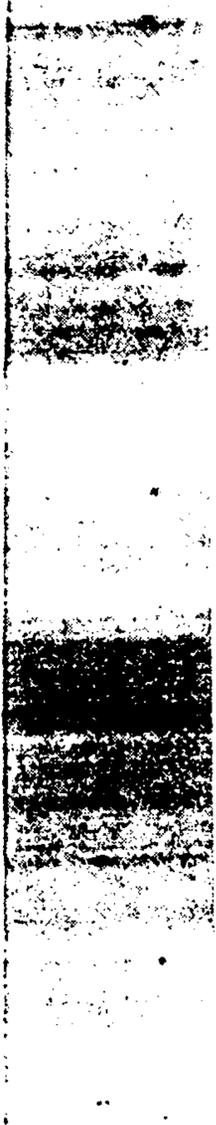


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DEPARTMENT OF THE ARMY
43RD MILITARY POLICE DETACHMENT (CID)(FWD)
10TH MILITARY POLICE BATTALION
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
OPERATION IRAQI FREEDOM APO AE 09323-2647

CIRC-AB

6 Feb 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0152-03-CID469-60212-5C1A/5C2/5T1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 20 Aug 03/1900 - 20 Aug 03/1930; Gunner Collection Point, Forward Operating Base Gunner, Taji, Iraq

DATE/TIME REPORTED: 19 Aug 2003, 2100

INVESTIGATED BY:

7C1 b61 b2
[REDACTED]
7C5 b65 [REDACTED] *7C5 b65* [REDACTED] M; Black; 2-20th Field Artillery Battalion (FA BN), 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Aggravated Assault] [Communicating a Threat]

7C5 b65 [REDACTED] *7C5 b65* [REDACTED] SPC; [REDACTED] M; Other; HHS, 2-20th FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Assault]

7C5 b65 [REDACTED] *7C5 b65* [REDACTED] FC; [REDACTED] M; White; HHS, 2-20th FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Assault]

7C5 b65 [REDACTED] *7C5 b65* [REDACTED] SPC; [REDACTED] M; Black; B Company, 6-37th FA BN, Camp Stanley, Korea APO AP 96257 (Formally with HHS, 2-20th FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323); [Assault]

7C5 b65 [REDACTED] *7C5 b65* [REDACTED] F; Other; Titan Corporation; FOB Gunner, Taji, Iraq; [Assault]

7C5 b65 [REDACTED] *7C5 b65* [REDACTED] SSG; [REDACTED] M; Other; B Co., 2-20th FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Assault]

7C5 b65 [REDACTED] *7C5 b65* [REDACTED] SFC; [REDACTED] M; White; A Bat, 3-29th FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Assault]

SUBJECT: CID REPORT OF ... VESTIGATION - FINAL - 0152-03-C... 169-60212-
SC1A/5C2/5T1

8. [REDACTED] SPC; [REDACTED]; [REDACTED] M;
Black; A Bat, 3-29th FA BN, 4ID, Forward Operating Base Pacesetter, Taji, Iraq APO AE 09323;
[Assault]

VICTIM: 1. [REDACTED] M;
Other; (NFI) [Aggravated Assault] [Assault] [Communicating a Threat]

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom" Report of Investigation.

This office was notified by the Staff Judge Advocate, Camp Iron Horse, Iraq APO AE 09323, of an Assault and Communicating a Threat against an Iraqi detainee.

Investigation established probable cause to believe LTC [REDACTED] committed the offense of Communicating a Threat when he charged his 9mm pistol, positioned it threateningly during his interrogation of Mr [REDACTED] and related he would kill Mr [REDACTED] if he did not provide the appropriate information.

Investigation further established probable cause to believe LTC [REDACTED] committed the offense of Aggravated Assault when LTC [REDACTED] placed the head of Mr [REDACTED] into a clearing barrel, while interrogating him, and fired his 9MM pistol near Mr [REDACTED]'s head.

Further, investigation established probable cause to believe SPC [REDACTED], PFC [REDACTED], SPC [REDACTED], SSG [REDACTED] and Ms [REDACTED] committed the offense of Assault when they punched and kicked Mr [REDACTED] numerous times while they were interrogating him.

Investigation failed to prove or disprove SPC [REDACTED] and SFC [REDACTED] committed the offense of Assault.

STATUTES:

Article 128, UCMJ: Assault/Aggravated Assault
Article 134, UCMJ: Communicating a Threat

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA [REDACTED], 7 Oct 03, documenting the initial notification; interviews of LTC [REDACTED], Mr [REDACTED], SFC [REDACTED], SPC [REDACTED], SSG [REDACTED], PFC [REDACTED], Ms [REDACTED] and SPC [REDACTED]; receipt of name checks; and SJA coordination.

2. Waiver Certificate and Sworn Statement of LTC [REDACTED], 20 Sep 03, in which he confessed to assaulting and threatening Mr [REDACTED].

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3. Waiver Certificate and Sworn Statement of SFC [REDACTED], 27 Sep 03, in which he denied assaulting Mr [REDACTED] *7C-4, 7F, b64* *7C5 b65*
4. Waiver Certificate and Sworn Statement of SPC [REDACTED], 27 Sep 03, in which he confessed to assaulting Mr [REDACTED] *7C4, 7F b64* *7C5 b65*
5. Waiver Certificate and Sworn Statement of SSG [REDACTED], 27 Sep 03, in which he confessed to assaulting Mr [REDACTED] *7C4, b64, 7F* *7C5 b65*
6. Waiver Certificate and Sworn Statement of PFC [REDACTED], 27 Sep 03, in which he confessed to assaulting Mr [REDACTED] *7C4, 7F b64* *7C5 b65*
7. Waiver Certificate and Sworn Statement of Ms [REDACTED], 27 Sep 03, in which she denied assaulting Mr [REDACTED] *7F 7C4 b64* *7C5 b65*
8. Waiver Certificate and Sworn Statement of SPC [REDACTED], 27 Sep 03, in which she denied assaulting Mr [REDACTED] *7F 7C b64* *7C1 b61*
9. AIR of SA [REDACTED], 7 Nov 03, detailing the receipt of the Request for Assistance; interview of SPC [REDACTED] and receipt of hand drawn sketches. *7C5 b65*
10. Waiver Certificate and Sworn Statement of SPC [REDACTED], 7 Nov 03, in which he confessed to assaulting Mr [REDACTED] *7F 7C b64* *7C5 b65*
11. (11-1 and 11-2) Hand Drawn Sketches, prepared by SPC [REDACTED], 7 Nov 03, detailing the circumstances under which the assaults occurred and locations of personnel involved. *7C5 b65*
12. AIR of SA [REDACTED], 8 Dec 03, detailing the receipt of the Request for Assistance and interviews of PFC [REDACTED] *7C1 b61* *7C5 b65*
13. Non-Waiver Certificate of SPC [REDACTED], 24 Nov 03. *7C5 b65*
14. 15-6 Investigation Packet, 19 Sep 03.

