID) FT BRAGG, NC, 28310	

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.

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: Fort Carson, CO. 2. DATE: 19 Aug 2004 3. TIME: 17:35 FILE NO: 0009-04-CID629-8348
5. NAME (Last, First MI): [Redacted] 6. SSN: [Redacted] 7. GRADE/STATUS: E-4 8. ORGANIZATION OR ADDRESS: AVSM Troop Support Squad 3rd ACN, Fort Carson, CO 80913

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 Criminal Investigation Command AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/accused: UNSUBST HomeSec; False Official Statement III. 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 questions 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) 3. SIGNATURE OF INTERVIEWEE: [Redacted] b7c
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print) b7c
b. ORGANIZATION OR ADDRESS AND PHONE
6. ORGANIZATION OF INVESTIGATOR: 87th MP Det (CID) FT BRAGG, NC 28310

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 Office of The Deputy Chief of Staff for Personnel.

LOCATION Font Carson, CO 80913	DATE 19 July 2011	TIME 20:11	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-4	
ORGANIZATION OR ADDRESS [REDACTED] MARSH TROOP, 3RD ACN, Font Carson, CO			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

On 9 Jan 04 The prisoner escaped and when I noticed him he was within my best guess 7-10 feet from the door. I stood up from my position in the prison which was to my best guess about 90 feet away. When I got to him he was just outside the door about 4 to 5 feet outside I took him down by the shoulders and a down ward spinning motion. We both fell after that I moved to his feet as fast as I could. [REDACTED] were behind me out the door. Then [REDACTED] stood behind him and pointed M16. We all walked inside to the detainee holding area.

Q: [REDACTED] DTG

A: [REDACTED]

Q: What time did this occur?

A: around 2 AM 2:30 AM

Q: Which prisoner are you talking about?

A: [REDACTED]

Q: Who was with you when you noticed the prisoner escaping?

A: [REDACTED] and myself

Q: how in detail did he fall?

A: Butt first then back then flat on back is were he stayed.

Q: Did you have to hold him down after he was down?

A: NO He stay down and wasn't moving he was scared in my opinion

Q: Where was the rest of the guys working with you?

EXHIBIT	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] 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.

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

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 52

all b7c5

025268

00 379

A: [REDACTED] was helping me, by yelling at him and trying to find cuffs. [REDACTED] was coming out the door, with [REDACTED] and he as well. [REDACTED] had a M16

Q: How was [REDACTED] notified of the escape?

A: I don't know the last I know he was burning shit.

Q: Why did you not tell me this the first time you were interviewed?

A: We all made a Deal, and I stuck by it. until now I don't know why it did.

Q: When did you make this deal and with who?

A: Everyone on my shift and I was up by the Hanger.

Q: Everyone on your shift do you mean [REDACTED]

A: Yes, no one else.

Q: What exactly was the deal?

A: Just "Don't say any thing + would get anybody in trouble."

Q: Like what?

A: going outside and the Detail of the escape.

Q: How was the detainee moving after he was captured?

A: got up on his own and walked to the Detaining area. Then we keep him awake by standing him up and sitting him down.

Q: Did you or any one else have to manually stand him up or sit him down?

A: Besides [REDACTED] and myself used his arm to stand him up.

Q: Did you or any one else at anytime ever kick, stomp, jump on the detainee.

A: NO

Q: What was the condition of the detainee when you left for the day?

A: Sitting shackled to the corner of his pin.

Q: Why did you and the others on duty allow the detainee to get outside the door?

A: By the time I/we noticed him it was too late he was too close to the door.

Q: WHO TOLD YOU TO GO AFTER THE ALTAIRER?

A: NOBODY JUST REACTED.

Q: WHO WAS THE FIRST PERSON WHO DECIDED ^{THAT} ALL OF YOU INVOLVED SHOULD BE TALK ABOUT THE EVENTS?

A: [REDACTED]

Q: WHY DO YOU THINK [REDACTED] WANTED TO GET EVERYONE TOGETHER TO TALK?

A: I AM NOT SURE.

Q: WHY DID YOU AGREE TO CHANGE THE STORY OF HOW THINGS HAPPENED TO THE ALTAIRER?

A: I DID NOT WANT TO BE THE ODD MAN OUT.

Q: WHAT DOES ODD MAN OUT MEAN?

A: THE ONLY ONE WITH A DIFFERENT STORY

Q: IF YOU COULD CHANGE YOUR DECISION TO BE LESS THAN INVOLVED, NOW WOULD YOU?

A: YES BECAUSE I WOULD SAVE ME A LOT OF TIME AND QUESTIONING LATER.

Q: IS EVERYTHING YOU HAVE TOLD SA [REDACTED] AND SA [REDACTED] THE TRUTH TODAY?

A: YES

Q: WHO ASKED YOU ABOUT YOUR STATEMENTS WITH THIS OFFICE?

A: [REDACTED] I [REDACTED] ON MORE THAN ONE OCCASION ABOUT THE STRIKE WITH [REDACTED]

Q: DID YOU TELL THEM THE SAME THING YOU TOLD THIS OFFICE IN YOUR SWORN STATEMENT?

A: NO I DIDN'T WANT THEM TO KNOW THAT I TOLD THE TRUTH.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO THIS STATEMENT?

A: NO.

all 6705

STATEMENT (Continued)

[Redacted area with handwritten 'b7c' and 'b7d' markings]

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Redacted signature area]

(Signature of Person Making Statement)

WITNESSES:

law

SA [Redacted]

CTE MP ADT (CEN)

Fort Carson, CO 80310

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by

to administer oaths, this 19 day of AUG, 20 04 at FORT CARSON, CO

[Redacted signature area]

(Signature of Person Administering Oath)

SA [Redacted]

(Typed Name of Person Administering Oath)

Art 136 (b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted initials]

PAGE 4 OF 4 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 52

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 FORT CARSON, CO	2. DATE 20 AUG 04	3. TIME 08:16	4. FILE NO. 00000001-6105679 83486
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS S+T Troop Support Sqd		
6. SSN [REDACTED]	7. GRADE/STATUS E-4	3 ACIR, FORT CARSON, CO	

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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected/accused: negligent homicide, false statement

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 questions 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 (Continued on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print) b7c5	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	[REDACTED]
2a. NAME (Type or Print) b7c1	[REDACTED]	5. TYPE OF INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR 87th MP Det (CID) FT BRAGG, NC 28310

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>FORT CARSON, CO</i>	2. DATE <i>20 AUG 04</i>	3. TIME <i>1855</i>	4. FILE NO <i>0008-04-010679 87486</i>
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS <i>ST Troop, Support Sqd 3 ACB, FT CARSON, CO</i>		
7. SSN [REDACTED]	8. GRADE/STATUS <i>E-4</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: negligent homicide, false statement 111

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 questions 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)		SIGNATURE OF INTERVIEWEE [REDACTED]	
1a. NAME (Type or Print) <i>b7C5</i>		[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		[REDACTED]	
2a. NAME (Type or Print) <i>b7C5</i>		5. INVESTIGATOR SA [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>87th MP Det (CUI) FT BRAGG, NC 28310</i>	

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 2881, NOV 89
LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY
EDITION OF NOV 84 IS OBSOLETE

EXHIBIT 54

025273

00 384

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 Fort Eustis, VA	2. DATE 16 Sep 04	3. TIME 0906	4. FILE NUMBER 0009-04-CID679-83486
5. Name (Last First MI) [Redacted] b7c5	8. ORGANIZATION OR ADDRESS AVIM Troop, Support Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO 80913		
6. SSN [Redacted]	7. GRADE/STATUS E-4 / SPC		

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 Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused negligent homicide, false statement

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print) [Redacted] b7c1	[Redacted] b7c5	[Redacted] b7c5	
b. ORGANIZATION OR ADDRESS AND PHONE 87th MP Det CID Fort Bragg NC 28310-5000	[Redacted]	[Redacted] b7c1	
2a. NAME (Type or Print)	[Redacted]	SA [Redacted]	
b. ORGANIZATION OR ADDRESS AND PHONE	[Redacted]	6. ORGANIZATION OF INTERVIEWEE 87th MP Det (ABN) (CID) Fort Bragg, NC 28310	

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

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 53

025274

00 385

On 18 Jun 04, this office received a Request for Assistance (RFA) from the Fort Bragg Resident Agency (RA), Fort Bragg, NC, to conduct an interview of SSG [REDACTED] [REDACTED] 2133rd Transportation Company, [REDACTED] concerning his knowledge of the death of an Iraqi prisoner at a Forward Operating Base (FOB).

b7c1

About 1250, 25 Jun 04, SA [REDACTED] this office, coordinated with SSG [REDACTED] regarding his interview. SSG [REDACTED] stated he would be available for interview at 1200, 29 Jun 04.

b7c1

About 1205, 29 Jun 04, SA [REDACTED] advised SSG [REDACTED] of his rights, which he waived and rendered a sworn statement. SSG [REDACTED] detailed his knowledge of the escape attempt and detainment of the prisoner. SSG [REDACTED] stated the prisoner had a large bruise on his abdomen prior to his escape, and his condition was unchanged after his capture. SSG [REDACTED] further stated he did not see PFC [REDACTED] strike or choke the prisoner, nor did he see anyone else strike or choke the prisoner after his capture.

b7c5
except
where
noted

STATUS: This is a final report. No further investigative activity is anticipated by this office.///LAST ENTRY///

SA [REDACTED]

b2

b7c1

Fort McCoy CID Office
3rd Military Police Group (CID),
Fort McCoy, WI 54656

Signature: [REDACTED]

Date:

30 Jun 04

CID Form 94

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT:

EXHIBIT 56

025275

UO 386

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Fort McCoy CID Office **DATE:** 29 Jun 04 **TIME:** 1205
FILE NUMBER: 0066-04- CID065
NAME (Last, First MI): [REDACTED] **SSAN:** [REDACTED] **GRADE / STATUS:** SSG/USNG
ORGANIZATION OR ADDRESS: 2133rd Transportation Company; 33800 Dewey Road, Centerville, IA 52544

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command, as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Negligent Homicide//

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:** Have you requested legal counsel in the last 30 days? No

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.

