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

- 6. Operation Thunder Payback- At first glance the name of the operation is ominous sounding. Visions of "take no prisoners speeches" are easy to see. However, nowhere in the Squadron OPORD in either the Mission Statement or CMDrs Intent does it make mention of "payback" or "revenge" for the death of Fox 6 even thought it is obviously implied in the name of the operation(exhibit13). I attempted to get an idea of the way the troops were briefed and what their role was in this operation by question 3 on my questionnaire that I gave out to some of the soldiers interviewed. What I concluded from that is that both the MPs from 1st Plt and 2nd Plt were under the same understanding as to the reasons for the raid(get the guys who killed Fox 6) and the behavior to be taken(same as any other raid, no special treatment). What I was looking for was some type of "motivational" speech which may have led me to believe that command wanted "special" treatment for these guys if caught. I found nothing of the sort(exhibit XIV). In fact, h3r6-) the leader of the raid and a personal friend of FOX 6, went up to the detainee captured who was suspected of masterminding the attack after he was put in the vehicle and said his peace to him without raising his voice or any physical act then went about his business(exhibit XII). By all accounts, this raid was conducted in a professional manner.
- 7. Treatment of detainees-Based on the answers to my questionnaire and to my questions I am comfortable that our soldiers to have a better than average knowledge of and understanding of why detainees need to be treated humanely.
- refusal to waive rights, fill out a sworn statement or answer questionnaire- After requested to speak with an atterney after being read his rights waiver I was immediately suspicious. informed me at the chow hall the text day that I could still ask h questions and that he could answer me willingly if he wished and that he ind not have to answer anything he did not want to informed to of this and he agreed to listen to my questions and under tood he only needed to answer ones he felt comfortable with. h did in fact anwer my questions and his answers bolstered the case in his defense as well as and further convinced me that a personality clash with was the catalyst which caused this to roll forward, not actual intressed mistreatment of detainees. It turns out was worried about the effect of things and hence, his desire to speak to an attorney. If a thing, h should be commended for his concern for the welfare of the detainees by being willing to tell his own soldies not to kick the detrinees without evidence that they were and by being willing to k osen the zip des of a detainee when he complained about their being too tight.

67r6-2 6-6.5 6-6.4

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08/10/03

Section V Recommendations

 While no wrongdoing was committed and subsequently, no grounds for further investigation or punishment is in order, the proper treatment of detainees is still something that we, as MPs need to make sure we are above reproach on. I believe that this situation can be used to reinforce the importance of correct treatment of detainees. While there is not evidence of any type of systemic problem, I believe that a mandatory 15 minute discussion/question answer session at squad level and above and overseen by an E-7 or above would help to reinforce the importance of, and correct procedures for treating detainees humanely. It is like continuing education for us. Plus, It would keep us sharp so we can help educate other soldiers on correct treatment of detainees. Two soldiers brought up in their answers that they had witnessed other 3ACR soldiers "mistreating" (subjective word)(specific instance not recalled) detainees. While the word is subjective, it is still a good thing for our soldiers to be up on proper treatment so they can spot check other soldiers if the need arises. It needs to be noted that if this recommendation is adopted that all soldiers know that it does not imply wrongdoing on the part of 2nd platoon soldiers, just that the situation brought to the company's attention the continuing importance of this subject.

2. All Soldiers involved in the incident need to sit down as soon as possible to discuss the situation. What they saw, what they perceived and the reasons for it. We cannot afford to have any bad blood between platoons. I would say all soldiers involved in all or part of the situation should be there:

Preferably, as much of first and second as possible as most soldiers know what is going on and it's better for as little speculation as possible to take place. I think this all would have been avoided if this was done after the raid at an AAR and and an and the speculation out. Also had willingly offered to go with the totalk to talk to the speculation when the second as possible as most soldiers.

Instead, soldiers went their separate ways and tempers seethed.

3. Soldiers need to briefed on the importance of perception. What they do and how others may look at it and what the effects may be. They also should be briefed on the importance of analyzing before jumping to conclusions and attempt to look at situations which they themselves are involved in like an objective third party. This applies particularly to as his heart was in the right place but he allowed himself to get a bit carried away. Also, the soldiers that overheard, and anything, he would not have heard anything. While he committed not wrongdoing, did not need to make the statement about speaking one sentence in English (He should not be singled out). However, this should also be spoken about in the treatment of detainee Q&A session. If you say only

what is absolutely necessary, not what you want to, you can't go wrong.

63+6-2 66-5,66-4

DA form 1574 Section III Explanation Sheet

Ala & Ale- The letter of Appointment is not numbered with a Roman numeral. Also, the privacy act statements and rights warning statements are not together but rather separated individually as the first page of the statement of each soldier interviewed.

consecutively with Roman numerals.

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

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01 August 2003

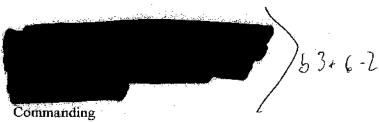
MEMORANDUM FOR

94th Military Police

Company, APO AE 09302-1343

SUBJECT: Appointment of Investigating Officer

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



Itemized List of Evidentiary Exhibits

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

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DATA REQUIRED BY THE PRIVACY ACT OF 1974

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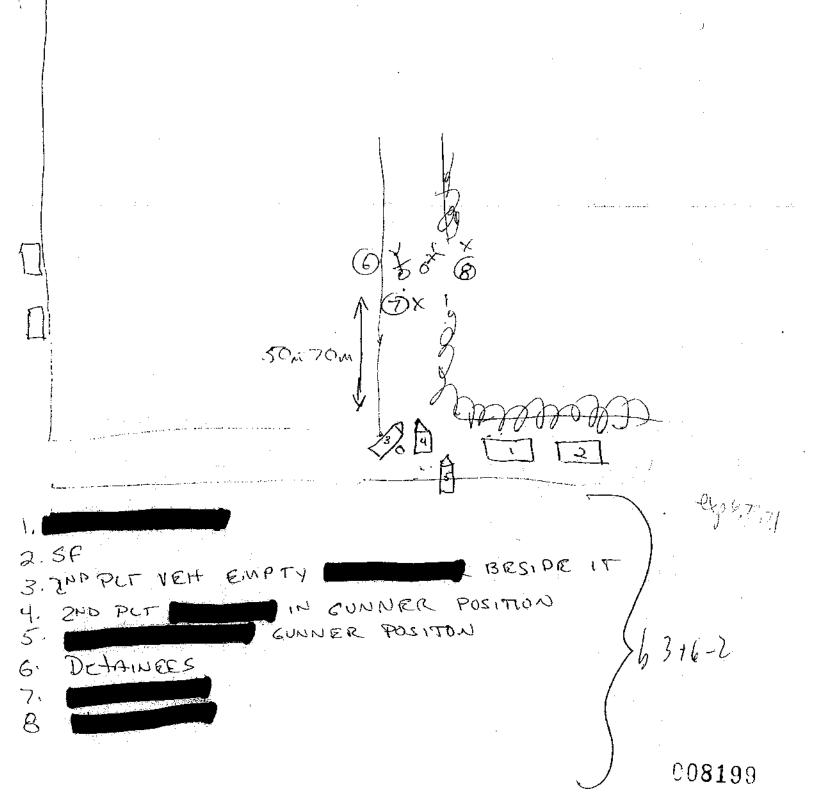
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DATA REQUIRED BY THE PRIVACY ACT OF 1974

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AUTHORITY: Title 10 USC Section 301;	Title 5 USC Section 2951; E.D. 9397		(SSN).		i
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PAGE 3, DA FORM 2823, DEC 1998

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INITIALS OF PERSON MAKING STATEMENT

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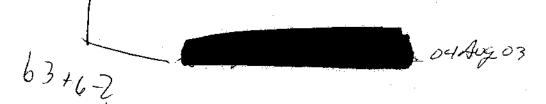
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DA FORM 2823 JUL 72

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ITIALS OF PERSON MAKING STATEMENT			PAGE 2 OF 2	PAGES
GE 3, DA FORM 2823, DEC 1998		·		USAPA V1.00



DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

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

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

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

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

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

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

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		SWORN STATEMENT			
	For use of this for	m, see AR 190-45; the proponent agency	is ODCSOPS		
		PRIVACY ACT STATEMENT			
THORITY: Title 1	O USC Section 301; Title 5 USC Section	1 2951; E.O. 9397 dated November 22, 1	1943 <i>(SSN)</i> .		
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	63+6-2 PAGE 2 OF 2 PAGES	
PAGE 2 DA EDRAM 2822 DEC 1002	USAPA V	1,020



RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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AUTHORITY: Title 10, United States	· · · · · · · · · · · · · · · · · · ·
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AUTHORITY:	Title 10 USC Section 3	O1; Title 5 USC Section 2951;		ber 22, 1943 (SSN).	·
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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 PUAPOSE: 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. IFIES WEST BISE, TRACE RT 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 bout the following offensets) of which I am Before he/she asked me any questions about the offensets), however, he/she made it clear to me that I hav 1. + do not have to answer any question or say anything. 2. Anything tisavidride dan betased as evidence against mei in a criminal trial. His in the commendation of the commendation o 3. * IFor personnel subject othe UCMJ - I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during quastioning. 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. (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. Sight Here but Did in Mil Section B. Waiver I understand my lights 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 NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE NAME (Type or Print) ORGANIZATION OF INVESTIGATOR ORGANIZATION OR ADDRESS AND PHONE 94 Th miliTary Police 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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

TEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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

63+6-7

49.630-1

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

admit to talking to them as he was walking back and fort as security. He did make the statement that they(soldiers) would listen to them as long as they completed a sentence in English. He seemed very and did not feel that any soldiers did anything wrong.