Not Attached:

None.

The originals of Exhibits 1 through 13 are forwarded with the USACRC copy of this report. The original of Exhibit 14 is retained in the files of DIVARTY, 4ID.

STATUS: This is a Final report. A Commander's Report of Disciplinary Action Taken (DA Form 4833) is pending on SPC [REDACTED] *7C5 b65*

FOR OFFICIAL USE ONLY

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0152-03-C... +69-60212-5C1A/5C2/5T1

On 10 Oct 03, SSG [redacted] was administered non-judicial punishment under Article 15, UCMJ and received reduction in rank from SSG to SGT, forfeiture of \$250 for two months, and forfeiture of \$918 for two months, suspended for six months.

On 10 Oct 03, SPC [redacted] was administered non-judicial punishment under Article 15, UCMJ and received reduction in rank from SPC to PFC, suspended for six months and forfeiture of \$250 for two months.

On 10 Oct 03, PFC [redacted] was administered non-judicial punishment under Article 15, UCMJ and received reduction in rank from PFC to PV2, suspended for six months and forfeiture of \$250 for two months.

On 20 Oct 03, SFC [redacted] was administered non-judicial punishment under Article 15, UCMJ and received 30 days extra duty, suspended for six months and forfeiture of \$500 with \$350 suspended for six months.

On 12 Dec 03, LTC [redacted] was administered non-judicial punishment under Article 15, UCMJ and received forfeiture of \$2500 for two months.

Report Prepared By:

[redacted] 701 b61
Special Agent [redacted] 02

Report Approved By:

[redacted] 701 b61
Special Agent In-Charge

DISTRIBUTION:

1- Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, Attn: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060-5505 (w/exhibits)

1- THRU: Commander, 10th MP Battalion (CID), Attn: Opns Officer, USACIDC, Camp Victory, APO AE 09335 (w/o exhibits) (email only)

TO: Commander, 3d MP Group (CID), Attn: Opns Officer, USACIDC, Camp Victory, APO AE 09335 (w/o exhibits)(email only)

1- Commander, DIVARTY, FOB Gunner, Taji, Iraq APO AE 09323

1- Commander, 3-29th Field Artillery Battalion, FOB Pacesetter, Iraq APO AE 09323

1- Commander, 6-37th Field Artillery Battalion, Camp Stanley, Korea, APO AE 96257

1- Titan Corporation, ATTN: Operations Manager, APO AE 09342

FOR OFFICIAL USE ONLY

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0152-03-CI .69-60212-
5C1A/5C2/5T1

1- SJA, 4ID, APO AE 09323 (w/exhibits)

1- PM, DMain, 4ID, APO AE 09323 (email only) (w/o exhibits)

1- File (w/exhibits)

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5

05

DOD-DOACID000109

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0152-03-CID469-60212

PAGE 1 OF 3 PAGES

DETAILS

BASIS FOR INVESTIGATION: About 2100, 19 Sep 03, this office was notified by the Staff Judge Advocate, Forward Operating Base (FOB) Iron Horse, Tikrit, Iraq APO AE 09323 of an Assault and Communicating a Threat against an Iraqi detainee.

701 b61

705 b65

About 1000, 20 Sep 03, SA [redacted] advised LTC [redacted] [redacted] 2/20th Field Artillery Battalion (FA BN), FOB Gunner, Taji, Iraq of his rights, which he waived and provided a sworn statement in which he confessed to Assaulting and Communicating a Threat toward Mr [redacted]. [redacted] Detainee Number [redacted], Baghdad, Iraq (NFI). (See Waiver Certificate and Sworn Statement for Details)

704, 7F b64

701 b61

703 b63

About 1445, 25 Sep 03, SA [redacted] and Mr [redacted] Interpreter, Titan Corporation, 4th Military Police Company, FOB Iron Horse, Tikrit, Iraq, interviewed Mr [redacted] who provided a verbal statement in which he stated on 20 Aug 03 he was detained by United States Military personnel while he was working as a police officer at a local Iraqi Police Station in Taji, Iraq. Mr [redacted] stated he was transported to a Military Detention Facility and placed into a private room where he sat for approximately one hour. When the hour passed two soldiers placed him into a different room and started to interrogate him. The two personnel were female and one sounded Egyptian. The Egyptian lady would translate for the other female. As the interrogation proceeded the Egyptian lady stated to him that she would kill him if he did not talk, then she proceeded to kick him in the right leg. About thirty minutes later LTC [redacted] arrived and as he entered the room he chambered a round in his 9MM pistol and placed it on his lap with the barrel of the weapon facing Mr [redacted]. As LTC [redacted] was doing this a soldier pulled his shirt over his head and numerous others soldiers began to punch him in the chest. He stated he received bruises on his ribs, but they have since healed, however, he still had trouble breathing. He further stated he could not see how many soldiers were hitting him because his shirt was over his head. Mr [redacted] stated the only thing he knew about the soldiers striking him was they entered the room with LTC [redacted]. When he still would not provide information, LTC [redacted] and the Egyptian interpreter took him outside and showed him six soldiers standing in line with their weapons in hand. The Egyptian interpreter then stated, "If you don't talk, they will kill you". He still would not provide information, so LTC