Witness# 1
[REDACTED] b7c1
Signature of Witness

[REDACTED] b7c5
Signature of Interviewee

Witness# 2
[REDACTED]
Signature of Witness

[REDACTED] b7c1
Signature of Interviewer Special Agent

Fort McCoy CID Office, USACIDC
Fort McCoy, WI 54656

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

FOR OFFICIAL USE ONLY

EXHIBIT 57

025276

00 387

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION <i>Cedar Rapids, IA 52402</i>	DATE <i>29 Jun 04</i>	TIME <i>1321</i>	FILE NUMBER <i>0066-04-110065</i>
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS <i>SSB/USANB</i>
ORGANIZATION OR ADDRESS <i>2133D TRANS CO, 33800 Dewey Rd, Centerville, IA 52544</i>			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Between late Dec '03 and Early Jan 04 a detainee attempted escape from The AlAsad Detainee Site between 02-0400 hrs. While working an early morning shift the other guards and I had noticed that the detainee in the Isolation Cell on the far end of the facility was awake & restless. The detainee had been told a few times to lay down and sleep and he refused. Around the middle of the shift it was observed the detainee wanted to escape. We watched lay his blanket over the constraining wire and climb over the wire. We waited until he got out of his cell & started moving inside the walk area so we could repair his cell and the other cells so this would not happen again. When observed that he had cleared his cell we started moving toward him. It appeared to us that as we approached him he wanted to run for the door and when he turned to the door Spc [REDACTED] used his body to knock the detainee off balance. We moved the detainee to an enclosed area by the Guard post, sat him on the floor and placed leg irons on him. Once we had him back in an enclosed area I went and repaired damage done to the cell by tying barbwire in place. By the end of our shift we had him back in his cell and as with anyone who tried to escape his leg irons were fastened to a post and grate in his cell. It was observed that the detainee did have a large bruise on his abdomen. When we were relieved the detainee was still sitting up in his cage [REDACTED]

/// END OF STATEMENT ///

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

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

STATEMENT (Continued)

AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]
(Signature of [REDACTED] Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of Jun, 2004 at Cedar Rapids IA 57402

[REDACTED]
(Signature of [REDACTED] Administering Oath)

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

ART 136, UCMJ /5 USC, Section 303
(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

EXHIBIT 57

025278

00 389

b7c5
b7c

except where noted b7c5

SWORN STATEMENT (automated)

For use of this form, see AR 190-45: The proponent agency is Office of Staff for Personnel.

Location Fort McCoy, WI 54656	Date 29 Jun 04	Time 1321	File Number 0066-04-CID065-
LAST NAME, FIRST NAME, MI [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SSG/ USANG	

ORGANIZATION OR ADDRESS
2133rd Transportation Company, 33800 Dewey Road, Centerville, IA 52544

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

- Q. SA [REDACTED] b7c1
- A. SSG [REDACTED]
- Q. Did you see anyone involved in the recapture of the escaping prisoner strike or beat him?
- A. No, besides [REDACTED] wrapping his arms around the prisoner and pushing him against a wall till others could secure him. [REDACTED] asked for a set of leg irons, which someone had removed, and I provided a pair of irons to secure the prisoner. I then went to the area the prisoner had escaped from and repaired the cell so the prisoner was unable to escape again. After I fixed the area, the prisoner was brought back into the cell area and shackled to a corner post. Shackling the prisoner to the post did not prevent the prisoner from lying down, or sitting. However, if he attempted to move from the corner post area and length of the shackle, he would have to move the 200 pound post. [REDACTED]
- Q. Describe the prisoner's physical condition prior to his escape?
- A. He had a large bruise on his abdomen, and a couple of cuts or abrasions on his face and hands. I did not think any of the injuries were life threatening. [REDACTED]
- Q. Describe the prisoner's condition after his capture?
- A. His condition was the same. [REDACTED]
- Q. Did you see PFC [REDACTED] strike or choke the prisoner?
- A. No. [REDACTED]
- Q. While repairing the cell, did you see PEC [REDACTED] strike or choke the prisoner?
- A. No. [REDACTED]
- Q. Did you see SPC [REDACTED] strike the prisoner during the capture, or afterwards?
- A. No. [REDACTED]
- Q. Did you hear PFC [REDACTED] SPC [REDACTED] or anyone else yelling at the prisoner while you were working on the cell?
- A. No. [REDACTED]
- Q. What time was it when the incident took place?
- A. Between 0200 and 0400, end of Dec 03, first of Jan 04. [REDACTED]
- Q. Where did the incident take place?
- A. Detainee area Hanger, Al Asad, Iraq. [REDACTED]
- Q. What time did your shift end?

EXHIBIT 58

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025279

Encl 4
00 390

- A. About 0400. [REDACTED]
Q. Did the entire crew of soldiers end there shift at the same time?
A. Yes we did. [REDACTED]
Q. At the end of your shift, what was the prisoner's condition?
A. He was the same, sitting up and did not appear in any type of distress. [REDACTED]
Q. When did you hear the prisoner had died?
A. The NCOIC came in and woke me up, I think it was around Noon the same day. [REDACTED]
Q. Why did he wake you up?
A. He woke me up because I had not reported the incident that the prisoner had escaped. I passed the information onto the next shift commander, and I was also supposed to have woken the NCOIC, which I did not do. They wanted to be briefed on the escape and the condition of the prisoner afterwards. [REDACTED]
Q. When was the last time the prisoner had been interviewed?
A. I have no idea the last time he had been interviewed. [REDACTED]
Q. What was the prisoner's ISN number?
A. I can not remember. [REDACTED]
Q. What was the prisoner's name?
A. I do not recall. [REDACTED]
Q. Describe the prisoner?
A. Male, Iraqi, 5' tall, 235lbs, black hair, dark colored eyes. He was wearing a Man Dress. [REDACTED]
Q. Do you have anything further to add to this statement?
A. No, I do not.///END OF STATEMENT/// [REDACTED]

all b7c's

EXHIBIT 58

EXHIBIT INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 of 3 PAGES
LAW ENFORCEMENT SENSITIVE - LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025280

Encl 4
00 391

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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c5

[REDACTED]

(SIGNATURE OF PERSON MAKING STATEMENT)
SUBSCRIBED AND SWORN BEFORE ME, A
PERSON AUTHORIZED BY LAW TO ADMINISTER
OATHS, THIS 29th DAY OF Jun 2004, AT
Cedar Rapids, IA 52402

WITNESSES:

[REDACTED]

Organization or Address

b7c1

Signature of Person Administering Oath
Special Agent [REDACTED]

Typed Name of Person Administering Oath

Article 136 UCMJ/ 5 USC, SEC 303

Organization or Address

Authority to Administer Oath

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 58

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 3 of 3 PAGES
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

025281

b7c5

Encl 4

00 392

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0009-04-CID679-83486

PAGE 1 OF 1 PAGE

DETAILS

Around 1300, 13 Oct 04, SA [REDACTED] coordinated with SA [REDACTED] 11th Military Police Battalion (CID), 6th Military Police Group (CID), Fort Hood, TX 76544, who provided the Polygraph Examination Reports for SPC [REDACTED] S and T Troop, Support Squadron, 3rd ACR, Fort Carson, CO, 28 Jul 04, SPC [REDACTED] Aviation Maintenance, AVIM, Troop, Support Squadron, 3rd ACR, Fort Carson, CO, 30 Jun 04, and SGT [REDACTED] Maintenance Troop, Support Squadron, 3rd ACR, Fort Carson, CO, 27 Jul 04. (See Polygraph Reports for details)

//////////Last item//////////

b7c5

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]
SIGNATURE

102
b7c1

ORGANIZATION

87th Military Police Detachment (CID) (DSE) (FWD)
Ar Ramadi, (Rifles Base, Iraq)

DATE

13 Oct 04

EXHIBIT

59

CID FORM 104
1 FEB 77

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 59

025282

00 393

DEPARTMENT OF THE ARMY
11th Military Police Battalion (CID)
6th Military Police Group (CID)
PO Box V Bldg 2201, 52nd Street
Fort Hood, TX 76544-5000

CICR-PD (195-6)