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

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

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

63+6-2

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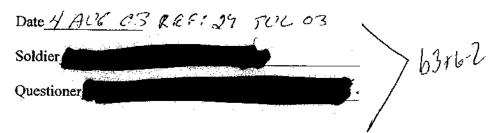
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ARE NON-RESPONSIVE AND HAVE BEEN REMOVED





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

YES, I WAS THE GUNNER FOR 154 PLT, 3RD SQD, SCT

STEAM 3-C.

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability. YES, PERSONNE CAPTURED BY KILLER TROOP WERE TO BE SECRECATED, AS PER 5-5'S / ALSO MALKED ON BACK OF THE LEFT HAUD WITH MACIC MARKER. AS TO WHICH / HOUSE OR LOCATION DETRINED.

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

() SEPERATE WEMEN AND CHILDREN

(1) ZIP TIE MEN OF MILITARY ACE, AND MARK THEM WITH

LOCATION DETRINED (SER REVERSE) # 1

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no? THE RAID YES THE INDIVIDUALS WERE WHO WERE CAUGHT HIDING, NO, (THREE) INDIVIDUALS WERE CAUGHT BY 2ND PIT THEY WERE ZIP TIED, AND PUT IN THE PROBLE POSITION, AFTER APPROXIMATIEY 30 MIN. ONE WAS I.D. MITTHEN NOMBER ONE NAME OF THE RAID CIST FOR THAT MISSION Have you ever seen other soldiers treating detaineds in a way you consider to be

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where? NO, BUT I HAVE SEEN THE 3 ED/380 ACR, KILLER, GRIM, AND MAD DOG TROOPS BY OUTTON AFFRESSIVE, AND UNPROPESSIVAL IN THE HAD DELING OF CIVILIANS AT CHECK POINTS.

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

Briefed NOT TO MY RECOLITION!

(B) GENEVACOUSENTION, TO SAFE GUARD AND

PROTECT DETAINESS WHILE IN YOUR CUSTEDY

TO PREVANT DAY HARM FROM CIVILIAN, OF MILTORY

PRISONNEL.

IF THEO HIER KITURU FEIKEN OUCE BULLDENG LUCIE CLEARED PANEL MARKER WOULD BE HUNG SOT-

THE NOWISSE ONE NAMED INDIVIOUS WAS REMOVED TWO MULITARY POLICEMEN, WERR LEFT TO COARD THE TWO REMAINING DETAINERS AT THIS TIME & MP LATER I.D. WAS REPORTATION WALKING BECURETT , AND WAS WATEHING THE A MP LETTER TID. HS TO BE KICKING Dininers. I precioued THE DETAINIER OF THE ROAD, BUT AS IT TURNED OUT THE WAS USING HIS LEFT TOOT TO HOLD THE DETRINER IN PLACE, IT REPEASE THAT HE HELD THE DEPAINER BY PLACING HIS FOOT (N: A) SMALL OF HIS BACK B) HEAD

e) NECK

I COULD NOT SEE THE DETAINER, STRUERLING, WORL COOLDD I HEAR THE DETAINER TO BELIEVE THERE WAS NO JUSTIFABLE REASON FOR

Pry 16,70,7

Date 04 AV62003
Soldier
Questione
Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 03 and if the answer is yes, what was your involvement?
and witnessed and metassed and and seeing aggressively
Did your higher command at this or any other time issue any directive on the way
captured personnel are to be treated and if so, explain to the best of your ability. most of the briefings I have been to commanders do not go into
specifics of detained handling except & with regard to paperwork and soldier safety (i.e. zipties, searching, etc.) They did martion 5 5's
Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and have did that offers were a fixed?
my mf chain of command has directed us to treat detainers as professional police should, it, no excessive force, no verbal abuse, respect for
ther forson, 5 5's.
Do you believe that the actions you took or witnessed were justified and appropriate and
wo, I believe it demonstrates poor professionalism and further, US forces are supposed to set the example, Acting in this manner only makes us more like Saddan's Regime.
forces are supposed to set the example, Acting in this manner only
Have you ever seen other soldiers treating detainings in a year you consider to be
Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where?
yes, several TCP's with 3/3 squadron, not sust dotarrees but Iragi nationals who were just powing than a TCP.
What is your understanding of the Geneva Conventions in regard to treatment of
prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this tonic?
yes, we have been briefed. The Greneva Convention has very
prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic? yes, we have been breefed. The breneva Convention has very specify guidelines for the dreatment of prisoners, which verolves around respect for human rights and the rights of the individual.
verolves aroma respect for many ights and eve
rights of the man contin.



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

Yes, I aided in The search pend grant of cle tainers.

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

Yes, to trend them IAW the General Conventions, humanly, and with the least amount of force we cissing inorder to achieve the goal of restrainty via flex coffs, seniching for evidence, and beeping the area as and mass pessible. Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions? No. We have along a been faight to treat the cleaning that the read was to Catch the Killer of Fox 6. That did not affect my his book, lacted as directed and previously described.

Do you believe that the actions you took or witnessed were justified and appropriate and based on your anwer, why yes or no? Yes, I used minimum levels of Gree to a chieve Ke desired goal, keeply in mind my surroundings, and possible saftey risks stemmy from possible actions.

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where? No.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic? The Geneval Conventions say we never howavely freal all detainers. Search and confiscate only material with possible intellegence, or danger. Provide tem with food, nater, and my saffery equipment trey came with I may situation the detainers were treated fair and humane using minimum force to achieve goals, there confort was taken into consideration and moved to a safer More comfortable location (the rehidle) as soon as practically possible. Its the leader drip of 2nd 111. has frequently bristed as an Detainer Policy.

Date O4Aus C3	63+6-2
Soldier	<u> </u>
Questioner 1	

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

yes, Gunner pulling security Aprex + 50 METERS
from the Alleged incident

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

Sence Rules of New Abuse of Detaines at the Time of the incident, Hothing Needed to Be said, the Soldiers pio Not Abuse the Detaines the Rules and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions?

Were given THE BASIC Speach given Before ALL RAIDS, Be SAfe, Don't muzzle move detaines swetty And safely - for their safty and ours. The REASON-COR THE RAID WAS TO CAPTURE THOSE RESPONSIBLE TOR AN IED ATTACK, IT didn't CHANSE THE WAY I REACTED EVERY RAID IS DONE AS SAFELY AS POSICIED DO you believe that the actions you took or witnessed were justified and appropriate and based on your anwer, why yes or no?

yes, ABSOLUTELY, NO ABUSE OF DETAINES EVER TOOK PLACE, THEIR MOVEMENT WAS LIMITED FOR THEIR SAFTY AS WELL AS THE SAFTY OF WEARBY SOLDIERS

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

no object

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

My understanding is detained are to be treated Humanily and with Dignity. No physical abuse is allowed once Detained, passed what is needed to safely secure them.

Yes, as an inp, I have be Briefed many Times on the expected treatment of Detaines

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

AFZC-RCO (640a)

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

CPT, AR

SUBJECT: Acknowledgement of Receipt for Administrative Reprimand

1. I acknowledge receipt of the subject administrative memorandum of reprimand.

2. I do to not elect to submit matters in my behalf. If matters are submitted, they are attached as enclosures.



DEPARTMENT OF THE ARMY

HEADQUARTERS, 3d SQUADRON, 3d ARMORED CAVALRY REGIMENT FORT CARSON, COLORADO 80913

AFZC-R-K-CO

18 July 2003

MEMORANDUM FOR HEAD (Headquarters and Headquarters Troop.)3/3 ACR, 5/6)-2. FOB Eden, Iraq, APO AE 09320-1469

SUBJECT: Duty Appointment for Informal AR 15-6 Investigation

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

- 2. In your investigation, use formal procedures under AR 15-6. You will make findings as to the cause of the accident and recommendations for preventing future occurrences.
- 3. If in the course of your investigation you come to suspect that certain people may have acted inappropriately, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition you must provide them a Privacy Act statement before you solicit any personal information.
- 4. Submit your findings and recommendations to me within 72 hours or notify me if an extension is needed.

FOR THE COMMANDER

CPT, FA
Adjutant

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

AFZ-R-K-CO

21 July 2003

MEMORANDUM FOR: Commander, 3d Armored Cavalry Regiment, Rifles Base, Iraq THRU: Commander, 3d Squadron, 3d Armored Cavalry Regiment, FOB Eden, Iraq 160-5 9 6 SUBJECT: Investigation of the allegations of misconduct against CPT , Commander is at Rifles Base, and is suspended from troop command. Background: has been the commander of for over twelve months. He deployed with the Regiment in support of Operation Iraqi Freedom.