U b65

FF b64

14 7F b64

14 b64

TYPED AGENT'S NAME AND SEQUENCE NUMBER

701 b61 02

SA [redacted]

ORGANIZATION

43rd Military Police Detachment, CID Tikrit, Iraq APO AE 09323

SIGNATURE

[redacted signature]

DATE

10 Dec 03

EXHIBIT

1

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0152-03-CID469-60212

PAGE 2 OF 3 PAGES

DETAILS

25
705
[redacted] pulled him by his neck to the clearing barrel and pushed his head inside the clearing barrel so his head was touching the sand. While LTC [redacted] held his head two other soldiers held his arms. LTC [redacted] proceeded to remove his weapon from his holster and placed it about one foot away from Mr [redacted] head, then fired one shot into the barrel very close to Mr [redacted] head. When LTC [redacted] fired the weapon, Mr [redacted] became hysterical and thought he was going to be killed by LTC [redacted]. The Egyptian interpreter continued to question him, but he would not provide any information. After a few more minutes of interrogation, LTC [redacted] finally took him back to his cell in the detainment facility. About two hours later, a medic came to his room to examine him. The medic attempted to give him something intravenously (IV), but he refused it because he did not know what it was. The medic then provided him two bottles of water and some pills. Mr [redacted] stated he did not provide any information to LTC [redacted] because he did not have any to provide. Mr [redacted] stated LTC [redacted] never struck him nor stated he would kill [redacted] if he did not talk.

705 b65
704 b64
705 b65
705 b65

Agent's Comment: At the beginning of the interview Mr [redacted] stated he was never in the detainment facility at Taji and that he was working with the United States Government to assist their efforts in Iraq. When Mr [redacted] realized he was being interviewed as a victim, his story changed and he stated he was detained and abused by the above personnel.

701 b61
705 b65

About 0903, 27 Sep 03, SA [redacted] advised SFC [redacted], A Battery, 3/29th FA BN, FOB Gunner, Taji, Iraq of his rights, which he waived and provided a sworn statement in which he denied Assaulting and Communicating a Threat towards Mr [redacted] (See Waiver Certificate and Sworn Statement for Details)

701 b61
705 b65

About 0938, 27 Sep 03, SA [redacted] advised SPC [redacted] Headquarters and Headquarters Support (HHS), 2/20th FA BN, FOB Gunner, Taji, Iraq of his rights, which he waived and provided a sworn statement in which he confessed to assaulting Mr [redacted] (See Waiver Certificate and Sworn Statement for Details)

701 b61
704 b64
705 b65

About 1113, 27 Sep 03, SA [redacted] advised SSG [redacted] B Company, 2/20th FA BN, FOB Gunner, Taji, Iraq of his rights, which he waived and provided a sworn statement in which he confessed to

5 b65

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

SIGNATURE

701 b61
b2

ORGANIZATION

43rd Military Police Detachment, CID Tikrit, Iraq APO AE 09323

DATE

10 Dec 03

EXHIBIT

1

CID FORM 94

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07

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0152-03-CID469-60212

PAGE 3 OF 3 PAGES

DETAILS

assaulting Mr [REDACTED] (See Waiver Certificate and Sworn Statement for Details) *704 b64*

About 1125, 27 Sep 03, SA [REDACTED] advised PFC [REDACTED] HHS, 2/20th FA BN, FOB Gunner, Taji, Iraq of his rights, which he waived and provided a sworn statement in which he confessed to assaulting Mr [REDACTED] (See Waiver Certificate and Sworn Statement for Details) *701 b61 705 b65*

About 1305, 27 Sep 03, SA [REDACTED] advised Ms [REDACTED] Interpreter, Titan Corporation, 2/20th FA BN, FOB Gunner, Taji, Iraq of her rights, which she waived and provided a sworn statement in which she denied Assaulting and Communicating a Threat towards Mr [REDACTED]. (See Waiver Certificate and Sworn Statement for Details) *704 b64 701 b61 705 b65*

About 1306, 27 Sep 03, SA [REDACTED] advised SPC [REDACTED] D Company, 104th Military Intelligence Battalion (MI BN), FOB Gunner, Taji, Iraq of her rights, which she waived and provided a sworn statement in which she denied Assaulting and Communicating a Threat towards Mr [REDACTED] (See Waiver Certificate and Sworn Statement for Details) *701 b61 705 b65 704 b64*

About 2144, 28 Sep 03, SA [REDACTED] received a check of the Defense Clearance and Investigations Index (DCII) which revealed PFC [REDACTED] was [REDACTED] *704 7F b64*

[REDACTED] LTC [REDACTED], SPC [REDACTED], SPC [REDACTED] HHS, 2/20th FA BN, FOB Gunner, Taji, Iraq and Ms [REDACTED] *701 b61 705 b65*

About 1030, 10 Dec 03, SA [REDACTED] coordinated with MAJ [REDACTED] Staff Judge Advocate, 4ID, FOB Iron Horse who opined probable cause existed to believe LTC [REDACTED] committed the offenses of Aggravated Assault and Communicating a Threat. MAJ [REDACTED] stated probable cause existed to believe SPC [REDACTED], PFC [REDACTED], SPC [REDACTED], SSG [REDACTED] and Ms [REDACTED] committed the offense of Assault. MAJ [REDACTED] further stated the investigation failed to prove or disprove SFC [REDACTED] and SPC [REDACTED] committed the offense of Assault. ///LAST ENTRY/// *703 b663 705 b65*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE

ORGANIZATION

43rd Military Police Detachment, CID Tikrit, Iraq APO AE 09323

DATE

10 Dec 03

EXHIBIT

CID FORM 94

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DOD-DOACID000112

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: FOB Iron Horse, Tikrit, Iraq
2. DATE: 20 Sep 03
3. TIME: 1105 hrs
FILE NO.: 0152-03-CJ0464-60 212
5. NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: O-5/RA
8. ORGANIZATION OR ADDRESS: 2-20th Field Artillery, DIVARTY, 4ID