6/30/2004

MEMORANDUM FOR

Director, United States Army Crime Records Center, United States Army Criminal Investigation
Command, 6010 6th Street, Fort Belvoir, VA 22060-5585
Special Agent In Charge, Fort Carson Resident Agency, Sixth Military Police Group (CID)
Fort Carson, CO 80913

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0009-04-CID679-83486- 5H1

AUTHORIZATION NUMBER: 041154, 6/25/2004

DATE(S) OF EXAMINATION: 6/30/2004

LOCATION OF EXAMINATION(S): Fort Hood, TX 76544-5000

SUBJECT EXAMINED: [REDACTED] SPC; [REDACTED] AVIM TROOP SUPPORT
SQDN, 3RD ACR, FORT CARSON, CO, [REDACTED]

OFFENSE(S): False Swearing regarding Negligent Homicide

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation thus far has revealed Mr (LTC) [REDACTED] detainee number [REDACTED] was detained on 4 Jan 04. After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, [REDACTED] was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. [REDACTED] refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. [REDACTED] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered [REDACTED] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived and checked for signs of life which met with negative results. [REDACTED] was

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585. Reproduction of this exhibit or it's contents is prohibited

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025283

EXHIBIT 60
394

b(6)(f) pronounced dead at 0900, 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of [redacted] by Dr (CDR) [redacted] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. [redacted] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [redacted] opined the blunt force injuries present on the upper body of [redacted] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [redacted] was asked if [redacted] would have been able to hide his injuries for several days at which time he stated it was possible, but likely. Dr [redacted] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [redacted] Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [redacted] SFC [redacted]; and SSG [redacted] all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [redacted], SFC [redacted] and SSG [redacted] admitted to striking and kicking [redacted] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [redacted] SPC [redacted] admitted to kicking [redacted] in the chest while his hands were bound during his apprehension when he refused to stop talking. On 9 Jan 04, SGT [redacted] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on [redacted] abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [redacted] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related [redacted] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him. [redacted] went on to state about 2300, 8 Jan 04 he observed [redacted] with his shirt off and noticed several dark bruises on his upper body. According to SSG [redacted] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, [redacted] attempted to escape at approximately 0215. SSG [redacted] related he was subdued by SPC [redacted]. While being returned to his cell, SSG [redacted] stated he noticed large bruises on [redacted] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [redacted] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, [redacted] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [redacted] removed the cuffs, bandaged the abraded injury and recuffed [redacted]. SPC [redacted] further related that while trying to escape later on during his shift, he subdued [redacted]. SPC [redacted], S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed [redacted] attempt to escape at which time he alerted SGT [redacted] Maintenance Troop Support Squadron, 3rd ACR and [redacted] who apprehended and returned him to his isolation cell. SGT [redacted] related he and SPC [redacted], S&T Troop Support Squadron, 3rd ACR placed [redacted] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. [redacted] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [redacted] gagged him. SGT [redacted] related approximately 5 minutes later he discovered [redacted] not breathing. [redacted] was interviewed and confirmed SGT [redacted] statement. On 8 Jun 04, [redacted] was advised of his rights, which he waived and provided a sworn statement in which he stated after [redacted] attempted to escape, SPC [redacted] S&T Troop Support Squadron, 3rd ACR choked [redacted] with a police style baton for

b7c2

b7c5

b(6)(f)

b(6)(f)

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585. Reproduction of this exhibit or it's contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025284

EXHIBIT 60
111 395

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED]

EXAMINEE NATIVE LANGUAGE: English

LANGUAGE(S) USED DURING THE EXAMINATION: English

EXHIBITS: 6 polygrams, the polygraph consent form(s) and allied documents are on file with the original report at the US Army Crime Records Center.

b7c/

///ORIGINAL SIGNED///

[REDACTED]
Polygraph Examiner [REDACTED]

L b2

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585.

Reproduction of this exhibit or it's contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025285

EXHIBIT 60
00 396

DEPARTMENT OF THE ARMY
11th Military Police Battalion (CID)
6th Military Police Group (CID)
PO Box V Bldg 2201, 52nd Street
Fort Hood, TX 76544-5000

CICR-PD (195-6)

7/27/2004

MEMORANDUM FOR:

Director, United States Army Crime Records Center, United States Army Criminal Investigation Command, 6010 6th Street, Fort Belvoir, VA 22060-5585
Special Agent In Charge, Fort Carson Resident Agency, 6th Military Police Group (CID), Fort Carson, CO 80913

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0009-04-CID679-83486- 5H1

AUTHORIZATION NUMBER: 041284, 7/20/2004

DATE(S) OF EXAMINATION: 7/27/2004

LOCATION OF EXAMINATION(S): Fort Carson, CO 80913

SUBJECT EXAMINED: [REDACTED] SGT [REDACTED] Maint Troop, Supt Sqdn 3rd ACR, Fort Carson, CO, [REDACTED] 7025

OFFENSE(S): Negligent Homicide

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation thus far has revealed Mr (LTC) [REDACTED], detainee number [REDACTED] was detained on 4 Jan 04. After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, [REDACTED] was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. [REDACTED] refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. [REDACTED] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered [REDACTED] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived on scene and checked for signs of life which met with negative results. [REDACTED]

b7c4
(7)(C)
(6)(F)
b(6)(C)
b(7)(C)
(4)

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585.

Reproduction of this exhibit or it's contents is prohibited

LAW ENFORCEMENT SENSITIVE

025286

EXHIBIT *61*

00 397

was pronounced dead at 0900, 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of [REDACTED] by Dr. (CDR) [REDACTED] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. [REDACTED] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr. [REDACTED] opined the blunt force injuries present on the upper body of [REDACTED] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr. [REDACTED] was asked if [REDACTED] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr. [REDACTED] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [REDACTED] [REDACTED], Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [REDACTED], SFC [REDACTED] and SSG [REDACTED] all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] admitted to striking and kicking Mr. [REDACTED] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [REDACTED]. SPC [REDACTED] admitted to kicking [REDACTED] in the chest while his hands were bound during his apprehension when he refused to stop talking. On 9 Jan 04, SGT [REDACTED] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on [REDACTED] abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related [REDACTED] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him. [REDACTED] went on to state about 2300, 8 Jan 04 he observed [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED], 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED]. While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed [REDACTED]. SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued [REDACTED] SPC [REDACTED], S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] and [REDACTED] who apprehended and returned him to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED], S&T Troop Support Squadron, 3rd ACR placed [REDACTED] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered [REDACTED] was not breathing. When [REDACTED] was interviewed, he stated that he placed a gag into the mouth of [REDACTED] but he denied that he choked [REDACTED] further maintained that he never put his hands around [REDACTED] throat in order to choke [REDACTED] and he denied seeing anyone else choke [REDACTED]. [REDACTED] was interviewed and confirmed SGT [REDACTED] statement. On 8 Jun 04, [REDACTED] was advised

FOR OFFICIAL USE ONLY

Attached as Exhibit [REDACTED] is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585.

Reproduction of this exhibit or it's contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025287

EXHIBIT

61
00 338

(6)(u)
(2)(c)(4)

b(6)(4)

b7c2

(6)(u)

b(6)(e)

b7c5

b(6)(4)

b(6)(4)

of his rights, which he waived and provided a sworn statement in which he stated after [REDACTED] attempted to escape, PFC [REDACTED] S&T Troop Support Squadron, 3rd ACR choked [REDACTED] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking". [REDACTED] stated the other person present during the incident besides himself and [REDACTED] was SPC [REDACTED] denied that he caused any of the injuries to [REDACTED] and stated he was being truthful as to what he was reporting about PFC [REDACTED] SPC [REDACTED] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked [REDACTED] with a night stick, or that he slapped him. SPC [REDACTED] subsequently stated he wanted to speak with an attorney. SPC [REDACTED] was advised of his rights, which he waived and denied he ever saw [REDACTED] choke or slap [REDACTED]. Medical personnel have stated that [REDACTED] did have his Hyoid bone broken. It is suspected that [REDACTED] either choked [REDACTED] or else he saw someone else choke [REDACTED] which ultimately contributed to the death of [REDACTED]. [REDACTED] has denied choking [REDACTED] or of knowing who did. [REDACTED] was offered and has accepted the opportunity to undergo a polygraph examination to verify the truthfulness of his statement.

INSTRUMENTATION: This examination was conducted using an Axciton computerized polygraph instrument, SN: 4163, last calibrated on the date of the examination.

OBSERVATIONS: Unusual physiological/psychological reactions were not observed during this examination.

EXAMINER'S CONCLUSIONS: During the pre-instrument phase, [REDACTED] made no comments or statements contrary to those previously provided.

An analysis of the polygrams collected determined [REDACTED] was being deceptive when answering the relevant questions.

During the post-test interview [REDACTED] maintained that he did not choke [REDACTED] nor did he ever strike or hit him in the throat. [REDACTED] stated that it was possible that in the heat of the moment when he was trying to put a gag in [REDACTED] mouth, that [REDACTED] might have accidentally injured [REDACTED] throat. [REDACTED] denied that he saw anyone else choke [REDACTED] or strike him in the throat. [REDACTED] further stated that he felt responsible for the death of [REDACTED] since he was the NCOIC of the jail at the time of [REDACTED]'s death and furthermore, [REDACTED] was one of the last two people to have any physical contact with [REDACTED]. [REDACTED] declined to be tested further. When [REDACTED] related that he was tired and wanted to go home and get some sleep, the interview was terminated.