CPT has been deployed to the western part of 3d Squadron's area of operations for the past 60 days. CPT troop has been operating independently, but a majority of their missions have been platoon-sized missions such as presence patrols and traffic control missions. However, has been operating from a forward operating base that includes another troop, the Squadron's Executive Officer, and frequent visits by the Squadron Commander b(6)-5 b. Between 9 and 16 July, conducted a series of missions and reacted to an improvised explosive device (IED) strike that included the inappropriate treatment of detainees. This inappropriate treatment included both physical and verbal actions taken towards detainees that were either already secured or actually already in a detainment facility. The primary events under investigation are detailed below. c. 11 Iraqis and blue Kamaz Trucks detained (on or about 5 July). On approximately 5 and his maintenance team detain between 11-9 people and their 616)-2 July, CPT) b(6)-2 vehicles (SSG) (maintenance team chief, (SSG) apparently hits one of the detainees that are already cuffed (exhibits I-IV). It is used force against a detainee during this incident. On 9 _ 2 16)-5 not known if CPT) both of them having hurt hands. According to SGT these these hand injuries are 6(6)-2 likely the result of some type of boxing or hitting. Moreover, at the time of his visit to the medic, (SSG) claimed that his hand injury was the result of a fall on the way to the latrine (exhibits II-IV). However, in a second questioning SSG admits that the hand injury was the result of hitting a detainee; he admits that he lied to the medic. (exhibit II). d. IED incident (11/12 July). A wheeled vehicle from 4th Platoon, was struck b(6)-5 by an IED on the evening of 11 July 2003. A portion of the troop was dispatched to provide area security at the site of the IED strike; the troop's maintenance section was

tasked to provide recovery support. In the process of securing the site, a driver and occupant of an Iraqi fire truck that was in the area was detained for failing to turn off

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

b(6)-5

- e. Welder Incident (13 July). Two days after the IED strike, it appears that (CPT) b(6)-5 personally focused his actions on trying to find information that could lead to who was involved with the IED strike. (CPT) and and his maintenance section went to b(6)-5 Ar Rutba and falsely led a local welder to believe that he was needed at L Troop's base camp to make some repairs. The welder was taken outside the city and then cuffed and blindfolded (exhibits XVI-XX). CPT directly directly and then cuffed and proceeded to forcefully interrogate him. He had the welder dig a pit; he led the man to believe that he was digging his own grave. Moreover, he had his soldiers stage an attempt to shoot this man; in this mock interruption of a shooting shots were actually fired by CPT the maintenance soldiers. CPT b(6)-5 verbally threatened to kill the man if he would not provide him with information about violence against coalition forces (exhibits XVI-XX).
- white Nissan incident (13 July). In conjunction with the threatening of the welder, a white Nissan that was in the area was apprehended. Eight people were detained in this incident. The driver of the Nissan was separated from the remaining 7 detainees. CPT kicked this driver, and using a captured pistol he fired a round in the vicinity of the driver to scare the remaining seven detainees as to the fate of the driver (exhibits XVI-XX). CPT had the remaining seven detainees released, and b(6)-5 proceeded to threaten the Nissan driver and welder (same location) with the notion that he will give the loaded pistol (captured) to the two men to "sort it out" (exhibits XVI-XX). Eventually CPT releases the welder and keeps the Nissan driver b(6)-5 for at least 24 hours. He uses the Nissan driver to obtain the location of another man's home. CPT and his maintenance team go to a man's home and make b(6)-5 similar threats to kill this man (in front of the man's family) if he does not also provide information (exhibits XVI-XX).

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

g. Jail incident date cannot be confirmed). At some point between 5 and 14 July CPT and SSG to to the Ar Rutba Police Station and attempt to interrogate three men that are detained there. In this incident, at a minimum, CPT and blb SSG white at least one detainee at least two times. Potentially all three detainees were hit by both SSG and and CPT and Exhibits (XVI, XXI, and XX) illustrate that when at least one detainee left the interrogation he was severely beaten in the facial area. Moreover, these exhibits report that both SSG and CPT and CPT bragged about hurting their hands in this incident.

2. Essential facts to consider:

a. CPT consistently uses a baseball ball and his pistol when dealing with both detainees and engaging with the police leadership in Ar Rutbah (exhibits XXIII, XXIV). It is potentially common for CPT to hold a pistol to the head of detainees as he questions them.

b(b)-2 b. (SSG) and only admits to hitting one detained two times in one event (Jail incident). However, exhibit I illustrates at least one other time that b(b)-2, b(b)-3

detainee that is already secured.

6(6)-2,6(0)-5

CPT and SSG to both have pressured soldiers to agree with their actions following the described events. (i.e. exhibit XX).

b(6) 5 d. CPT and SSG had instructed their soldiers the "have their stories straight" once they realized they were under investigation (exhibit I and interviews with soldiers in L Troop).

(b)-5 e. CPT control climate of command was one that was very controlling. He held most all decisions and information to himself; even information such as where a platoon was going and what their task was going to be was routinely withheld until the last moment (exhibit XXIV and interviews with platoon leaders and platoon sergeants).

CPT the berated his platoon leaders and platoon sergeants excessively, even in front of the junior soldiers. Moreover, CPT frontinely would threaten the troop's leadership with their NCOERs and OERs.

f. Currently some portion of the Troop's NCO channel does not appear to be functioning properly; this is primarily occurring in the maintenance section. Vehicles and barracks have Iraqi weapons, ammunition, and TA50 in them. This equipment could pose a risk to soldiers and could also have intelligence value.

3. Findings:

a. On more than one occasion CPT has been has used unnecessary and excessive force in dealing with restrained and secured detainees. Moreover, CPT has been has on several occasions used physical and verbal threats to influence people in Ar Rutbah and the actions of detainees.

 $\frac{16}{-2}$ b. (SSG has been has used excessive force on at least one occasion in relation to a secured detained. $\frac{16}{-5}$ $\frac{1}{-5}$ $\frac{1}{-5}$

c. CPT and SSG have both coerced or intimidated subordinates to prevent subordinates from objecting to or testifying about the use of force in relation to detainees. As a result, some soldiers do not feel secure in providing statements in support of these incidents.

d. There is a potential that other soldiers in have also used unnecessary or excessive force with detainees. Some soldiers questioned have alluded to this, but have invoked their rights in lieu of providing names (exhibit IV and XXV).

e. The actions of have reduced the ability of the to be effective in conducting security and cooperation activities in the Ar Rutbah region in the near 1/6/5 term. The leadership in Ar Rutbah has been degraded and threatened by CPT

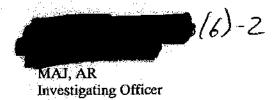
f. The living areas and vehicles of the first on initial visual inspection, have weapons, ordinance, and TA50 related items in them that have been potentially confiscated

during detainee security operations. This equipment poses a risk to soldiers and could have intelligence value. 6(6)-5 plimate of command has reduced the authority Most significant is that CPT. The First Sergeant's ability to impact the of the officers and NCOs in Troop's functions and standards was even potentially reduced. It has also, potentially, reduced the initiative of the junior soldiers, and impacted the values and judgment of some of the junior soldiers and NCOs in this exists primarily in the HQ and maintenance platoon. h. The four line platoons have been largely kept out of (potentially intentionally) most of the activities that deal with the unnecessary use of force with detainees. As a result, the four line platoons have been exposed to less and are still functioning well; their soldier's values appear to not have been impacted, and these platoons are cohesive and combat capable. 4. Recommendations: that he has fostered a command climate that: does not support ensuring the best interest of the soldiers; does not support the adequate development of the troop's officers and NÇQs; does not endorse and support the authority of the subordinate leaders in includes potential coercion and the unnecessary use of force against detainees and the local population here in Iraq. However, in the interest of rapidly getting this unit functioning and re-focused on mission requirements, I encourage the chain of command to consider the impacts. c. **(SSG**) poor judgment in the use of force in relation to detainees, and that he misused his authority in the treatment of his subordinates. best determine if actually (SSG) is guilty of unnecessary use of force against detainees and coercion or intimidation of subordinates. Moreover, this investigation could better determine if and what the level of involvement was from other soldiers and NCOs in the maintenance platoon. However, based on the nature of C command, I would recommend (First Sergeant

f.

g.

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



Attachments:

Enclosure 1: Appointment Orders as a 15-6 Investigation Officer Enclosure 2: Exhibits I-XXV

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

AFZC-RCO (640a)

21 Jul 03

b(6)-2

MEMORANDUM FOR Captain

Iraq (Rilfes Base) APO AE 91456

3d Armored Cavalry Regiment, Ar Ramdi,

SUBJECT: Administrative Reprimand

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

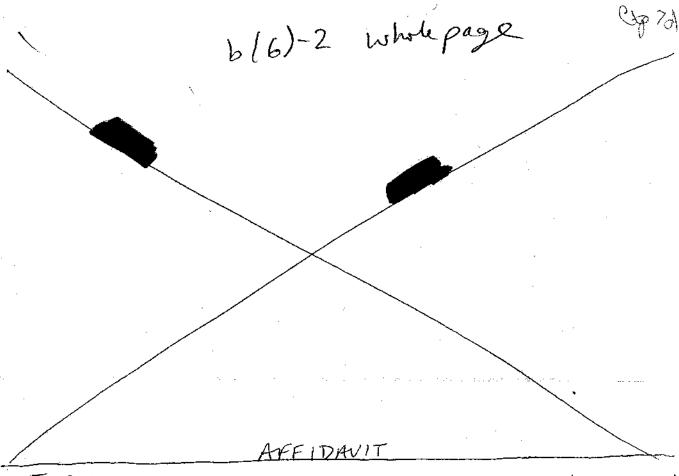
COL, AR

70TH Colonel of the Regiment

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JWORN STATEMENT Luzation FOB STING, INAG NAME ORGANIZATION 3/3 ACK S(6)-2I want to make the following statement while oath: On the 13th of July Ept was at FOB string and requested me to go with him on a mission. Near 10 cosm we left for At Rutbah with some of lighting's mechanics. At Rutbah Cpt. On the 13th of July Ept MA-1. The interpretor questioned several people and was told the gry we were locking for was out for lunch. We returned nour 1130 hrs. The Inopi CAT was looking for was 56 back. He (the troop) was put inside the humber I was riding on. Once out of town, cpt instructed that the Iraqi be sipried and a bag put arethis head, both reredone without questioning. We continued driving for about usmins to the middle of numbers. I then witnessed the Inoch being released and thrown into a small depression. Of 1815-Item throw a shovel at him and through the interpotor told the guy to other digging. They continued questioning. the Iraqi and threatening him and relling him that he is digging his grove. After about 2 his and nothing come out from the Indi, we headed to FOB Buzz to drop him off. 66-5 Around allohors on the 15th of July I was sleeping in my room when Cot can in and worke me up. He began by disting me how I was out then started talking about the above event. By what he was saying it seemed like he was thing to Justif it tome saying MB - 2 that it was needed to get information out of the Itage the astron other questions such as if I talked to anyone about it. I can't remember in exact words, but he, cpt 616)-I, his at tach with meddogs bent it bad as and I to twodo Abet trobleche I takt bine said no because no physical hasm was done. After that he loft. I felt as if I had to say no because he was standing right there and ope to acpt I wasn't prima object to something be did night to his face after he spent 5-10 mins saying that it was necessary. OF PERSON MAKING STATEMEN EXMBIT