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigations Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Assault/ Communicating a Threat

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

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being read your rights within the last 30 days? No

Section B. Waiver

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

WITNESSES (If available)
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR
5. TYPED NAME OF INVESTIGATOR: SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 43RD MP DET (CID), Tikrit, Iraq

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

For Official Use Only

Ex 2

SWORN STATEMENT

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

LOCATION FOB Iron Horse, Building 400, Tikrit, Iraq	DATE 20 Sep 2003	TIME 1342	FILE NUMBER 0152-03-CJ0469-60212
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 7051205	SOCIAL SECURITY NUMBER [REDACTED] 7051205		GRADE/STATUS O-6/IRA
ORGANIZATION OR ADDRESS 2-20 th Field Artillery, DIVARTY, 4ID			

I, [REDACTED] 7051205, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In reference to the allegations of assault and conveyance of a threat against an Iraqi National, Mr [REDACTED] 7051205 the following is my statement for submittal. I am guilty of conveying a threat against said individual by the drawing and firing of my assigned 9mm pistol in his proximity. I did not at any time strike the individual but did observe my Soldiers do such, never to his face, and restrained them if they were taking their actions to far. I would like to now give a background on this incident.

On or about Friday, 8 August and informant came to the Gunner gate of FOB Gunner, Taji Iraq. This informant gave information relating to an assassination plot against myself, LTC [REDACTED] and one of my subordinate battery commanders, CPT [REDACTED]. This information was briefed at the nightly Gunner plans meeting by the Gunner S2, CPT [REDACTED]. I was then instructed by COL [REDACTED] to confine my activities to the FOB until this issue was further developed.. One week later on Saturday, 16 August there was an IED and small arms fire attack against a convoy that had just departed Saba al Boor. The convoy contained CPTs [REDACTED] and [REDACTED] who had just completed CMO activites on my behalf. This route is normally taken either to enter or depart from Saba al Boor. Also, Saturdays are the normal days for my weekly district council meetings, either afternoon or mornings.

The informant came back later the following week and supplied the names of three personnel that had been conducting meetings reference the assassination plot. One of the names was [REDACTED], a police officer in Saba al Boor. Based upon that intelligence and knowing his work schedule we launched a snatch team to the police station led by CPT [REDACTED] and my CSM to apprehend the individual. We had police registration pictures so we knew his identity. Mr [REDACTED] was apprehended with a minor struggle at which he went for his 9mm sidearm and was subdued. At that time Mr [REDACTED] stated that he would tell us anything we needed to know.

It was Thursday, 21 August when this snatch occurred and the following day we were to conduct local selections. It was well known as to where the stations were by published flyer. Therefore it was deemed critical to ascertain if, where, and when a potential attack would occur.

Mr [REDACTED] was transported to the Gunner collection point and through interrogation by CI team he was not divulging any information. I was concerned for the impending safety of my Soldiers and myself and did go to the collection point. I cannot remember the time but it was after dark. I asked for volunteer Soldiers and had several who accompanied me, SSG [REDACTED], SPC [REDACTED], SPC [REDACTED], and PFC [REDACTED]. Upon arrival at collection point I spoke with SPC [REDACTED] and Ms [REDACTED] DA interpreter. They both admitted frustration with Mr [REDACTED]. He was being evasive and belligerent to them. We had him separated into a cell and began re-interrogating him reference names of his accomplices, location and time of a potential attack. After approximately 25 minutes nothing was giving. Yes, there had been sporadic body punches and shoving to the individual, which I witnessed but did not allow to get too brutal. I had drawn out my pistol as a means of conveying a threat to him for the seriousness of wanting the information.

I then directed that Mr [REDACTED] be taken out of the collection point and had the translator tell him I had had enough and that this is where it will end. I asked him again to tell us what he knew and when he again shunned the question I did lean him forward toward the clearing barrel and fire a shot. In my anger I do not know if I fired two shots into the barrel or one into the air and another into the barrel that is of no consequence. I fired my weapon. Afterwards, Ms [REDACTED] come in upon my direction and Mr [REDACTED] came forth with names, location, and method of the attack. It was to occur Friday morning in Saba al Boor vicinity of the police station by positioned snipers supposedly being brought in from Fallujah. Mr [REDACTED] was to ID my vehicle and myself for these rooftop firers. We took this information and the following day established flask CPs and used AH-64s overhead. There was no attack and no further attacks have emanated from the town since the apprehension of Mr [REDACTED] and his named associates.

I accept full responsibility for my actions and accept any punishment. I acted in the best interest for my Soldiers and yes myself. The night of this action I informed COL [REDACTED] what I had personally done firing my weapon. I also had Mr [REDACTED] examined by my PA, 1LT [REDACTED] who reported back no serious injuries or bleeding on Mr [REDACTED]. The following day at my Battalion update brief I informed by Battery Commanders, ISGs, and staff of my actions. This was not to boast but rather personally accepting responsibility and to not attempt to conceal my actions. I did embellish some points for emphasis.

EXHIBIT	INITIALS OF PERSON MAKING STATE [REDACTED] 7051205	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 1 JUL 72

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

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Ex 2

10

705 bbs

STATEMENT OF LTC [REDACTED] TAKEN AT FOB Iron Horse DATED 20 Sep 03 CONTINUED

I apologize for the method I used and the actions of 21 August. I had no intentions of bringing disgrace to this command. I humbly ask that no punishment or actions be taken against my Soldiers or anyone witnessing these incidents. I further ask that this can be resolved quickly so that the unit can continue to perform its assigned duties with or without me.

Q: SA [REDACTED] 701 bbs

A: LTC [REDACTED] 705 bbs

Q: How many times have you been to the collection point to interrogate detainees?

A: Just this one time.

Q: Why did you want to interrogate this one detainee?

A: To confirm or deny an attack which was going to occur the following day and by what method the attack would take place.

Q: Why didn't you interrogate detainees before this incident?