RELEVANT QUESTIONS USED:

- Q: Did you choke that man?
A: No.
Q: Did you choke that detainee in Iraq?
A: No.
Q: Did you strike that man in the throat?
A: No.

FOR OFFICIAL USE ONLY

Attached as Exhibit [REDACTED] is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585.

Reproduction of this exhibit or its contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025288

EXHIBIT 601
00 396

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED] b7c1

EXAMINEE NATIVE LANGUAGE: English

LANGUAGE(S) USED DURING THE EXAMINATION: English

EXHIBITS: 4 polygrams, the polygraph consent form(s) and allied documents are on file with the original report at the US Army Crime Records Center.

///ORIGINAL SIGNED///

[REDACTED]
Polygraph Examiner [REDACTED]

b7c1

L62

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585.

Reproduction of this exhibit or it's contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025289 EXHIBIT 61

DEPARTMENT OF THE ARMY
11th Military Police Battalion (CID)
6th Military Police Group (CID)
PO Box V Bldg 2201, 52nd Street
Fort Hood, TX 76544-5000

CICR-PD (195-6)

7/28/2004

MEMORANDUM FOR

Director, United States Army Crime Records Center, United States Army Criminal Investigation
Command, 6010 6th Street, Fort Belvoir, VA 22060-5585
Special Agent In Charge, Fort Carson Resident Agency, Sixth Military Police Group (CID)
Fort Carson, CO 80913

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0009-04-CID679-83486- 5H1

AUTHORIZATION NUMBER: 041333, 7/28/2004

DATE(S) OF EXAMINATION: 7/28/2004

LOCATION OF EXAMINATION(S): Fort Carson, CO 80913

SUBJECT EXAMINED: [REDACTED] SPC; [REDACTED] S&T TRP, SUPT
SQDN, 3RD ACR, FORT CARSON, CO, [REDACTED] } b7c5

OFFENSE(S): Negligent Homicide

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation thus far has revealed Mr (LTC)
[REDACTED], detainee number [REDACTED] was detained on 4 Jan 04.
After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward
Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment
Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, [REDACTED] was
questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the
detention facility ordered all prisoners to stand as punishment for talking. [REDACTED] refused to stand
and after several warnings, he was shackled to the top of the door frame in order to compel him to
continue standing. [REDACTED] was then gagged as he continued to try to talk to other prisoners. About
5 minutes after [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was
slumped over hanging from the shackles. Guards went to the cell and discovered [REDACTED] was not
breathing at which time they took him down from the door frame and removed the gag from his
mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan
04, medics arrived on scene and checked for signs of life which met with negative results. [REDACTED] b(2)lc84

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three
months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph
records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585. 00 401
Reproduction of this exhibit or it's contents is prohibited

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025290

EXHIBIT 62

was pronounced dead at 0900 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of [REDACTED] by Dr (CDR) [REDACTED] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. [REDACTED] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [REDACTED] opined the blunt force injuries present on the upper body of [REDACTED] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [REDACTED] was asked if [REDACTED] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr [REDACTED] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [REDACTED] Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [REDACTED] SFC [REDACTED], and SSG [REDACTED], all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] admitted to striking and kicking [REDACTED] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [REDACTED] SPC [REDACTED] admitted to kicking [REDACTED] in the chest while his hands were bound during his apprehension when he refused to stop talking. On 9 Jan 04, SGT [REDACTED] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on [REDACTED] abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related [REDACTED] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him. [REDACTED] went on to state about 2300, 8 Jan 04 he observed [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED] While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed [REDACTED] SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued [REDACTED] SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] Maint Trp, Supt Sqdn, 3rd ACR, Ft Carson, CO and [REDACTED] who apprehended and returned [REDACTED] to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED] placed [REDACTED] his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered [REDACTED] not breathing. When [REDACTED] was interviewed, he stated that he and [REDACTED] placed a gag into the mouth of [REDACTED] but he denied that he choked [REDACTED] and he denied seeing anyone else choke [REDACTED] On 8 Jun 04, [REDACTED] was advised of his rights, which he waived and provided a sworn statement in which he stated after [REDACTED] attempted to escape, PFC [REDACTED] S&T Troop Support

(6)(4)

b7c2

b(6)(4)

b7c5

b(6)(4)

(7)(C)

(4)

b(7)(C) (F)

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585.

Reproduction of this exhibit or it's contents is prohibited

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

025291

EXHIBIT 402
62

all b7c5

Squadron, 3rd ACR choked [redacted] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking" [redacted] stated the other person present during the incident besides himself and [redacted] was SPC [redacted] denied that he caused any of the injuries to [redacted] and stated he was being truthful as to what he was reporting about PFC [redacted] SPC [redacted] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked [redacted] with a night stick, or that he slapped him. SPC [redacted] subsequently stated he wanted to speak with an attorney. SPC [redacted] was advised of his rights, which he waived and denied he ever saw [redacted] choke or slap [redacted] During the autopsy of [redacted] medical personnel reported that [redacted] did have his Hyoid bone broken. b(6)(c) It is suspected that [redacted] either choked [redacted] or else he saw someone else choke [redacted] which ultimately contributed to the death of [redacted] [redacted] has denied choking [redacted] or of knowing who did. [redacted] was offered and has accepted the opportunity to undergo a polygraph examination to verify the truthfulness of his statement.

INSTRUMENTATION: This examination was conducted using an Axciton computerized polygraph instrument, SN: 4163, last calibrated on the date of the examination.

OBSERVATIONS: Unusual physiological/psychological reactions were not observed during this examination.

EXAMINER'S CONCLUSIONS: During the pre-instrument phase, [redacted] made no comments or statements contrary to those previously provided.

An analysis of the polygrams collected determined [redacted] was being deceptive when answering the relevant questions.

During the post-test interview, [redacted] admitted that he believed he had caused [redacted] death. [redacted] stated that immediately after he had gagged [redacted] [redacted] had died and he began to worry that his actions had caused the death of [redacted] [redacted] related that he began to worry that he injured [redacted] throat accidentally, thereby causing his death. [redacted] also related that he was worried that he had tied the gag too tightly when he put it into [redacted] S mouth and that [redacted] could not therefore breathe and therefore expired. [redacted] also related that he felt that by putting a gag into [redacted] mouth that [redacted] might have choked to death on his own vomit. [redacted] denied choking [redacted] or striking [redacted] in the throat, but [redacted] stated that during the in-test phase of the polygraph examination, he was worried that he might have accidentally injured [redacted] S throat when he was putting the gag on him. [redacted] was adamant that he did not deliberately choke [redacted] nor did he witness anyone else choking [redacted]. [redacted] stated that he believed his actions with [redacted] might have caused [redacted] death, but if so, it was accidental since [redacted] maintained that he did not want to do anything to hurt [redacted] or any of the prisoners. [redacted] stated that if he did accidentally cause [redacted] death, he was willing to suffer the consequences and punishment, if that was necessary. When [redacted] stated that he had nothing further to say and wanted to leave, the interview was terminated. b(6)(c)

RELEVANT QUESTIONS USED:

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585. 00 403
Reproduction of this exhibit or it's contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025292

EXHIBIT 62

all 6705

approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking". [redacted] stated the other person present during the incident besides himself and [redacted] was SPC [redacted] denied that he caused any of the injuries to [redacted] and stated he was being truthful as to what he was reporting about PFC [redacted] [redacted] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked [redacted] with a night stick, or that he slapped him. [redacted] subsequently stated he wanted to speak with an attorney. SPC [redacted] was advised of his rights, which he waived and denied he ever saw [redacted] choke or slap [redacted]. [redacted] did have his Hyoid bone broken. [redacted] was offered and has accepted the opportunity to undergo a polygraph examination to verify the truthfulness of his statement.

INSTRUMENTATION: This examination was conducted using an Axciton computerized polygraph instrument, SN: 4163, last calibrated on the date of the examination.

OBSERVATIONS: Unusual physiological/psychological reactions were not observed during this examination.

EXAMINER'S CONCLUSIONS: During the pre-instrument phase, [redacted] stated that when he had originally stated that he had observed [redacted] choke [redacted] with a nightstick, that was not a correct or truthful statement. [redacted] then explained that what had actually occurred was that [redacted] was sitting on the ground after his attempted escape and [redacted] told [redacted] to stand up. When [redacted] refused to stand, [redacted] got very angry, and he then went behind [redacted] and placed his nightstick under the chin of [redacted]. [redacted] stated that [redacted] then applied upward pressure on the nightstick to force [redacted] to his feet. [redacted] related that he did not observe [redacted] choke [redacted] with the nightstick and he did not think it was possible for [redacted] to have done so. [redacted] maintained that he had told the truth about the incident with [redacted] and also about [redacted] actions regarding the treatment of [redacted].

(b)(6)(4)

b(6)(4)

An analysis of the polygrams collected during Series I, determined that insufficient criteria was present to form a conclusive decision regarding the truthfulness of [redacted].