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WITNESS SSG. Subscribed + Swarm to before me, a person authorized by law to administer ouths, this 15th day of July, 2003 at FOB STING, IRAQ 2011

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INITIALS OF PERSON MAKING STATEMENT

1 PAGE 2 of 2 pag

UTHORITY: RINCIPAL PURPOSE: OUTINE USES: NSCLOSURE:	To provide commanders and law	PRIVACY ACT STATEMENT 5 USC Section 2951; E.O. 9397 dated November 2 seforcement officials with means by which inform sed as an additional/alternate means of identification y mumber is voluntary.	ation may be accurately identif	ied. al.
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tor a minute at So,	and That's 1	when I notice	ea that D	ori oclaines
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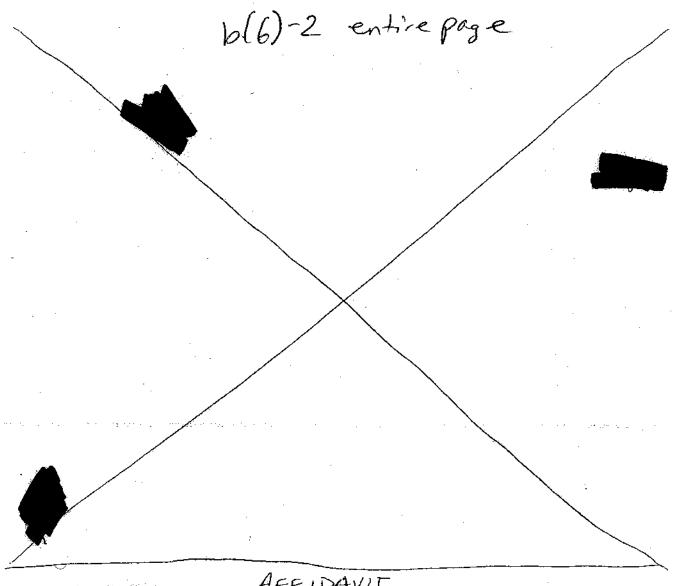
DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2923, 1 JAN 63, WHICH WILL BE USED.

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Location FOB STING, IRAQ GRADE b (b)-4 2(6)was put on permiter good for the security of humber that 4th platour was driving that had run over a home made explosive. I was pulling perimiter gourd and I heard commotion going on behind me. I turn accord to see what was happining I saw a detainer being put on the ground, he was placed face down. Then I saw Captain o(6)-5 the Company Commander of Kicking the detained in the back and in the cibs, I saw no resistance from 46)-5 the detainer. I then heard captain yell at the detainer "I will fucking kill you" and his Ma pistol was drawn and pointed at the detection. After that I turned my head back to my sector and continued to scan and I didnot see what happared afterwards. INITIALS OF PERSON MAKING Page 1 of 2 pages

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Have read or hove had read to me this statement which begins on page I and ends on page 2. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed to partom of each page contains the statement. I have made this statement freely without hope of benefit or reward without this statement freely without hope of benefit or reward without this of purishment, and without coercion, unlawful influence or unlawful inducement.

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Subscribed and second to me, a person authorized by law to administer on the this 13th day of Jacy Zon at FUB STING, IKAQ

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PAGE 2 of 2 page

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quit paying aftertion to the detainers in order to	
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When I finished the man at I looked towards where the	Į.
oosinon. I then quit paying attention to the detainers in order to report on the radio that recovery had been made and we were ore paring to withdraw from the location. When I finished with my report, I looked towards where the	. [
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DA FORM 2823, JUL 72

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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. Your social security number is used as an additional/alternate means of identification to facilitate fixing and retrieval. 1. 1064710N
2. DATE MYYMMDD) 3. TIME 4. FILE NUMBER
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eye fold and Cut his handaugs then Caplar 66-5
Save the guy a Shovel and told him to dig to his own grave and the guy Start digging, capture 66-5 fixed a shot from far away and ask
have weapons and the desired so the
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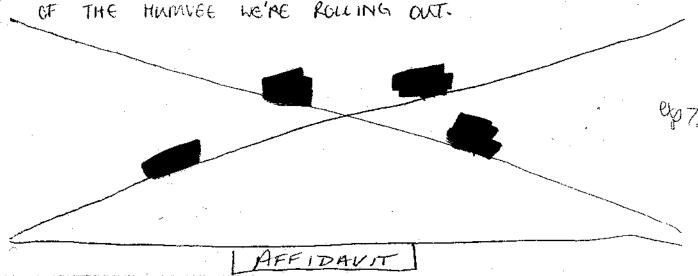
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AFTER THAT I WAS TOLD TO GET IN THE BACK OF THE HUDAVER WE'RE ROLLING OUT.



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Witness

SEC

/3 ACR

Subscrince + Sworn To Before me, a person authorized by law to administer outher this 14th Juy-of July, 2003 at FOB STING, IRAR

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INITIALS OF PERSON MAKING STATEMENT / Page 2. of 2 pages

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WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
I ACX	administer caths, this. 19 day of July OF at FUBRUZZ
ORGANIZATÍON OR ADDRESS	(Typed Name of Person Administering Oath)
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	PAGE 2 OF 5 PAGES USAPA VI.00

SWORN STATEMENT

Location FOB STING IRAGE

M July 2003

Exp 6,7d

NAME

Soc. Sec. #

GRADE_ E-1

ORGANIZATION

1/3 ACR

WANT TO MAKE THE Following STATE MENT UNDER DATH: ON 12 5My 2003 IN THE EARLY MURANS HOURS, I ARRIVED on THE SLENE WHERE 4th PLT THE BACK HAD BEEN ATTACKED BY Some Sourt of Exposive Doune. My mission while on seems was to Freunded Secrety IN Dong So A Fire TRUK For THE TRADE Civilians Polled UP 260-2 NE, IN WE I MEAN SPC And my soff, Alas with SSU. GAVE THE ORDER FOR THE DRIVER OF the FIRE TRUCK TO 5TOP, And TURN Off Their Lights Approximally 2 Times when They DIO NOT obey WE REMOVED THE Two INDIVINALS out of The Truck by FORCE AND ZIP STRINGS THEM, AFTER WE HAD THE DETAINGES ZIP STRIPED, my self Felled GAURD ON ONE While SGT, 10 b(6)-2 RILED GOURD ON THE OTHER While we marked For The Recovery Vehicles To ARRIVE. Once The Recovery Vehicles ARRIVED Along with CPT. Commanding Officer of 1/3 Acr And the situation was over And we where Calapsing the Security Cpt. 660-5 (6)-5 CPT. DETAINERS OVER to Him. WHEN HE RECIED THE DETANCES They were both on thick STOMACKS with hands ZIP Stanped Bushind Their Backs. Upto Their Begand Yelling 6(6)-5 At the DRIVER of The FIRE TRUCK, "What Doyler know" Then CRT. Began To Assualt The DRIVER By kicking Him 665 And Stepping on The Back of The DETMINEES NECK. With CPt. 1

| The The Back of PERSON MAKING STATEMENT | PAGE 1 of 2 PAGES

b(6)-5/

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At the DRIVER "I was Pulling Security on the DRIVER while

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APFIDAVIT

I, HAVE READ ON HAVE HAS READTE ME THU STATEMENT Which Begins ON PAGE & AND END ON PAGE &. I FUlly understand THE contents of the Entire STATE MENT MADE BYME. THE STATEMENT IS TRUE. I HAVE INSTEAMED All CERROLFICAS MADE HAVE INITIATED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT, I HAVE MADE THIS STATEMENT, FREELY without their of BENEFIT OR REWARD, without Threat of RANDAMENT AND WHOLL COERSON, unlawful Influence, on unlawful. Influence to

SFC /3 ACR

Subscribed + swown To Before f me, A Person authorized by law to administer onths, this 14th day of July, 2003 at FOB STING, IRAQ

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INITIALS OF PERSON MAKING STATEMENT