A: I never had a reason to before, but since this was an immediate situation and the detainee would not talk to CI I decided to give it a try.

Q: Did you draw your weapon while you were in the detainment facility?

A: Yes, while I was sitting down talking with the detainee.

Q: What type of weapon did you use?

A: My issued 9MM pistol.

Q: Did you have a round chambered in the pistol?

A: I don't think I chambered a round until I went outside.

Q: Was it your intentions to have a round chambered in your weapon while you were inside the detainment facility?

A: No.

Q: Where did you have the weapon pointed?

A: Sitting on my right leg, top of my thigh, with the barrel of the weapon pointed towards the detainee.

Q: Did you say anything to the detainee when you upholstered your weapon and placed it on your knee?

A: I don't recall the exact words I used, but I think I told him if he doesn't talk I would kill him.

Q: Why did you upholster your weapon?

A: Just to scare the detainee because we were not getting any information by talking.

Q: Who was striking the detainees?

A: SPC [REDACTED], PFC [REDACTED], SPC [REDACTED] and Ms. [REDACTED] 705 bbs

Q: How did SPC [REDACTED] strike the detainee?

A: At first he tossed a Kevlar towards the ground where the detainee was standing, then he pushed the detainee and punched him in the chest with a closed fist.

Q: How did PFC [REDACTED] strike the detainee?

A: He punched the detainee in the chest with a closed fist. 705 bbs

Q: How did SPC [REDACTED] strike the detainee?

A: He punched the detainee in the chest with a closed fist.

Q: How did Ms [REDACTED] strike the detainee?

A: She kicked him in his right shin after the detainee said something in Arabic about her.

Q: At anytime did anyone choke or punch to the face of the detainee?

A: No.

Q: While these soldiers were striking the detainee did you tell them to stop?

A: If it became too excessive I would have told them to stop.

Q: At anytime did the punishment get to excessive?

A: No.

Q: Did you tell the soldiers to strike the detainee?

A: No.

Q: Why did they strike the detainee?

A: Because they were mad that he would not give up some information.

Q: What did you mean when you told the detainee "this is where it will end"?

A: It meant if the detainee did not talk I was going to kill him. This was done for the perception so the detainee would think I was going to kill him.

Q: Did you lead the detainee out to the clearing barrel?

A: No I walked out ahead of everyone.

Q: Who brought the detainee to the clearing barrel? [REDACTED] 705 bbs

INITIALS OF PERSON MAKING STATEMENT: [REDACTED] 705 bbs

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Ex-2

11

7051005

STATEMENT OF LTC [REDACTED] TAKEN AT FOB Iron Horse DATED 20 Sep 03 CONTINUED

A: The same soldiers who were in the detainment facility.

Q: Did you direct your soldiers to bring them to the clearing barrel?

A: Yes.

Q: When the soldiers brought the detainee to the clearing barrel what were your actions?

A: I brought his head down toward the barrel using my left hand to shield him away from any sand or blast. The weapon was pointed away from him at this time and was fired as such away from him.

Q: Was the detainee's head in the clearing barrel?

A: Yes

Q: How far away was the weapon when it was fired?

A: Approximately one foot away from his head.

Q: Why did you fire your weapon?

A: It was a last resort to make the detainee talk.

Q: How did the detainee react when the weapon was fired?

A: The detainee started to scream and stated alright, alright, alright. After this my interpreter came forward and I went to my vehicle.

Q: Did anyone attempt to stop you when you had the detainee's head in the clearing barrel?

A: No.

Q: Did the detainee say anything about the incident while he was talking to the interpreter?

A: I don't know.

Q: Did the detainee believe you were going to kill him if he didn't talk?

A: I don't know.

Q: Do you know why the detainee started to talk?

A: No.

Q: Is it possible the detainee thought he was going to be killed by you?

A: I don't know.

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

A: Just that Mr [REDACTED] stayed in the collection point for at least another 7-10 days and after the night of 21 August I never saw him again. Furthermore, I have never returned to the collection point. The man inside me probably did want to inflict hurt upon Mr [REDACTED] but the Soldier and Leader just wanted the pertinent intelligence for the safety of my Soldiers.

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

A: No.///End of Statement// [REDACTED] 7051005

4
b6
b7c

7051005

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 4 PAGES

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Ex-2

12

705 b65

STATEMENT OF LTC [REDACTED] TAKEN AT Camp Iron Horse DATED 20 Sep 03 CONTINUED:

STATEMENT (Continued)

[Large empty rectangular area for the statement content]

705 b65

AFFIDAVIT

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

705 b65

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of September, 2003 at FOB Iron Horse, Tikrit, Iraq

ORGANIZATION OR ADDRESS

701 b61

[REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

701 b61

SA [REDACTED]

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

705 b65

[REDACTED]

705 b65

PAGE 4 OF 4 PAGES

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EX-2

105

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1 LOCATION <u>DPW Building, Taji Air Field, Taji Iraq</u>	2 DATE <u>27 Sep 03</u>	3 TIME <u>0903</u>	4. FILE NO <u>0152-03-130414-6022</u>
5 NAME (Last, First, MI) <u>[REDACTED] JC 705665</u>	8 ORGANIZATION OR ADDRESS <u>A bat, 3/29 FA Taji Air Field, APO AE 09323</u>		
6 SSN <u>[REDACTED] 705665</u>	7. GRADE/STATUS <u>E-7/SFC</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (CID) and wanted to question me about the following offense(s) of which I am suspected/accused Assault / Communicating a threat !!!