During the post-test interview [redacted] related that he had told the truth about the treatment of [redacted] and about [redacted] actions. [redacted] denied that neither he or anyone else had choked [redacted]. [redacted] declined to undergo further testing saying that he just would rather not undergo further examinations. When [redacted] stated he had nothing further to add to this investigation, the interview was terminated. Prior to leaving [redacted] rendered a sworn, written statement attesting to the incident with [redacted].

(b)(6)(4)

RELEVANT QUESTIONS USED:

- Q: Did you invent that story about [redacted] placing a nightstick under that man's chin?
- A: No.
- Q: Did you invent that story about [redacted] using a nightstick to make that man stand up?
- A: No.
- Q: Did you lie about who put a nightstick under that man's chin?
- A: No.

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited

00 404

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025293

EXHIBIT 62

Q: Did you choke the man?
A: No.
Q: Did you choke that detainee in Jan?
A: No.
Q: Did you see anyone choke that man?
A: No.

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED]

EXAMINEE NATIVE LANGUAGE: English

LANGUAGE(S) USED DURING THE EXAMINATION: English

EXHIBITS: 4 polygrams, the polygraph consent form(s) and allied documents are on file with the original report at the US Army Crime Records Center.

///ORIGINAL SIGNED///

[REDACTED]
Polygraph Examiner [REDACTED]

b7c1
b2

FOR OFFICIAL USE ONLY

Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than three months after the date of the Report of Investigation (AR 195-6, para 2-6b). The original, to include related polygraph records, is at the US Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585. 00 405
Reproduction of this exhibit or its contents is prohibited

**LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY**

025294

EXHIBIT 62

Page(s)

406

English Translation:

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

Audio/Video depicting foreign
nationals and Americans

025295

Bates Pages 25296-25306 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

Page(s)

418

English Translation:

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

Audio/Video depicting foreign
nationals and Americans

025307

Bates Pages 25308-25328 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

Page(s)

440 - 467

English Translation:

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

Audio/Video depicting foreign
nationals and Americans

025329

EVIDENCE / PROPERTY CUSTODY DOCUMENT	MPR / CID SEQUENCE NUMBER 0009-04-CID679
	CDR REPORT / CID ROI NUMBER 83846

RECEIVING ACTIVITY 87 th MP Det CID, (FWD)	LOCATION Ar Ramadi, Iraq	
NAME, GRADE and TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> OTHER Crime Scene	ADDRESS (Include Zip Code) NA	
LOCATION FROM WHERE OBTAINED floor of EPW site near where the body of Mr. [REDACTED] was found, Rifles Base, Iraq	REASON OBTAINED Evidence	TIME / DATE OBTAINED 1104 9 Jan 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, serial number, condition and unusual marks or scratches)</small>
1	1	Rag, cloth in construction, red and white in color, suspected to have been used as a gag on Mr. [REDACTED] while he was detained at the EPW Site, Rifles Base, Iraq. The rag was placed in a clean paper bag which was MFID with 1104, 9 Jan 04, [REDACTED] Last Item

all b7c

CHAIN OF CUSTODY			
ITEM NO.	DATE	RELEASED BY	PURPOSE OF CHANGE OF CUSTODY
1	9 Jan 04	[REDACTED] SA [REDACTED]	Evidence
1	15 Jan 04	[REDACTED] SA [REDACTED]	Transport To Evidence Room
1	16 Jan 04	[REDACTED] SA [REDACTED]	Transport To Evidence Room
1	17 Jan 04	[REDACTED] SA [REDACTED]	Temp EU. Clay Holding
		SIGNATURE	
		NAME, GRADE OR TITLE	

025330

EXHIBIT 64
00 168

04-107e7

SUBJ: REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAM
A: DOD DIR 5210.48, DTD 24 DEC 84
B: DOD REG 5210.48R, DTD 24 JAN 85
C: AR 195-6, DTD 29 SEP 95

~~Approved~~
14 Jan 04

b7c5

1. REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAMINATION OF:
[redacted] SPC; [redacted] S&T Support Squadron, 3rd ACR, Fort Carson, CO 80913; ;

2. THE FOLLOWING INFORMATION IS PROVIDED:

b7c1

A: Negligent Homicide

B: 0009-04-CID679-83486- 5H1(SA [redacted] and SA [redacted])

C: Investigation thus far has revealed Mr (LTC) [redacted]

b2
b7c4

b(7)(C)(4)

detainee number [redacted] was detained on 4 Jan 04. After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, Mr [redacted] was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. Mr [redacted] refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. Mr [redacted] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after Mr [redacted] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered Mr [redacted] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived on scene and checked for signs of life which met with negative results. Mr [redacted] was pronounced deceased at 0900, 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of MR. [redacted] by Dr (CDR) [redacted] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. Mr. [redacted] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [redacted] opined the blunt force injuries present on the upper body of Mr. [redacted] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [redacted] was asked if Mr [redacted] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr [redacted] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [redacted] Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [redacted] SFC [redacted] and SSG [redacted] all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [redacted] SFC [redacted] and SSG [redacted] admitted to striking and kicking Mr [redacted] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [redacted] SPC [redacted] admitted to kicking Mr [redacted] in the chest while his hands were bound during his apprehension when he refused to stop talking. On 9 Jan 04, SGT [redacted] AVIM Troop, Support Squadron,

Mr. Y
we all
(7)(C)(4)

b7c2

b7c5

3rd ACR related he noticed bruising on Mr [REDACTED]'s abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related Mr [REDACTED] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him. [REDACTED] went on to state about 2300, 8 Jan 04 he observed Mr [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, Mr [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED] AVIM Troop Support Squadron, FCCO. While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, Mr [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed Mr [REDACTED]. SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued Mr [REDACTED]. SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed Mr [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] Maintenance Troop Support Squadron, 3rd ACR and [REDACTED] who apprehended and returned him to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR placed Mr [REDACTED] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. Mr [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered Mr [REDACTED] not breathing. [REDACTED] was interviewed and confirmed SGT [REDACTED] statement. On 8 Jun 04, [REDACTED] was advised of his rights, which he waived and provided a sworn statement in which he stated after Mr [REDACTED] attempted to escape, PFC [REDACTED] S&T Troop Support Squadron, 3rd ACR choked Mr [REDACTED] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking". [REDACTED] stated the other person present during the incident besides himself and [REDACTED] was SPC [REDACTED] S&T Support Squadron, 3rd ACR. SPC [REDACTED] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked Mr [REDACTED] with a night stick, or that he slapped him. SPC [REDACTED] subsequently stated he wanted to speak with an attorney. SPC [REDACTED] was advised of his rights, which he waived and denied he ever saw [REDACTED] choke or slap Mr [REDACTED]. Mr [REDACTED] did have his Hyoid bone broken. [REDACTED] was offered and has accepted the opportunity to undergo a polygraph examination to verify the truthfulness of his denials.

- D: YES
- E: YES
- F: YES
- G: NO
- H: NO
- I: YES
- J: CRC NAME CHECK HAS NOT BEEN CONDUCTED.

all 6705

025332

00 470

LR." =
(7)(c)(4)

b(7)(c)(4)

3. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS UP CHAPTER 4, AR 25-55.

025333

00 471

Office Mailbox - MAILCICP

From: Office Mailbox - MAILCICP

Sent: Tuesday, June 15, 2004 6:59 AM

To: [REDACTED] (E-mail)

Subject: POLYGRAPH AUTHORIZATION FOR [REDACTED]

UNCLAS
SUBJECT: POLYGRAPH AUTHORIZATION 04-1067

b7c5

REF YOUR MSG 14 JUN 04, SUBJ AS ABOVE, THE EXAM OF [REDACTED] IS AUTHORIZED, THIS DATE 14 JUN 04. NO RECORD OF PRIOR CRIMINALITY CONTAINED ON FILE AT CRC.

//SIGNED//

b7c1

[REDACTED]
DIRECTOR, CRC



025334

00 472

6/15/2004

08

POLYGRAPH EXAMINATION STATEMENT OF CONSENT

LOCATION: FORT CARSON, CO

DATE: 6-16-01 TIME: 0959

FILE NUMBER: [REDACTED]

NAME: [REDACTED] SSAN: [REDACTED]

GRADE/STATUS: E-4

DATE AND PLACE OF BIRTH: [REDACTED]

ORGANIZATION OR ADDRESS: S & T SUPPORT SQUADRON, FORT CARSON, CO 80913

b7c5

STATEMENT OF CONSENT

b7c1

In the presence of the witness(s) whose signature(s) appear below, my rights, as specified on DA Form 3881 (completed copy attached), have been explained to me by SA [REDACTED] who informed me that he/she is a polygraph examiner of the United States Army. I have been advised that this polygraph examination statement of consent is being completed in connection with: FALSE SWEARING REGARDING NEGLIGENT HOMICIDE/CONSPIRACY/// [REDACTED]

b7c5

In conjunction with explaining the nature of the polygraph examination, I have been told:

- a. that should I refuse to undergo a polygraph examination, no adverse action may be taken against me based solely on my refusal.
- b. that I have the right to talk privately with a lawyer before, during and after the instrument portion(s) of the polygraph examination.
- c. that the examination area is equipped with a two-way mirror or observation device.
- d. that the examination will be monitored/recorded.
- e. that questioning may occur before, during and after the instrument portion(s) of the polygraph examination.
- f. that anything I say or do during the polygraph examination may be used against me in any administrative, military or judicial proceedings.
- g. that the polygraph examination will not be conducted without my voluntary consent and even though I am now giving my consent, I can withdraw it at any time and the examination will be stopped.