PABE 2 OF 2 PA

I HAVE BEEN IN L TRP, UNDER CPT I ARRIVED WITH THE UNIT W KUWAIT ON 18 APR ZOO3 + I HAVE BE WITH THE UNIT CONTINUOUSLY SINCE THEN. FOR A PENDO OF APPROXIMATELY ONE MONTH, FROM MID MAY UNTIL MID JUNE, I SERVED AS CPT CVERYUHERE WITH HIM. DN MANY OCCASIONS I SAW HIM TRE INAAIS IN A VERY DISKPECTFUL MANNER, TO INCLUDE LEADERS OF RUTBA, SUCH AS THE POLICE CHIEF. HE WOULD YEU AT THEM CUGS THEM OUT, BE LITTLE THEM IN FRONT OF THEIR SUPPORTINA PUT HIS FINGER IN THEM FACE, ETC., ON NUMEROUS OCCASIONS I SAW AIM DRAW AIS PISTOL + WAVE IT AROUND IN PEOPLE FACES AS HE YELLED AT THEM, THEY HAD PRESENTED I THREAT TO US AND WERE INVILVED IN NO ILLEGAL ACTIV I HAVE HEARD HIM SAY ON NUMEROUS OCCASIONS HOW ALL IRADIS ARE CROOKS + THIEVES AND HIS ACTIONS TOWARDS THEM WOULD INDICATE THAT HE TRULY BELIEVES THIS. I HA OFTEN APOLOGIZED TO IRADIS FOR HIS TREATMENT OF THE AND I HAVE BEEN TOLD BY MANY OF THEM, TO INCLUDE RU POLICE, THAT THEY DO NOT LIKE HIM. THEY CLAIMED THAT EVERYOVE IN TOWN KNOWS HIM AND OF HIS ACTIONS TOWARDS		Env use of this f	SWORN STATEMENT	in naceans	
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PAGE 3, DA FORM 2823, DEC 1998

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10. EXHIBIT	7111	11	PERSON MA	KING STATEMENT 6)-2	PAGE 1 OF PAGES
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THE BOTTOM OF FACH AD	OITIONAL PAGE MUST BEAR THE INITI	IALS OF THE PERSON M.	AKING THE STATEMENT	. AND PAGE NUMBER MUS	T BE BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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STATEMENT OF		TAKEN AT	DAT	réo	
3. STATEMENT (Continued)		•		·	
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I, SFC WHICH BEGINS ON PAGE 1, AND ENDS ON P.		, KAVE READ	OR HAVE HAD READ TO ME THIS E CONTENTS OF THE ENTIRE STA		ľ
BY ME. THE STATEMENT IS TRUE. I HAVE I STATEMENT FREELY WITHOUT HOPE OF BEN	INITIALED AS CORRECTIONS	S AND HAVE INITIALED THE BO	ITTOM OF EACH PAGE CONTAINI	NG THE STATEMENT. I HA	VE MADE THIS FUL INDUCEMENT.
STATEMENT FACELY WITHOUT HUTE DE BEN	CETT ON NEITHIO, WITHOUT	THICK! OF FORMALINE, 74			
		· · · · ·	(Signature of Pers	on Making Statement)	
MATHERPER.		Sahserih	ed and sworn to belove me, a pers	on authorized by law to	. ,
WITNESSES:		administer	oaths, this 20 day	of July	
		at	FUB BUZZ		
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		 :		son Administering Oath)	
DRUANIZATION OR ADDRESS		<u> </u>	15-60	F1.200	
			(Authority To	Administer Oaths)	
INITIALS OF PERSON MAKING STATEMENT			(Authority To	Administer Oathai	

1	SWORN STATEMENT For use of this form, see AR 190-45; the progonent agency is ODCSOPS
	LOCATION DATE TIME FILE NUMBER
X	LAST NAME FIRST NAME AND LADE AND SOCIAL SECURITY NUMBER GRADE/STATUS
	E-3/PfC
	ORGANIZATION OR AUDITESS
ŀ	
١	, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
İ	In the early morning of the 12th of July, I was sent out
l	for sercuity purposes right outside of Ah Rutbah. As we were
I	breaking down the site and getting ready to return to base, I
ĺ	was moved from my right flank position to set sercuity around
١	a hum-v. At this time is when a saw too I rage civilians detained.
	Both were bound by zip strips behind their backs. But
}	was pulling close sercuity on one of the civilians,
	S-Cpt. Then walks up and begins to kick one of the
ť	
ĺ	detained repeatedly in the stomach, back, + head. As Cpt
}	was kicking the civilian to the best of my ability he
k	5)-2 said "I will Kill you mother fucker, what do you know? and
	then he said to "get me a translator." After the translator
ļ	spoke with the detainies, they were released.
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3	EXHIBIT PAGE 1 OF

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DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

#### PART IS - RIGHTS WARNING PROCEDURE

#### THE WARNING

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

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

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

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

Make certain the suspectfaccosed fully understands his/her rights.

#### THE WAIVER

"Do you understand your rights?"

Af the suspectJaccusad says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspectJaccused says "yes," ask the following question.)

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

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

"Do you want a lawyer at this time?"

(If the suspectioncused says "yes," stop the questioning until heishe has a lawyer of the suspectioncused says "no," ask him/her the following question.)

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

#### SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

 If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspectfaccused was questioned as such either without being advised of his/her rights or some
question exists as to the propriety of the first statement, the accused must be so advised. The office of
the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights
advisal.

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

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

COMMENTS (Continued)

USAFA VZ.01

	TS WARNING PROCEDURE/WAIVER CERTIFICAT.  For use of this form, see AR 198-30; the proponent agency is QDCSOPS
	DATA REQUIRED BY THE PRIVACY ACT
PRINCIPAL PURPOSE: To provide comma ROUTINE USES: Your Social Securi	tates Code, Section 3012(g) Inders and law enforcement officials with means by which information may be accurately identified. Ity Number is used as an additional/elternate means of identification to facilitate filing and retrieval. Social Security Number is voluntary.
1. LOCATION FOB BUZZ	2. DATE 3. TIME 4. FILE ND.
5. NAME 4 30 50 50 50 50 50 50 50 50 50 50 50 50 50	8. ORGANIZATION OR ADDRESS  7. GRADEISTATUS  8. ORGANIZATION OR ADDRESS    13   14   15   16   16   16   16   16   16   16
	PART I RIGHTS WAIVERINGN-WAIVER CERTIFICATE
Section A. Rights	FARE F. MURES WAYER HOW WAIVER SCRIFFER IE
I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me (For personnel subject othe UCM.) I have the right to tal	and wanted to question me about the following offense(s) of which I am  ### Actualized Secret Conduct Conduct  Wever, heishe made it clear to me that I have the following rights:  ###################################
or both.  We continue not subject to the UCMU! I have the right to	o 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 will be appointed for me before any questioning begins.	be one that I arrange for at my own expense, or if-I cannot afford a lawyer and want one, a lawyer  igation, with or without a lawyer present, I have a right to stop answering questions at any time, or
me during questioning. I understand that this lawyer can will be appointed for me before any questioning begins. It I am now willing to discuss the offenselst under investi	be one that I arrange for at my own expense, or if-I cannot afford a lawyer and want one, a lawyer  igation, with or without a lawyer present, I have a right to stop answering questions at any time, or
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DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.0

	SWORN STATEMENT For use of this form, see AR 190-45; the proponent ag	ency is ODCSOPS		
	PRIVACY ACT STATEMENT		·	
	301; Title 5 USC Section 2951; E.O. 9397 dated November			•
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DA FORM 2823, JUL 72, IS OBSOLETE

DA FORM 2823, DEC 1998

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	01; Title 5 USC Section 2951; E.O. 9397 dated Nove			
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DA FORM 2823, JUL 72, IS OBSOLETE

DA FORM 2823, DEC 1998

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-5 entire page SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 ISSNU. 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/afternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social socurity number is voluntary T. LOCATION 2. DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER 20035716 P406 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. DRGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER DATH: ON The day in quadring. I arrived and the police station along with CPT. Set-up perimeter security and returned to my truck. CPT. I along with some police officers onhered the holling cell so then I tollowed. The deliner was lead to a room along with the translator entered CPT. for questioning, CPT. told me to enter as well I removed my ann and hunded it to My driver I enhance the room and sail on the desk they questioned him about a shooting incident the right prior. The detriner was not a restraints while questioning would on. The translator west talking they were speaking loodly back and fourth CPT. The had walk toward the door the deturner stool so I followed his action I toll the translator to tell him to sit I motioned towards him I Felt he was getting beligerend he made a move towards Me und I struck him twice (Nothing Follows)

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF PAGES

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

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA VI M

	CEDURE/WAIVER CERTIFICATE 0.30; the proponent agency is QDCSOPS
DATA REQUIREC	D BY THE PRIVACY ACT
	· · · · · · · · · · · · · · · · · · ·
AUTHORITY: Title 10, Voited States Code, Section 3012(g)	
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with	
ROUTINE USES: Your Social Security Number is used as an additional/alterna	ate means of identification to facilitate filing and retrieval.
Disclosure of your Social Security Number is voluntary.	
1. LOCATION FOB BUZZ	2. BATE 3. TIME 4. FILE NO.
5. NAME (Lass, First, MI) $b(6)-5$	8. OBGANIZATION OF ADDRESS  13 Mea b(6)-5
5. SSN 7. GRADEISTATUS SSA (FC	
PART I - RIGHTS WAIVE	ER/NUN-WAIVER CERTIFICATE
Section A. Rights	
The investigator whose name appears below told me that helshe is with the United States Army suspected accuracy:	
Before helshe asked me any questions about the offensels), however, helshe made it clear to me that I have th	he following rights:
1. I do not have to answer any question or say anything.	Conspiracy
<ol> <li>Anything I say or do can be used as evidence against me in a criminal trial.</li> </ol>	
3. If or personnel subject othe UCMJ I have the right to talk privately to a lawyer before, during, and after	a questioning and to have a lawyer present with me
during questioning. This lawyer can be a civilian lawyer   arrange for at no expense to the Government of a rooth.	or a military lawyer detailed for ma at no exponse to me.
me during questioning. I understand that this lawyer can be one that I arrange for all my own expense, o 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 hav speak privately with a Jawyer before answering further, even if I sign the waiver below.	
5. COMMENTS (Continue on reverse side)	
Control of Military	· · · · · · · · · · · · · · · · · · ·
Section B. Waiver	
I understand my rights as stated above. I am now willing to discuss the offensels) under investigation and make	e a statement without talking to a lawyer first and without having a fawyer present with me,
WITNESSES (If available)	3.
NAME (Type of Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	SIGNATURA OF INVESTIGATOR
3 ACR /0(6)-2	66/-2
2a NAME (Type or Print)	5. PPED NAME DE JNYESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR
	/3 ACR
Section C. Non-waives	
1. I do not want to give up my rights	
☐ I wasti a fawyer	☐ I do not want to be questioned or say anything
Z. SIGNATURE OF INTERVIEWEE	
·	

EDITION OF NOV 84 IS OBSOLETE

DA FORM 3881, NOV 89

USAPA 2.01

#### PART 4 - RIGHTS WARNING PROCEDURE

#### THE WARNING

- . WARNING Inform the suspect/accused of:
  - a. Your official position,
  - b. Nature of offensels).
  - The fact that helshe is a suspectfaccused.
- 2. RIGHTS Advise the suspect/accused of his/her rights as follows:

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

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

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

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

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

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

#### THE WAIVER

"On you understand your rights?"