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

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

5 COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3 SIGNATURE OF INTERVIEWEE <u>[REDACTED] 705665</u>
1a. NAME (Type or Print)		4 SIGNATURE OF INVESTIGATOR <u>[REDACTED] 701661</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5 TYPED NAME OF INVESTIGATOR <u>SA [REDACTED]</u>
2a. NAME (Type or Print)		6 ORGANIZATION OF INVESTIGATOR <u>43rd MP Det (CID) APO AE 09323</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

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

2 SIGNATURE OF INTERVIEWEE

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

For Official Use Only

Ex 3

SWORN STATEMENT

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

LOCATION: PW Building, Taji Air Field APO AE 09323	DATE: 27 SEP 03	TIME: 1106	FILE NUMBER: 0152-01-CDV469-60212
LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]	SOCIAL SECURITY NUMBER: [REDACTED]	GRADE/STATUS: E-7/SFC	
ORGANIZATION OR ADDRESS: A Bat 3/29 FA, 41D TAJI Air Field			

[REDACTED] 7C5 1265 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On or about 20 AUG 03 I was detailed to be the NCOIC of the Gunner Collection Point, while there a detainee was brought in from the police station downtown. The unit that brought the detainee stated he had resisted and force was used to detain him and that he was involved in a plot to kill LTC [REDACTED] 7C5 1265. The detainee was complaining about his ribs area so I called the medic to check him out. After exam, it was determined that he had a bruised rib. Later the interrogator SPC [REDACTED] 7C5 1265 and interpreter [REDACTED] came to question him. Myself and a soldier escorted him to the interrogation room where I, as had been directed in my instructions to the Gunner Collection Point, stayed with my soldier as guard during the interrogation. The detainee didn't give up any information. SPC [REDACTED] 7C5 1265 called LTC [REDACTED] on the radio and told him she didn't get any information. LTC [REDACTED] called her and said tell him if he has one hour to tell us the information I want or I, LTC [REDACTED] 7C5 1265, or someone else will kill him. I along with my soldier, SPC [REDACTED] 7C5 1265 escorted the detainee back to the interrogation room. With instructions from the interrogator, I stood next to the detainee and stomped my foot on the ground, to create an intimidating environment. After questioning the detainee, little or no more information was recovered. SPC [REDACTED] 7C5 1265 contacted LTC [REDACTED] again and said that no info was attained. LTC [REDACTED] 7C5 1265 said tell him I'm enroute. When LTC [REDACTED] 7C5 1265 showed up along with 4 soldiers, they came into the interrogation room. LTC [REDACTED] 7C5 1265 sat down in front of the detainee and said "I came here for one of two reasons, 1 to get the information I need or 2 to kill you". LTC [REDACTED] 7C5 1265 had changed his pistol at this time. The detainee did not start talking and LTC [REDACTED] 7C5 1265 instructed the soldiers that came in to hit him. The soldiers throughout the questioning, soldiers LTC [REDACTED] 7C5 1265 brought with him, hit in in 5-20 second reps. The detainee was then, told by LTC [REDACTED] 7C5 1265, to be repositioned by my soldier on the MRE box, after all information, except the time the attack was planned, was received. LTC [REDACTED] 7C5 1265 instructed us to bring him to the gate. Myself and SPC [REDACTED] 7C5 1265 escorted him

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT: [REDACTED] 7C5 1265	PAGE: 4
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM

to the gate, when approx 10 feet from the gate LTC [redacted] ^{7C1B01} said this is your last chance, you have 5 seconds to tell me when 5, 4, 3, 2, 1 & then LTC [redacted] ^{7C5B05} fired his weapon in the air, the detainee still did not answer and LTC [redacted] ^{7C5B05} said to place his head in the clearing barrel, some soldiers held him in the clearing barrel where LTC [redacted] ^{7C5B05} put his 9mm to the detainee's head and counted down once more then fired into the clearing barrel, I stated at this time Sir, I don't think he knows and LTC [redacted] ^{7C5B05} said put him back in the cell, LTC [redacted] ^{7C5B05} also stated that he would send the PA out to check the detainee out. The PA came out to check him out and gave him some morphine. I had SPC [redacted] ^{7C5B05} watch the detainee for the rest of the night in the interrogation room, where I had layed the detainee on a bed, to watch for any sign of blood. The next morning I reported what had taken place to my battery Commander, CPT [redacted] ^{7C5B05}. Summary Collection Point had never been given any guidance on how or how far an interrogation could go, LTC [redacted] ^{7C5B05} was the approving authority for releases and category of detainees. It was something I had never experienced before and don't care to again, at no time did I strike the detainee in any way. I didn't report it that night because it was midnight before everyone had left, LTC [redacted] ^{7C5B05} had also given us a talk about how some circumstances bring about extra force to get information, he stated this was a time sensitive circumstance and he did not want lives lost because of a detainee withholding information, at no time did I feel that the detainee's life was in danger. It was questionable though when LTC [redacted] ^{7C5B05} put the weapon to his head, this is when I was concerned.

- Q: SA [redacted] 7C1B01
- A: SFC [redacted] 7C5B05
- Q: How was the detainee hit?
- A: He was hit by the soldiers that LTC [redacted] brought with him in the stomach area with the soldiers fist.
- Q: How often was the detainee hit?
- A: Four or five times for about 5-20 seconds each time.
- Q: Besides the soldiers LTC [redacted] brought with him, did anyone else hit the detainee? [redacted] 7C5B05
- A: Not that I saw.
- Q: Did you hit the detainee, or threaten to do harm to the detainee?
- A: I did not hit the detainee. I stood beside the detainee but never threatened.

him. I stood next to him and stamped my foot as instructed by the interrogator to create a uncomfortable environment, as I stated I never hit or touched the detainee other than escorting the detainee to the cell, the room or the gate. I never verbally threatened the detainee.

Q: You stated LTC [REDACTED] instructed his soldiers to hit the detainee on occasions. How did he do this?

A: with a hand gesture and may have been verbal. I can't recall.

Q: Did you feel the interrogation tactics used were excessive?

A: It's hard to say because this was my first interrogation experience and valuable information was obtained. The gun incident was a shock to me though to say the least.

Q: After being hit by the soldiers, was the detainee in any pain or need of medical aid?

A: The detainee was in an uncomfortable state but no signs, i.e., blood, loss of consciousness, was noted and to ensure his health he was seen by the PA and was monitored all night.

Q: Did you witness the interpreter, ms [REDACTED], kick or slap the detainee?