Understanding my unqualified right to refuse, I [REDACTED] do hereby this date of my own free will, consent to undergo a polygraph examination. I have not been threatened, coerced, unlawfully induced or promised anything in conjunction with my consent to undergo a polygraph examination.

b7c5

Witness# 1

[REDACTED] Signature of Witness

[REDACTED] Signature of Examinee

Witness# 2

[REDACTED] Signature of Witness

[REDACTED] Signature of Examiner

FORT LEONARD WOOD RA (CID)
FORT LEONARD WOOD, MO 65473

DA Form 2801-E

025335

FOR OFFICIAL USE ONLY

EX 473

[REDACTED] b7c1

04-1094
Approved [REDACTED] b7c1
16 JUN 04

UNCLAS FOUO

SUBJ: REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAM

- A: DOD DIR 5210.48, DTD 24 DEC 84
- B: DOD REG 5210.48R, DTD 24 JAN 85
- C: AR 195-6, DTD 29 SEP 95

1. REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAMINATION
 OF: [REDACTED] E-3 [REDACTED] S & T Troop, Support Squadron, 3 ACR,
 Fort Carson, CO: 80913

] b7c5

2. THE FOLLOWING INFORMATION IS PROVIDED:

- A: Negligent Homicide
- B: 0009-04-CID679-83486-5H1 (SA [REDACTED] DSN: [REDACTED] b7c1)
- C: Investigation revealed that Mr. (LTC) [REDACTED] detainee number [REDACTED] died while in U.S. Military custody at the Detention Facility, Forward Operation Base, Rifle Base, Al Asad, Iraq. During a later autopsy AFIP Pathologists, it was determined he died from blunt force trauma and asphyxia. Additionally, it was revealed he had suffered multiple blunt force injuries to his upper body to include the multiple fractures to all of his ribs. Dr. [REDACTED] the attending Pathologist, opined the injuries were consistent with a beating and the manner of death was ruled a homicide. b7c2

During interviews of several of the U.S. Army personnel who were guards, several admitted to kicking and punching [REDACTED] numerous times in the chest and ribs after he either attempted to escape or would not follow their orders. During an interview of SPC [REDACTED] AVIM Troop, FCC, he identified [REDACTED] having allegedly choked [REDACTED] with a police-style baton, after [REDACTED] attempted to escape. [REDACTED] also related SPC [REDACTED] S & T Troop, FCC, was also present. [REDACTED] was interviewed and denied seeing [REDACTED] or anyone choke [REDACTED] with anything to include a baton. Following this, [REDACTED] was later shackled by the wrist to the top of his cell door. Due to [REDACTED] not obeying the guards orders to be quiet, the guards placed a gag around his mouth. After approximately five minutes, they noticed [REDACTED] was not moving. They checked him for signs of life, realized he was not breathing, and summonsed medical assistance.

b(6)(a); b(7)(c)(3)

Due to the admissions of the soldiers interviewed, the causes of the majority of the injuries have been determined, with the exception of the asphyxia. Investigators believe that [REDACTED] possibly did choke [REDACTED] as alleged by one of the guards and caused the throat injuries that lead to [REDACTED]'s death. [REDACTED] was advised of his rights, which he waived, and denied choking [REDACTED] with anything, to include a nightstick; nor did he see anyone do so. [REDACTED] consented to undergo a polygraph examination to verify the truthfulness of his sworn statement.

b(7)(c)(5)

b7c5

Following [REDACTED] examination it was determined insufficient criteria was present to form a conclusive decision regarding his truthfulness. During the interview, [REDACTED] as

025336

00 474

EX 71

[Redacted] b7c1

[Redacted] b7c5

very argumentative and confrontational. He continued to deny seeing anyone choke [Redacted] and terminated the interview.

b(7)(C)(4)

D: YES

E: YES

F: YES

G: YES. [Redacted] 4 Jun 04

H: YES. [Redacted] on 16 Jun 04 at Ft Carson, CO, NO, QC Pending

I: YES

J: CRC NAME CHECK HAS NOT BEEN CONDUCTED

[Redacted] b7c5

b7c1

3. CID REPORTS ARE EXEMPT FOR AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS UP CHAPTER 4, AR 25-55.

025337

00 475

Office Mailbox - MAILCICP

From: Office Mailbox - MAILCICP

Sent: Thursday, June 17, 2004 7:27 AM

To: [REDACTED] (E-mail)

Cc: [REDACTED] (E-mail)

Subject: POLYGRAPH AUTHORIZATION FOR [REDACTED]

b7c1

b7c5

UNCLAS

SUBJECT: POLYGRAPH AUTHORIZATION 04-1094

REF YOUR MSG 16 JUN 04, SUBJ AS ABOVE, THE EXAM OF [REDACTED] IS AUTHORIZED, THIS DATE 16 JUN 04. NO RECORD OF PRIOR CRIMINALITY CONTAINED ON FILE AT CRC.

//SIGNED//

[REDACTED]
DIRECTOR, CRC

b7c1



025338

04-1154

SUBJ: REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAM

A: DOD DIR 5210.48, DTD 24 DEC 84

B: DOD REG 5210.48R, DTD 24 JAN 85

C: AR 195-6, DTD 29 SEP 95

Approved
25 Jan 04

b7c5

1. REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAMINATION OF:
[REDACTED] SPC [REDACTED] AVIM Troop Support Squadron, 3rd ACR, Fort Carson,
CO 80913; [REDACTED]

2. THE FOLLOWING INFORMATION IS PROVIDED:

A: Negligent Homicide

B: 0009-04-CID679-83486- 5H1(SA [REDACTED] b7c1

C: Investigation thus far has revealed Mr (LTC) [REDACTED]

b7c4

[REDACTED] detainee number [REDACTED] was detained on 4 Jan 04. After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, Mr [REDACTED] was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. Mr [REDACTED] refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. Mr [REDACTED] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after Mr [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered Mr [REDACTED] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived on scene and checked for signs of life which met with negative results. Mr [REDACTED] was pronounced deceased at 0900, 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of Mr. [REDACTED] by Dr (CDR) [REDACTED] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. Mr. [REDACTED] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [REDACTED] opined the blunt force injuries present on the upper body of Mr. [REDACTED] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [REDACTED] was asked if Mr [REDACTED] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr [REDACTED] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [REDACTED] Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] admitted to striking and kicking Mr [REDACTED] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [REDACTED] SPC [REDACTED] admitted to kicking Mr [REDACTED] in the chest while his hands were bound during his apprehension when he refused to stop

4 MR
-b(2)(C)
(4)

b7c2

b7c5

025339

00 477
EX 72

6(7)(c)(4)

talking. On 9 Jan 04, SGT [REDACTED] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on Mr [REDACTED]'s abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related Mr [REDACTED] had been in custody for approximately 1 week and he was aware that SFC soldiers had interrogated him. [REDACTED] went on to state about 2300, 8 Jan 04 he observed Mr [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, Mr [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED]. While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, Mr [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed Mr [REDACTED]. SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued Mr [REDACTED]. SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed Mr [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] Maintenance Troop Support Squadron, 3rd ACR and [REDACTED] who apprehended and returned him to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR placed Mr [REDACTED] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. Mr [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered Mr [REDACTED] not breathing. Mr [REDACTED] was interviewed and confirmed SGT [REDACTED] statement. On 8 Jun 04, [REDACTED] was advised of his rights, which he waived and provided a sworn statement in which he stated after Mr [REDACTED] attempted to escape, PFC [REDACTED] S&T Troop Support Squadron, 3rd ACR choked Mr [REDACTED] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking" [REDACTED] stated the other person present during the incident besides himself and [REDACTED] was SPC [REDACTED] denied that he caused any of the injuries to Mr [REDACTED] and stated he was being truthful as to what he was reporting about PFC [REDACTED]. SPC [REDACTED] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked Mr [REDACTED] with a night stick, or that he slapped him. SPC [REDACTED] subsequently stated he wanted to speak with an attorney. SPC [REDACTED] was advised of his rights, which he waived and denied he ever saw [REDACTED] choke or slap Mr [REDACTED]. Mr [REDACTED] did have his Hyoid bone broken. [REDACTED] was offered and has accepted the opportunity to undergo a polygraph examination to verify the truthfulness of his statement.

D: YES

E: YES

F: YES

G: YES [REDACTED] Approval # 04-1067, dtd 14 Jun 04; [REDACTED], Approval # 04-1094, dtd 16 Jun 04).

H: YES, [REDACTED] by [REDACTED] on 16 Jun 04, INC, QC pending; [REDACTED] by [REDACTED] on 16 Jun 04, No Opinion, QC Pending).

I: YES

Declined testing

025340

00 478

all b7cs

J: CRC NAME CHECK HAS NOT BEEN CONDUCTED.

3. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS UP CHAPTER 4, AR 25-55.

025341

00 479

Office Mailbox - MAILCICP

From: Office Mailbox - MAILCICP

Sent: Monday, June 28, 2004 7:20 AM

To: [REDACTED] (E-mail) *b7c*

Subject: POLYGRAPH AUTHORIZATION FOR [REDACTED] 04-1154 *b(2)(c)(5)*

UNCLAS

SUBJECT: POLYGRAPH AUTHORIZATION 04-1154 *b7c*

REF YOUR MSG 25 JUN 04, SUBJ AS ABOVE, THE EXAM OF [REDACTED] IS AUTHORIZED, THIS DATE 25 JUN 04. NO RECORD OF PRIOR CRIMINALITY CONTAINED ON FILE AT CRC.

//SIGNED//

[REDACTED] *b7c*
CHIEF, POLY DIV

025342

POLYGRAPH EXAMINATION STATEMENT OF CONSENT

LOCATION: FORT CARSON, CO

DATE: 30 JUN 04

TIME: 0917

FILE NUMBER: 0009-04-CID679-83486 - 5H1

NAME: [REDACTED] SSAN: [REDACTED]

GRADE/STATUS: SPC

DATE AND PLACE OF BIRTH: [REDACTED]

ORGANIZATION OR ADDRESS: AVIM TROOP SUPPORT SQDN, 3RD ACR, FORT CARSON, CO, 80913

b7c1

STATEMENT OF CONSENT

In the presence of the witness(s) whose signature(s) appear below, my rights, as specified on DA Form 3881 (completed copy attached), have been explained to me by [REDACTED] who informed me that he/she is a polygraph examiner of the United States Army. I have been advised that this polygraph examination statement of consent is being completed in connection with: False Swearing regarding Negligent Homicide

b7c5

In conjunction with explaining the nature of the polygraph examination, I have been told:

- a. that should I refuse to undergo a polygraph examination, no adverse action may be taken against me based solely on my refusal.
- b. that I have the right to talk privately with a lawyer before, during and after the instrument portion(s) of the polygraph examination.
- c. that the examination area is equipped with a two-way mirror or observation device.
- d. that the examination will be monitored/recorded. [REDACTED]
- e. that questioning may occur before, during and after the instrument portion(s) of the polygraph examination.
- f. that anything I say or do during the polygraph examination may be used against me in any administrative, military or judicial proceedings.
- g. that the polygraph examination will not be conducted without my voluntary consent and even though I am now giving my consent, I can withdraw it at any time and the examination will be stopped.

Understanding my unqualified right to refuse, I [REDACTED] hereby this date of my own free will, consent to undergo a polygraph examination. I have not been threatened, coerced, unlawfully induced or promised anything in conjunction with my consent to undergo a polygraph examination.

b7c5

Witness# 1

[REDACTED]
Signature of Witness

b2

b7c1

Witness# 2

[REDACTED]
Signature of Witness

[REDACTED]
Signature of [REDACTED]

11th Military Police Battalion (CID)
Fort Hood, TX 76544

DA Form 2801-E

FOR OFFICIAL USE ONLY

025343

00 481

EX 73

04-1284

UNCLAS FOUO

SUBJ: REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAM

A: DOD DIR 5210.48, DTD 24 DEC 84

B: DOD REG 5210.48R, DTD 24 JAN 85

C: AR 195-6, DTD 29 SEP 95

Approved
2004 04
b7c1-

1. REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAMINATION OF:

b7c5 [REDACTED] SGT, [REDACTED] Maint Troop, Supt Sqdn 3rd ACR, Fort Carson, CO, 80913, [REDACTED]

2. THE FOLLOWING INFORMATION IS PROVIDED:

A: Negligent Homicide

B: 0009-04-CID679-83486- 5H1(SA [REDACTED] SA [REDACTED])

C: Investigation thus far has revealed Mr [REDACTED]

detainee number [REDACTED] was detained on 4 Jan 04. After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base, Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, Mr [REDACTED] was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. Mr [REDACTED] refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. Mr [REDACTED] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after Mr [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered Mr [REDACTED] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived on scene and checked for signs of life which met with negative results. Mr [REDACTED] was pronounced deceased at 0900, 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of Mr. [REDACTED] by Dr (CDR) [REDACTED] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. Mr. [REDACTED] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [REDACTED] opined the blunt force injuries present on the upper body of Mr. [REDACTED] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [REDACTED] was asked if Mr [REDACTED] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr [REDACTED] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SFC [REDACTED] Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] all assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [REDACTED] SFC [REDACTED] and SSG [REDACTED] admitted to striking and kicking Mr [REDACTED] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [REDACTED] SFC [REDACTED] admitted to kicking Mr [REDACTED] in the chest while his hands were bound during his apprehension when he refused to stop

b7c5

b7c4

b7c1

(2)(c)
(4)

b7c2

b7c5

025344

EX 75 00 482

6(7)(c)(4)

talking. On 9 Jan 04, SGT [REDACTED] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on Mr [REDACTED] abdomen between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED] 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related Mr [REDACTED] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him [REDACTED] went on to state about 2300, 8 Jan 04 he observed Mr [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, Mr [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED]. While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED]'s sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, Mr [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed Mr [REDACTED]. SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued Mr [REDACTED]. SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed Mr [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] and [REDACTED] who apprehended and returned him to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR placed Mr [REDACTED] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. Mr [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered Mr [REDACTED] not breathing. When [REDACTED] was interviewed, he stated that he placed a gag into the mouth of [REDACTED] but he denied that he choked [REDACTED]. [REDACTED] further maintained that he never put his hands around [REDACTED] throat in order to choke [REDACTED] and he denied seeing anyone else choke [REDACTED]. [REDACTED] was interviewed and confirmed SGT [REDACTED] statement. On 8 Jun 04, [REDACTED] was advised of his rights, which he waived and provided a sworn statement in which he stated after Mr [REDACTED] attempted to escape, PFC [REDACTED] S&T Troop Support Squadron, 3rd ACR choked Mr [REDACTED] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking". [REDACTED] stated the other person present during the incident besides himself and [REDACTED] was SPC [REDACTED]. [REDACTED] denied that he caused any of the injuries to Mr [REDACTED] and stated he was being truthful as to what he was reporting about PFC [REDACTED]. SPC [REDACTED] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked Mr [REDACTED] with a night stick, or that he slapped him. SPC [REDACTED] subsequently stated he wanted to speak with an attorney. SPC [REDACTED] was advised of his rights, which he waived and denied he ever saw [REDACTED] choke or slap Mr [REDACTED]. Mr [REDACTED] did have his Hyoid bone broken. 6(7)(c)(4)

It is suspected that [REDACTED] either choked [REDACTED] or else he saw someone else choke [REDACTED] which ultimately contributed to the death of [REDACTED]. [REDACTED] denied choking [REDACTED] or of knowing who did. [REDACTED] was offered and [REDACTED] the opportunity to undergo a polygraph examination to verify the truthfulness of his statement.

"MR." =
6(7)(c)(4)
(4)

6(7)(c)(4)

6(7)(c)(4)

- D: YES
- E: YES
- F: YES

all b7c's

025345

G: (YES, [redacted] Approval #04-1067, dtd 14 Jun 04, [redacted] Approval #04-1094, dtd 16 Jun 04; [redacted] Approval 04-1154, dtd 25 Jun 04)
H: YES, [redacted] by [redacted] on 16 Jun 04; INC; QC Unknown; [redacted] by [redacted] on 16 Jun 04; QC Unknown, [redacted] by [redacted] on 30 Jun 04; Pre-test admission that he did not see [redacted] choke [redacted]; NO; QC Complete) b7c1

I: YES

J: CRC NAME CHECK HAS NOT BEEN CONDUCTED.

3. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS UP CHAPTER 4, AR 25-55.

MFA: The exam of [redacted] WAS QC SAT on 28 Jun 04. [redacted] continued to deny any wrongdoing & terminated the interview. The exam of [redacted] WAS QC SAT on 13 Jul 04. [redacted] Refused TESTING & terminated the interview

7/20/04

-b7c1

except when intel

b7c5

RAM

025346

00 484

Office Mailbox - MAILCICP

From: Office Mailbox - MAILCICP

Sent: Wednesday, July 21, 2004 10:18 AM

To: [REDACTED] (E-mail) b7c1

Cc: [REDACTED] (E-mail)

Subject: POLYGRAPH AUTHORIZATION FOR [REDACTED] 04-1284

UNCLAS

SUBJECT: POLYGRAPH AUTHORIZATION 04-1284

REF YOUR MSG 20 JUL 04, SUBJ AS ABOVE, THE EXAM OF [REDACTED] IS AUTHORIZED, THIS DATE 20 JUL 04. NO RECORD OF PRIOR CRIMINALITY CONTAINED ON FILE AT CRC.