Iff the suspectfactused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspectfactused says "yes," ask the following question;

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

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

"Do you want a lawyer at this time?"

(if the suspectfaccused says "yes," stop the questioning until hershe has a lawyer. If the suspectfaccused says "oo," ask hindrer the following question.)

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

#### SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

 If the supsect/accused has made spontameous incriminaling statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspectaccused was questioned as such either without being advised of his/her rights or some
question exists as to the propriety of the first statement, the accused must be so advised. The office of
the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights
advisal.

NOTE: If 1 or 2 applies, the fact that the suspectlaccused was admissed accordingly should be noted in the comment section on the waiver certificate and initiated by the suspectlaccused.

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

COMMENTS (Continued)

USAPA VZ 01

	For us	SWORN S e of this form, see AR 1904	TATEMENT 5: the proponent age	ncy is ODCSOPS $b$	(6)-5 wholeps
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 18 USC Section 301; Title 5 To provide commanders and law er Your social security number is used Disclosure of your social security n	PRIVACY AC USC Section 2951; E.O. 93: oforcement officials with ma d as an additional/alternate r	T STATEMENT 17 dated November 2 ans by which informa	2, 1943 <i>(SSN)</i> . ation may be accurately iden	ntified.
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DA FORM 2823, DEC 1998

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USAPA VI.00

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SWORN STATEMENT For use of this form, see AH 190:45; the proponent agence	y is docsops b(	5) -5 wholp	ĺ
PRIVACY ACT STATEMENT  AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22,  PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information  ROUTINE USES: Your social security number is used as an additional/alternate means of identification to  DISCLOSURE: Disclosure of your social security number is voluntary.	1943 <i>(SSN).</i> on may be accurately identifie	, page	
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DA FORM 2823, DEC 1998

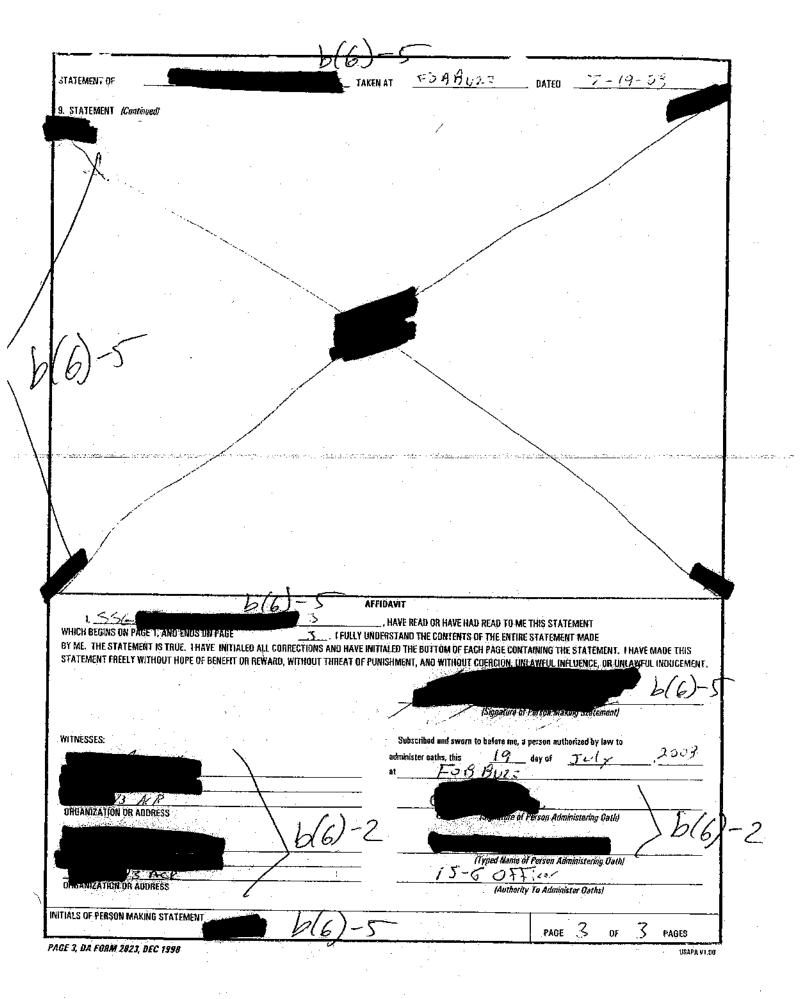
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### BATES PAGES 8279 - 8285

(Administrative Disciplinary Records Related to the Death of MG Mowhoush)

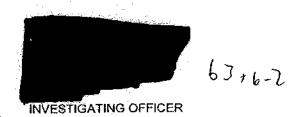
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#### DEPARTMENT OF THE ARMY 3rd Brigade Combat Team, 4th Infantry Division FT Carson, CO 80913

AFZC-FC Date: 10-Jun-04 MEMORANDUM FOR: Commander, 3BCT SUBJECT: Informal 15-6 investigation into Allegations of 1-8 IN 8N Prisoner Abuse 1. This memo is intended to serve the Commander, 3BCT, as a summary of my findings of an informal 15-6 investigation into allegations of prisoner abuse brought against 1-8 IN BN by an Iraqi National. 63+6-2 to perform an informal 15-6 2. On 9 JUN 04, I was tasked by forwarded to me an e-mail string 63+6-2investigation into the aforementioned allegations. from the III Corps JAG Office and the Chief of Staff, 4" ID as well as a written response to the These items are included as allegations provided by h3+6-2 Enclosure 1. 10 B 3 + 6-2 , who referred me to his I discussed the case with. arrange interviews with personnel in his command who had knowledge of the incident. MAJ 63 rt 2 was very 53+67 arranged interviews for me with , both members of the 1-8 IN S2 shop. cooperative and one red me any assistance I needed during the investigation. 4. I took sworn statements from the three individuals listed above. These are included as Enclosures 2-4. The following is a synopsis of these sworn statements: was brought to FOB In January 2004, an Iragi National named Eagle by the ICDC for possessing a large amount of Iraqi Dinar. The ICDC had placed him under arrest at a checkpoint on Highway 1 and had confiscated his money and I inprocessed Mr and placed approximately 8 million Iraqi Dinar worm-roughly 4,000 US Dollars in custody. interrogated Mr. and discovered that he was a goat herder and 63-6-2 posed no threat to Coalition Forces. 53-6-2 and returned his After the interrogation, offered to release Mr. 4 money to him. became angry and wanted to know where the rest of his money was stating. had close to 23,000 US Dollars worth of Iraqi Dinar in his possession upon his arrest. told Mr. That he gave him the entire amount of money that was barbara taken from him upon inprocessing at FOB Eagle. the ICDC Commander must have taken his money stated that upon his arrest and that he could not go home without all his money for fear that he would be killed by his tribe. to stay at FOB Eagle in a detention cell on ngn- シーもう ヒレー allowed Mr. detainee status for two weeks until Mr. requested to leave. Mr. leave at any time during this two-week period, but elected to stay at FOB Eagle. During his stay, he was fed, clothed, and provided water per 1-8 IN BN's detainee standard operating procedure and in accordance with the tenets of the Geneva Convention. numerous times to submit a claim for the missing money asked Mr. through the 1-8 IN S5, but Mr. never did. At no time during inprocessing or during his voluntary stay was Mr. threatened with violent treatment, harmed physically, or forced to perform degrading acts.

s clothes were not cut from his body on inprocessing and he was not forced to stand naked in the rain. Upon release, Mr. was not offered any other thing of value in place of the money that was confiscated from him by 1-8 IN personnel.