A: I don't remember her doing but I don't think she did.

Q: Was the detainee struck with any other object?

A: Not that I know of.

Q: During the interrogation, prior to the incident with the gun barrel, do you think the detainee thought he would be killed if he did not provide information?

A: I'm not sure but I knew he was scared or at least appeared to be.

Q: While the detainee was being hit by soldiers, did LTC [REDACTED] have to stop it because it became out of hand?

A: No, and it never did.

Q: During the interrogation, was LTC [REDACTED] pointing his weapon at the detainee?

A: In the beginning.

Q: When the detainee was taken to the clearing barrel, what was he told was going to happen?

A: LTC [REDACTED] told him he had five seconds to answer.

Q: Did you think LTC [REDACTED] was going to shoot the detainee?

A: No.

Q: Did anyone else threaten the detainee with a weapon?

A: No.

Q: Do you have anything else to add?

A: NO !!! END OF STATEMENT !!!

[REDACTED] 7051205
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3 of 4. Ex 3

Statement of SFC [redacted] taken at Taji Airfield dated 27 Sep 03

STATEMENT (Continued)

NOT USED

7051105

AFFIDAVIT

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

7051105

[redacted signature]

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized to administer oaths, this 27 day of Sep, 2003 at Taji Airfield, Iraq

ORGANIZATION OR ADDRESS

[redacted signature]

7011561

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted name]

7011561

(Typed Name of Person Administering Oath)

Article 136 UCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] 7051105

PAGE 4 OF 4 PAGES

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Ex 3

18

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
 For use of this form, see AR 190-30; the proponent agency is ODCSUPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary. *705 b05* *705 b05*

1. LOCATION <i>Taji Airbase</i>	2. DATE <i>27 Sep 03</i>	3. TIME <i>0938</i>	4. FILE NO. <i>0152-03-020409-61212</i>
5. NAME (Last, First, Middle) <i>[Redacted] 705 b05</i>	8. ORGANIZATION OR ADDRESS <i>Taji Airfield</i>		
6. SSN <i>[Redacted] 705 b05</i>	7. GRADE/STATUS <i>E-41 RA</i>	<i>Taji, Iraq</i>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *Criminal Investigation* Command as a special agent and wanted to question me about the following offense(s) of which I am suspected/accused: *Assault / Communicating a Threat*

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <i>[Redacted] 705 b05</i>
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INTERVIEWER <i>[Redacted] 705 b05</i>
2a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR <i>SA [Redacted] 705 b05</i>
		6. ORGANIZATION OF INVESTIGATOR <i>43rd MP DET (CD) Tikrit, Iraq</i>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

For Official Use Only

Ex 4

SWORN STATEMENT

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

LOCATION: Taji Airbase; DATE: 27 Sep 03; TIME: 1857; FILE NUMBER: 0152-03- (ID)469-60212

LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]; SOCIAL SECURITY NUMBER: [redacted]; GRADE/STATUS: E-4/RA

ORGANIZATION OR ADDRESS: H45, 2/20th Field Artillery

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about the 20th of August LTC [redacted] asked me if I wanted to go with him tonight. I said yes and then he said you have to be tough [redacted] and I said always sir. I started getting my stuff together thinking we were going on a raid. When he left and we turned to go in the direction of Gunner Jail I [redacted] said I thought we were going on a raid then LTC [redacted] said no we're going to Gunner Jail and all of us in the vehicle (PFC [redacted], SPC [redacted], myself, & SSG [redacted]) thought we were going on a raid to support the [redacted] QRF. Once at Gunner Jail LTC [redacted] exited the vehicle and walked toward a holding cell and we followed suite. As soon as he entered he locked & loaded his 9mm and waved it in the air never pointing it at the detainee and said we're here for one reason and that's to find out who's trying to kill me. As soon as I heard that my heart started pounding faster because if they kill him chances are they're going to kill me too being LTC [redacted] gunner. As the interrogator asked questions that the translator interpreted to the detainee and I guess the translator didn't like the fact that he touched her so she kicked him several times. She kicked him several more times after that. Then I lost it threw my M16 down and grabbed the detainee and said who the fuck is trying to kill him, that's when SSG [redacted] hit him followed by all of us present except LTC [redacted] and the interrogator who just told us to hit him. The people present were myself, SFC [redacted], SSG [redacted], SPC [redacted], PFC [redacted], PFC [redacted], LTC [redacted], [redacted] & SPC [redacted] (interrogator). After that SPC [redacted] & PFC [redacted] took him outside by orders of LTC [redacted] & placed his head in the cleaning barrel, then LTC [redacted] placed his 9mm

EXHIBIT: [redacted]; INITIALS OF PERSON MAKING STATEMENT: [redacted]; PAGE 1 OF 4 PAGES

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

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Ex 4. 20

by his head and shot a round into the barrel also ~~that~~ as we were talking him outside LTC [REDACTED] shot off a round into the sky and said either you answer the questions or die tonight. After the shot was fired in the barrel SPC [REDACTED] and PFC [REDACTED] placed him on the ground when the interrogator asked for a knife so she could cut him. He then said he wanted to die that's when LTC [REDACTED] told us to mount up and headed to Colonel [REDACTED] living areas in which the LTC [REDACTED] stopped by to talk to him. Once done there we headed back to our HQ's.

Q: SA [REDACTED]

A: SPC [REDACTED]

Q: Did LTC [REDACTED] tell the detainee he was going to kill him when he first entered the jail?

A: I don't know

Q: When LTC [REDACTED] sat down to interrogate the detainee where did he place his 9mm pistol?

A: his lap barrel facing the wall

Q: What is the translator's name?

A: [REDACTED] (first name)

Q: Where did the translator kick the detainee?

A: lower body

Q: How many times did the translator kick the detainee?

A: 2 I don't know the amount of times it took about 2-3 seconds

Q: Where did the detainee touch the translator?

A: He grabbed her hand pulling her toward him

Q: Is this when she kicked the detainee?

A: Yes

Q: Did you hit the detainee when you tossed your kevlar?