//SIGNED//

[REDACTED]
DIRECTOR, CRC

b7c1

025347

00 485

7/21/2004

UNCLAS FOUO

04-1333

SUBJ: REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAM

A: DOD DIR 5210.48, DTD 24 DEC 84

B: DOD REG 5210.48R, DTD 24 JAN 85

C: AR 195-6, DTD 29 SEP 95

Approved
28 Jul 04

b7c

1. REQUEST FOR AUTHORITY TO CONDUCT POLYGRAPH EXAMINATION OF:
[REDACTED]; SPC; [REDACTED]; S&T TRP, SUPT SQDN, 3RD ACR, FORT
CARSON, CO, 80913; [REDACTED]

2. THE FOLLOWING INFORMATION IS PROVIDED:

A: Negligent Homicide

B: 0009-04-CID679-83486- 5H1(SA [REDACTED] SA [REDACTED])

C: Investigation thus far has revealed Mr (LTC) [REDACTED]

b2
b7c

b(7)(c)(4)

b7c

b7c

b7c 2

b7c

detainee number [REDACTED] was detained on 4 Jan 04. After he was detained, he was placed in an isolation cell located in the Detention Facility, Forward Operation Base (FOB), Rifles Base Al Asad, IRAQ at the direction of Operation Detachment Alpha (ODA), who wanted to question him. Sometime between 4 and 8 Jan 04, [REDACTED] was questioned at least two times by members of the ODA. About 0730, 9 Jan 04, guards at the detention facility ordered all prisoners to stand as punishment for talking. [REDACTED] refused to stand and after several warnings, he was shackled to the top of the door frame in order to compel him to continue standing. [REDACTED] was then gagged as he continued to try to talk to other prisoners. About 5 minutes after [REDACTED] was gagged and shackled, guards noticed his eyes were closed and he was slumped over hanging from the shackles. Guards went to the cell and discovered [REDACTED] was not breathing at which time they took him down from the door frame and removed the gag from his mouth. After no pulse was noticed, medical attention was sought. At approximately 0815, 9 Jan 04, medics arrived on scene and checked for signs of life which met with negative results. [REDACTED] was pronounced dead at 0900, 9 Jan 04. On 11 Jan 04, a forensic autopsy was performed on the remains of [REDACTED] by Dr (CDR) [REDACTED] Office of the Armed Forces Medical Examiner at Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. [REDACTED] suffered multiple blunt force injuries to his upper body to include the fracturing of most of his ribs and multiple fractures to some of his ribs. Dr [REDACTED] opined the blunt force injuries present on the upper body of [REDACTED] were consistent with a beating and the bruises appeared to be a couple of days old. The cause of death was determined to be blunt force injuries and asphyxia. The manner of death was determined to be a homicide. Dr [REDACTED] was asked if [REDACTED] would have been able to hide his injuries for several days at which time he stated it was possible, but unlikely. Dr [REDACTED] stated there should have been some outward signs of injury, such as labored breathing and that he had died most likely from a combination of his injuries as well as from having been gagged and forced to stand. The ODA members were subsequently identified as SPC [REDACTED], Air Defense Artillery (ADA) Battery, 1/3 Armored Cavalry Regiment, Fort Carson, CO (FCCO); SFC [REDACTED], SFC [REDACTED] and SSG [REDACTED]. All assigned to B Company (Co), 1st Battalion (Bn), 5th Special Forces Group (SFG), Fort Campbell, KY (FCKY). SFC [REDACTED], SFC [REDACTED] and SSG [REDACTED] admitted to striking and kicking [REDACTED] numerous times in the mid section and ribs on 6 Jan 04 during their interrogation in an attempt to subdue him when he assaulted SFC [REDACTED]. SPC [REDACTED] admitted to kicking [REDACTED] in the chest while his hands were bound during his apprehension when he refused to stop talking. On 9 Jan 04, SGT [REDACTED] AVIM Troop, Support Squadron, 3rd ACR related he noticed bruising on [REDACTED]'s abdomen

b(7)(c)(4)

025349

EX 78 00 487

between 2000 and 2200, 8 Jan 04. On 9 Jan 04, SPC [REDACTED], 2133rd Transportation (Trans) Co, Iowa Army National Guard was interviewed and related [REDACTED] had been in custody for approximately 1 week and he was aware that SFG soldiers had interrogated him. [REDACTED] went on to state about 2300, 8 Jan 04 he observed [REDACTED] with his shirt off and noticed several dark bruises on his upper body. According to SSG [REDACTED] 2133 Trans Co, Iowa Army National Guard who was the supervisor of the guard shift between 0001 and 0400, 9 Jan 04, [REDACTED] attempted to escape at approximately 0215. SSG [REDACTED] related he was subdued by SPC [REDACTED]. While being returned to his cell, SSG [REDACTED] stated he noticed large bruises on [REDACTED] sides and he was moving very slowly and appeared to be experiencing difficulty with all of his movements. SPC [REDACTED] was subsequently interviewed and rendered a sworn statement detailing on 8 Jan 04, [REDACTED] was complaining his zip tie handcuffs were cutting off the circulation to his hands. SPC [REDACTED] removed the cuffs, bandaged the abraded injury and recuffed [REDACTED]. SPC [REDACTED] further related that while trying to escape later on during his shift, he subdued [REDACTED]. SPC [REDACTED] S&T Troop Support Squadron, 3rd ACR related while working as a guard between 0001 and 0400, 9 Jan 04, he witnessed [REDACTED] attempt to escape at which time he alerted SGT [REDACTED] Maint Trp, Supt Sqdn, 3rd ACR, Ft Carson, CO and [REDACTED] who apprehended and returned [REDACTED] to his isolation cell. SGT [REDACTED] related he and SPC [REDACTED] placed [REDACTED] in his shackles when he refused to stand as a punishment for continuing to talk after being told to stop. [REDACTED] was shackled to the top of the door of his cell in such a way to force him to stand and when he refused to stop talking he and [REDACTED] gagged him. SGT [REDACTED] related approximately 5 minutes later he discovered [REDACTED] not breathing. When [REDACTED] was interviewed, he stated that he and [REDACTED] placed a gag into the mouth of [REDACTED] but he denied that he choked [REDACTED] and he denied seeing anyone else choke [REDACTED]. On 8 Jun 04, [REDACTED] was advised of his rights, which he waived and provided a sworn statement in which he stated after [REDACTED] attempted to escape, PFC [REDACTED], S&T Troop Support Squadron, 3rd ACR choked [REDACTED] with a police style baton for approximately 10 to 15 seconds, slapped him in the face with an open hand and yelled at him "What the fuck were you thinking". [REDACTED] stated the other person present during the incident besides himself and [REDACTED] was SPC [REDACTED] denied that he caused any of the injuries to [REDACTED] and stated he was being truthful as to what he was reporting about PFC [REDACTED]. SPC [REDACTED] was subsequently advised of his rights which he initially waived and provided a verbal statement denying that he choked [REDACTED] with a night stick, or that he slapped him. SPC [REDACTED] subsequently stated he wanted to speak with an attorney. SPC [REDACTED] was advised of his rights, which he waived and denied he ever saw [REDACTED] choke or slap [REDACTED]. During the autopsy of [REDACTED] medical personnel reported that [REDACTED] did have his Hyoid bone broken.

It is suspected that [REDACTED] either choked [REDACTED] or else he saw someone else choke [REDACTED] which ultimately contributed to the death of [REDACTED]. [REDACTED] has denied choking [REDACTED] or of knowing who did. [REDACTED] was offered and has accepted the opportunity to undergo a polygraph examination to verify the truthfulness of his statement.

- D: YES
- E: YES
- F: YES

G: (YES) [REDACTED] Approval #04-1067, dtd 14 Jun 04; [REDACTED] Approval #04-1094, dtd 16 Jun 04; [REDACTED] Approval #04-1154, dtd 25 Jun 04; [REDACTED] Approval #04-1284; 20 Jul 04)
H: YES. [REDACTED] by [REDACTED] on 16 Jun 04; INC; QC complete; [REDACTED] by [REDACTED] on 16 Jun 04; QC complete; [REDACTED] by [REDACTED] on 30 Jun 04; Pre-test admission that he did not see [REDACTED] choke [REDACTED] NO; QC Complete; [REDACTED] by [REDACTED] on 27 Jul 04; .DI. [REDACTED] stated he

b7c1

025350
except where noted
b7c5

b(7)(c)(4)
might have accidentally injured [REDACTED] S throat but denied choking him or striking his throat; QC
not completed)

I: YES

J: CRC NAME CHECK HAS NOT BEEN CONDUCTED.

3. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE
MARKINGS UP CHAPTER 4, AR 25-55.

025351

00 489

Office Mailbox - MAILCICP

From: Office Mailbox - MAILCICP

Sent: Wednesday, July 28, 2004 8:10 AM

To: [REDACTED] (E-mail)

> b7c1

Cc: [REDACTED] (E-mail)

Subject: POLYGRAPH AUTHORIZATION FOR [REDACTED] 04-1333

b7c5

UNCLAS

SUBJECT: POLYGRAPH AUTHORIZATION 04-1333

REF YOUR MSG 27 JUL 04, SUBJ AS ABOVE, THE EXAM OF [REDACTED] IS AUTHORIZED, THIS DATE 28 JUL 04. NO RECORD OF PRIOR CRIMINALITY CONTAINED ON FILE AT CRC.

//SIGNED//

[REDACTED]
CHIEF, POLY DIV

b7c1



255352