5. POC is the undersigned.



* Enclosure #1: E-mail and written response from

Enclosure #2: Sworn statement of Enclosure #3: Sworn statement of

Enclosure #4: Sworn statement of



#### DEPARTMENT OF THE ARMY HEADQUARTERS, 3d ARMORED CAVALRY REGIMENT RIFLES BASE, IRAQ 09320



AFZC-R-RCO

REPLYTO ATTENTION OF

DATE: 13 FEB 04

APZC-R-RCQ	
MEMORANDUM FOR Commander, 82d Airborne Division, Ai	r Ramadi, Iraq 09384
SUBJECT: Administrative Reprimand	63+6
1. I recommend filing the Administrative Reprimand pertaining 66th Military Intelligence Company, 3d Squadron, 3d Armored C	
Withdrawal of reprimand.	<i>Y</i>
Local File for one year or until your reassignment to	another general court-martial jurisdiction.
Official Military Personnel File.	and the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second o
2. Comments:	
Commandin	63+6-Z

# FROM THE BDE COMMANDER:

1-81N ART 32 INVESTIGATION

Striker 6

Fort Carson/HHC 3BCT
From: //3BCT Sent: Wednesday, June 09, 2004 11:46 AM To: Fort Carson/HHC 3BCT Subject: FW
As requested.    1
Sent: Wednesday, June 09, 2004 9:09 AM  To: Subject: FW: 66-4
As discussed.
Commanding
STRIKERS!
From: Fort Carson/3BCT Sent: Tuesday, June 08, 2004 6:49 PM To: Odierno, Raymond T MG-4ID CMD GRP Cc: Subject: FW: 66-4
Sir, Attached is what I have on this matter. Unit denies all allegations other than actually being detained for a period of time.
Commanding
STRIKERS!
From: Fort Carsn/HQ 1-8 IN  Sent: Tuesday, June 08, 2004 5:31 PM  To: Fort Carson/3BCT  Subject: Tuesday Fort Carson/3BCT

Sir,

Here is the updated response answering your initial questions on this matter,



(63+6-2) All

Tried to call you about this. I informed the CG, he's enroute to Europe right now. He wants you to send him a note on all you know or may know about this alleged incident. Thanks.

CHIEF OF STAFF 4th INFANTRY DIVISION

----Original Message--

1 to 100 a

From: 41D OSJA

Sent: Friday, June 04, 2004 2:47 PM

To: 4ID Chief of Staff (PKI);

Subject: FW: 4ID Detainee Abuse-FYI

Gentlemen: I send the msg below as a heads-up. We have already sent word to 1ID to keep us in the loop regarding the CID investigation and provide any other information they have. More to follow.

v/r

From: -4ID OSJA
Sent: Friday, June 04, 2004 1:06 PM
To: -4ID OSJA

Subject: FW: 4ID Detainee Abuse

----Original Message----

Sent: Friday, June 04, 2004 1:00 PM

To: Cc:

Subject: 4ID Detainee Abuse

Ma'am:

This was reported to us yesterday by 1ID - an Iraqi national claims that a 4ID officer (last name

and position listed below) abused him while he was detained by U.S. Forces and possibly stole money from him.
66-4
On 12 January 2004, was stopped at a check point and detained by ICDC soldiers for possessing a large sum of money. The 30,000,000 ID were worth approximately 26,000 USD. The ICDC soldiers immediately turned him over to US forces. The detainee sells domestic animals throughout his province so it is normal for him to carry large amounts of money after selling the animals. He claims he was taken to an American base near Balad where his clothes were cut off by American soldiers and he and other detainees were forced to stand in the rain naked for twelve hours. After ten days he was released and told to come back the next day to claim his money. When he came back on 23 January he was offered 4000 USD or an impounded BMW. He refused both offers and the 1-8 Infantry \$72, told him he must accept one of the offers or would put him back in jail. The declined and said he wanted the 26000 USD he had when he was detained and no less. In threatened him, told him not to file a claim, and if he did he would cut his tongue. On 15 May filed a claim and this case is being investigated by CID.
The 1ID Chief of Justice is co'ed on this message. Based on the report, the case is under investigation by CID. I worked with at Fort Sam Houston (the JAG Corps is a small family) — he's a great officer who will keep you in the loop on this matter.
Thanks,  MNC-I and III Corps
"The United States wins its case whenever

6/10/2004

(63+6-2)

h6.4

66-4

In January 2004, the Al-Ishaki ICDC Company Commander, stopped at the 64 northing ICDC checkpoint on Highway 1 for possessing a large sum of money. And the ICDC soldiers reported that was moving this money for Fedayeen guerrillas.

was brought to the 1-8 IN TOC, inprocessed, had approximately 4,000 USD (or closer to 8 million dinar) inventoried by
(all money seized or money on detainees was inventoried three times, all by separate individuals for redundancy), and was detained for questioning. Additionally, observed the box with the dinar, but personally did not count it since three others had already done so. In the 1-8 Infantry S-2, questioned that high that night and determined that was a goat herder and did not pose a threat to US forces or Iraqi stability. Undid state that the transfer of the ICDC Company Commander, had taken his money and he wanted it back.

did not have his clothes cut off him and no detainees at the TOC or any 1-8 IN Company FOB were ever forced to stand naked in the rain for 12 hours. At no time, did threaten for threaten to cut his tongue (though this tongue threat sounds amazingly familiar to an Arabic/Iraqi threat commonly posed to each other). In fact, while was at the 1-8 IN TOC, he was provided his own shelter, blankets, water, and food daily.

After the initial 24 hours, was deemed as no threat, but begged to stay with us since he refused to return to his tribe with roughly 8 million dinar. Tremained at the 1-8 IN TOC in his separate cell in a non-detainee status for two weeks and then he asked to return to his family. He then left with the 8 million dinar, cab fare provided by us, seemed very happy, and we never heard from him again. We asked to refuse times during his stay if he wanted to file a claim for the extra money, but he refused. During this same time period, questioned than the ICDC about the money and the incident. The land the ICDC vehemently denied having ever taken the money. Additionally, the land to have in his possession.

66-4

Note: Though was the ICDC Company Commander for Al-Ishaki...he had been reprimanded twice before. First, for taking money (usually \$300-500) from detainee families with the promise that he could get detainees related to the family 16-4 released. We initially started receiving reports in October 2003 that was taking bribes and he was immediately reprimanded. Second, in November 2003 and again in January 2004, he was suspected of stealing money several different times from motorists that passed through the Highway 1 ICDC checkpoint at the 64 northing. From these accusations, was reprimanded a second time in January 2004, relieved from his duties for a period of two weeks and then reinstated under probation.

	For use of this fo		STATEMENT 0-45; the proponent	agency is 0009	SOPS		
			ACT STATEMENT	еденсу із ОрС	,U/3	<del></del>	
AUTHORITY:	Title 10 USC Section 301;			97 dated Navor	bor 22	1042 (004)	ľ
PRINCIPAL PURPOSE:	To provide commanders an	d law enforceme	ent officials with me	ans by which in	formatio	n may be accurately	ŀ
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DISCLOSURE:	Disclosure of your social se	curity number is	voluntary,			. reduced ming and retites	"' }
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S. LAST NAME, FIRST I			6. SSN			7. GRADE/STATUS ACTIVE	
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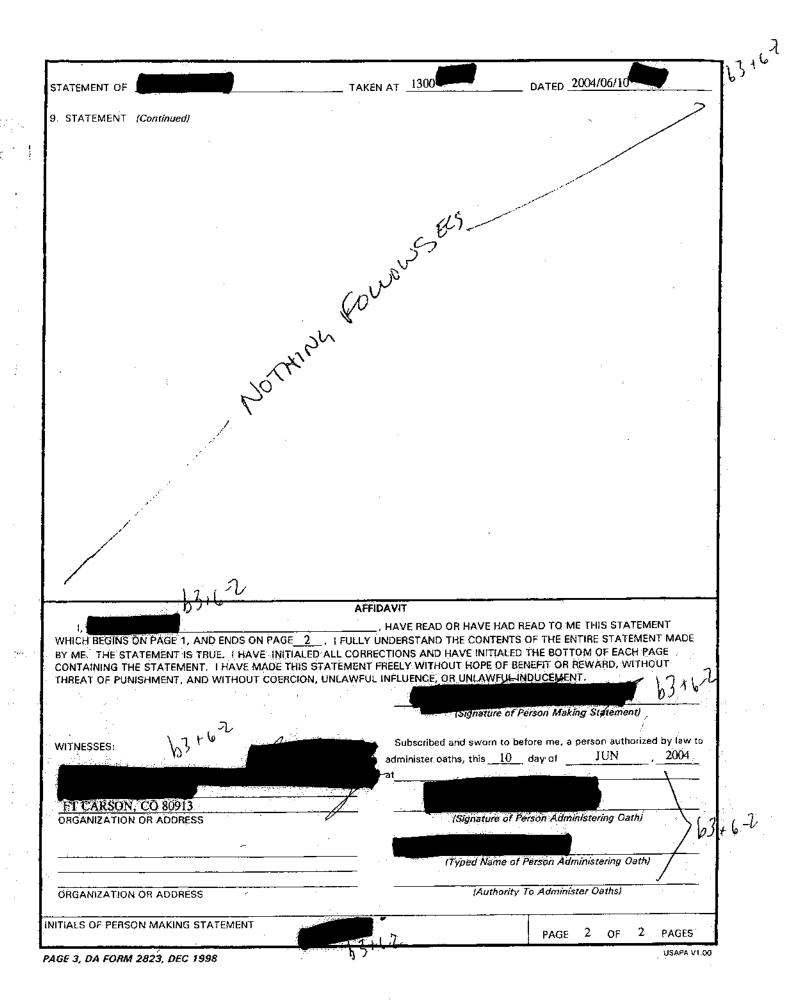
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STATEMENT OF	TAKEN AT HHC, 1-8 IN DATED 2004/06/09	p,
9. STATEMENT (Continued) Q: DID YOU OFFER	AN IMPOUNDED BMW AS A CHOICE OVER HIS MONEY?	
4: NO. 66-4		ŀ
): WERE TO STAND NAF	OTHES CUT OFF OF HIS BODY UPON INPROCESSING AT FOB EAGLE AND WAS HE KED IN THE RAIN FOR 12 HOURS?	4
A: NO.		· ·
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I, HICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 I	, HAVE READ OR HAVE HAD FULLY UNDERSTAND THE CONTENT	READ TO ME THIS STATEMENT.  TS OF THE ENTIRE STATEMENT MADE	l
/ ME: THE STATEMENT IS TRUE. THAVE INITIALED ALL ONTAINING THE STATEMENT. I HAVE MADE THIS STATI	. CORRECTIONS AND HAVE INITIALE	ED: THE BOTTOM OF EACH PAGE	
REAT OF PUNISHMENT, AND WITHOUT COERCION, UNL	AWFUL INFLUENCE, OR UNLAWFUL	NO MOCKACKIT	
	្នាក្សារដ្ឋដែរប្រទេស	r erson waring Statement)	
	Subscribed and aware to	fraforo mo a posso a nuthridad hudou to	
	administer oaths, this09	before me, a person authorized by law today of JUNE	
	at ##/_1-81,		/
For + Carton, CO 80919			1
RGANIZATION OR ADDRESS	1Signature of	Person Administering Oath)	
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	Typed Name o	f Person Administering Oath)	70
RGANIZATION OR ADDRESS	(Authorit	y To Administer Oaths)	<b>*</b> }
ALS OF PERSON MAKING STATEMENT		· · · · · · · · · · · · · · · · · · ·	



		PRIVACY A	ACT STATEMENT		
AUTHORITY:	Title 10 USC Section 301;				
RINCIPAL PURPOSE:	To provide commanders and				
OUTINE USES:				neans of identification	in to facilitate filling and retriev
ISCLOSURE:	Disclosure of your social sec				
LOCATION t. Carson, CO		2. DA	TE (YYYYMMDO) 2004/06/10	3. TIME 1300	4. FILE NUMBER
LAST NAME, FIRST	NAME, MIDDLE NAME	o'	6. SSN		7. GRADE/SIATUS
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),				UE FOLLOWING STA	TEMENT HINDER OATH
l, <u></u>			WANT TO MAKE T	HE FOLLOWING STA	ATEMENT UNDER OATH:
Sometime in January v	while occupying FOB Paliv	woda near Bala	ad Iraq, a prisoner	named	was brought to
OB by the Iraqi Civi	Defense Corps (ICDC).	The ICDC cla	imed that	had been running i	money for anti-coalition force hich was approximately \$40 ple goat farmer who was tal
he ICDC also brough	it money that they said wa	s confiscated f	rom	unted the money w	hich was approximately \$40
orth of new Iraqi Di	nar. questio	oned the detair	nee and deterinished	i that he was a sim	ple goat tarmer who was tal
noney to a market.	was told that he wa	as to be release	eu and his money	iciumicu io nim. V n to him. He state	When was given the dithat he would be killed by
oney, he misisted that contains to be outed the	t he had more money and he money to. We allowed	retused to teav	the Eagle Iail for	aontoximately two	o weeks until
ecided to leave. We	gave him all the money the	at had been giv	ven to us by the IC	DC.	
did not witness, and	have no reason to beleive	that the detail	nee was ever mist	reated or threatene	d while in the custody of US
orces. 66-4					
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WAS ELECT		LL FOR THE	TWO WEEKS A	TER IIIS DETER	TION OR DID HE DIME
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: HE ELECTED TO	STAY AT THE DETEN	TION FACIL	ITY DESPITE BI	ING ALLOWED	TO LEAVE.
: DID YOU THREA	ATEN 66-4 WITH V	VIOLENT TR	EATMENT. HAR	M HIM PHYSICA	ALLY, OR FORCE HIM TO
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	For use of this form, s	SWORN STATEMENT see AR 190-45; the propon		s	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10 USC Section 301; Title To provide commanders and law Your social security number is underlied to bisclosure of your social security.	enforcement officials with sed as an additional/alterna	9397 dated November means by which inform	nation may be accurately	retrieval.
1. LOCATION	DG 2060, FT CARSON, CO	2. DATE (YYYYMMD 2004/06/10	3. TIME 1310	4. FILE NUMBER	
5. LAST NAME, FIRST	NAME, MIDDLE NAME	6. SSN		7. GRADE/STATUS	3,×
8. ORGANIZATION OR 1-8 INF BN S-2, FO	ADDRESS RT CARSON, CO 80913			······································	0
9.	63r6-2	. WANT TO MAK	E THE FOLLOWING ST	ATEMENT UNDER OATH	
INDICATING THE I	EY IN HIS PROCESSION. REASON FOR HAVING OR V OR ANY POTENTIAL WEAR	- ¥ ) THE 1-8 INF BN TOC VHERE SAID MONEY	(LOCATED IN BAI DDID NOT HAVE A WAS FROM. AFTE HE WAS NOT SEA	LAD), WITH A LARG ANY PAPERWORK ER RCHED. FINDING N	SE IO
POSSIBLE BEING A FOR A TERRORIST THE	MONEY RUNNER ORGANIZATION. HE WAS	ISSUED A MRE AND	BOTTLE OF WATE	R IN ACCORDANCE	WITH
BN DETAINEE SOP OVER WHEN HE WAS TU THE BOX, BUT BEI PROPERTY-WAS LO 4-6-HOURS OF ATTENDE BE ASSOME THERDE	. WITHIN 1 HOUR OF ARRI RNED OVER TO 1-8 INF. I LIEVE IT WAS AROUND 7-8 OGGED ON THE PROPERTY BRING BRING ED THE INITIAL QUESTION R FROM MOSUL. AFTER A TERMINED THAT HE WAS I	MILLION IRAQI DINA PAPERWORK TO BE I BOUGHT TO 1-8 INF ING OF FEW MORE QUESTIO BEING TRUTHFUL AN	NOT RECALL THI AR. THE DINAR AN FORWARDED WITH DETAINATION FAR AT WH NS AND REVIEWIN	E AMOUNT OF MON ND ANY OTHER PER H HIM TO HIGHER CULITY, IICH TIME HE CLAI NG HIS IDENTIFICA	EY IN SONAL WITHIN MED TO
THE BN S-2 AND M	YSELF TRIED TO GIVE	66-9	THE BOX OF MON	EY BACK AND RELI	·~
ANYBODY KNOW ' FAC. HE ALSO STATED THAT IF H WOULD BE KILLEI CLAIM FOR HIS M' GIVEN HIS OWN D	REFUSED TO ACCEPT AND ACCEPT AND AMOUNT OF THE WHAT HAPPENED TO MOSUL VO. A NUMBER OF TIMES OF AND HE TURNED THE STENTION CELL AND GIVE OF DETAINES. BOTH IN TOTAL AND SIVE OF DETAINES.	OR HIS MONEY BEFO 66-7 VITHOUT THE AMOU E CHANCE DOWN RE EN SHELTER AND BLA	AT THE TIME NOR RE HE WAS BROWN NT OF MONEY HE WAS OFFERED TO PEATEDLY.	CURRENTLY DOES GHT TO THE 1-8 INF CLAIMED TO HAVE HE CHANCE TO MA	DET  HE  KENA  WAS  SOP
AND BOTTLE OF WANYTIME. AFTER BEFORE WE STATE HUS FAMILY. THE WAS GIVEN TAXI I EAGLE JAIL, AT AIFOR THE SAFETY OF TAND IN THE RAI	ATER, WAS TOLD REPEATE TWO (2) WEEKS, OURSTIONING ANY DET	DLY THAT HE WAS N ASKEI AINEES THAT MIGHT AT HE WOULD TAKE ROPERTY OF MOSUL. DURING ED NON-DETAINEE S ING THE EAGLE JAIL EATENED WITH ANY	OT A DETAINEE AD TO SPEAK TO THAVE CAME IN THE BOX OF MONITOR TO THE WAS KEEN AT NO TIME WAS KEEN TO THE WAS KEEN AT NO TIME WAS KEEN AT NO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TIME WAS KEEN TO TI	AND WAS EREE TO C (1-8 S2 OURING THE LAST 1 EY AND RETURN HO VAS RETURNED AND STAY AT 1-8 IN EPT IN A DETENTIONS HE EVER FORCED	GO AT ). 2 2 2 3 3 3 4 5 6 7 6 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
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. STATEMENT (Continued) a: NO				
OR OTHER THAN THIS EVENT?	, IS THERE	ANYONE ELSE	E WITH SIGNIFICANT	}
: NOT THAT I KNOW OF.				
: DO YOU WISH TO ADD ANYTHING FURTH				
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<u> </u>		·	
, <u> </u>	AFFIDAVIT	SAVE HAD READ TO ME THIS S	STATEMENT
WHICH BEGINS ON PAGE 1, AND ENDS ON PA	AGE_2 I FULLY UNDERSTAND THE	CONTENTS OF THE ENTIRE ST	ATEMENT MADE
BY ME. THE STATEMENT IS TRUE. I HAVE II CONTAINING THE STATEMENT. I HAVE MAD	E THIS STATEMENT FREELY WITHOUT F	TOPE OF BENEFIT OR REWARD	, WITHOUT
THREAT OF PUNISHMENT, AND WITHOUT CO	ERCION, UNLAWFUL INFLUENCE, OR AIM	LAWFUL INSTITUTENT.	3 +62
	, isig	gnature of Person waking State	ment)
13012		sworn to before me, a person a	4
WITNESSES: 63762		this <u>10</u> day of <u>JUI</u>	
	at		
FT CARSON, CO 80913			
ORGANIZATION OR ADDRESS	(Sig	mature of Person Administering	<u> </u>
<i>.</i>	<u></u>		43
	Турв	ed Name of Person Administerir	g Oath)
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