A: No the kevlar was thrown by my feet

Q: How did you grab the detainee once you tossed your kevlar?

A: By the shoulders

Q: Why did you grab the detainee by the shoulders?

A: I grabbed him because I wanted to secure him

7C5b65

STATEMENT OF SPC [redacted] TAKEN AT Taji Airbase DATED 27 Sep 03 CONTINUED

Q: Who struck the detainee?

A: SFC [redacted], SSC [redacted], myself, SPC [redacted], PFC [redacted], PFC [redacted], & [redacted] 7C5b65
the translator

Q: Did you witness the above people strike the detainee?

A: Yes

Q: Where did you hit the detainee?

A: the ribs and underarms about 5-6 times (closed fist)

Q: Where did SFC [redacted] hit the detainee? 7C5, b65

A: the back once or twice with his forearm

Q: Where did SSC [redacted] hit the detainee? 7C5, b65

A: the neck and rib area about 5-6 times as well (closed fist)

Q: Where did SPC [redacted] hit the detainee? b7C-5, b6-5

A: lower back rib area about 3-4 times (closed fist)

Q: Where did PFC [redacted] hit the detainee? 7C5 b65

A: chest, twice, closed fist

Q: Where did PFC [redacted] hit the detainee? 7C5 b65

A: chest, underarms, & rib area about 6-7 times (closed fist)

Q: Where did [redacted] hit the detainee? b7C-5, b6-5

A: lower body for several seconds three times (kicking him)

7C5 b65
Q: ~~Did~~ Was the above incident the same one which happened when the detainee grabbed her hand?

A: Yes

Q: What was the detainee's reaction when he was being beaten?

A: Yelling

Q: Who placed the detainee's head into the clearing barrel?

A: SPC [redacted] and PFC [redacted] 7C5 b65

Q: Whose head did LTC [redacted] place his 9mm by?

A: The detainee's 7C5 b65

Q: How close to the detainee's head was LTC [redacted] 9mm when he fired it?

A: about 5-6 inches 7C5 b65

Q: What was the reaction of the detainee when LTC [redacted] fired his 9mm?

A: shock 7C5 b65

Q: Did [redacted] pull a knife out when she said she was going to cut him?

A: It wasn't [redacted] it was SPC [redacted] 7C5 b65

INITIALS OF PERSON MAKING STATEMENT [redacted] 7C5 b65

7C51665

STATEMENT (Continued)

Q: Did SPC [REDACTED] pull a knife out when she said she was going to cut him?

A: No she asked for one 7C51665

Q: Did anyone give SPC [REDACTED] a knife?

A: Yes but, I didn't see the exchange

Q: Did she SPC [REDACTED] point the knife at the detainee?

A: No she only demonstrated how she was going to cut him on him.

Q: How did SPC [REDACTED] demonstrate on the detainee?

A: She made a slicing action by his leg

Q: What did the knife look like?

A: Gerber knife

Q: Did you ever communicate a threat towards the detainee?

A: No

Q: Who escorted the detainee back to his cell?

A: I don't know

Q: Do you have anything else to add to this statement? 7C51665

A: Yes when you asked about if the only time [REDACTED] kicked the detainee when he grabbed her I said yes, because the question didn't seem right, but I realized immediately afterward that I put the wrong answer because she also kicked him on a separate occasion. //End of Statement// [REDACTED] 7C51665

7C51665

AFFIDAVIT

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

7C51665

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of Sep, 20 03 at Taji Airfield, Taji, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA [REDACTED] 7C51661

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 134, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 7C51665

PAGE 4 OF 4 PAGES

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Ex 4

RIGHTS WAIVER PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: Taji Airbase
2. DATE: 27 Sep 03
3. TIME: 113
4. FILE NO.: 0152-03- (A)469-6021
5. NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: E-61 RA
8. ORGANIZATION OR ADDRESS: B Company 2120 FA Taji Airbase

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
3. SIGNATURE OF INTERVIEWEE: [Redacted]
4. SIGNATURE OF INTERVIEWER: [Redacted]
5. TYPED NAME OF INVESTIGATOR: SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 43rd MP DET (ID) Tikrit, Iraq

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

For Official Use Only

Ex 5

SWORN STATEMENT

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

LOCATION Taji, Airbase	DATE 27 Sep 03	TIME 1235	FILE NUMBER 0152-03-CAM64-60212
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-6/ RA
ORGANIZATION OR ADDRESS Company 2120 Field Artillery			

[REDACTED] 7C5 b65 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On that night, PFC [REDACTED] 7C5 b65 came in the room and told me that LTC [REDACTED] 7C5 b65 needed some guys to go to the jail to interrogate a detainee, so myself and 3 other soldiers went with the BN Commander. On the way out PFC [REDACTED] 7C5 b65 told me that we were going to the jail to bust some heads, and I heard somebody else tell [REDACTED] 7C5 b65 "this job is not for kids, you have to be tough over there". On the way to the jail LTC [REDACTED] 7C5 b65 called the jail and told someone over the radio to put the detainees in a separate room. When we got to the jail they already had the detainee in another room and [REDACTED] 7C5 b65 the JA translator was with him. LTC [REDACTED] 7C5 b65 took his individual equipment off but kept his pistol. Then he sat in front of the detainee with the pistol on his lap and told him "I'm here for a reason, you are going to tell me who wants to kill me or I'm going to kill you". After that the JA translator would ask the detainee some questions and then slapped or kicked him. After a while the detainee started smiling and telling LTC [REDACTED] 7C5 b65 "I love you". At that point one of my soldier threw his kevlar on the ground and cursed the detainee and pushed him, then I came from the side and punched the detainee on the side of the head. At that point LTC [REDACTED] 7C5 b65 told me to back up and someone else told me not to punch him on the head or face. After that I helped the detainee to sit down again. This asking and beating continued for about 40 min. Everybody: Myself, PFC [REDACTED] 7C5 b65, SPC [REDACTED] 7C5 b65 and SPC [REDACTED] 7C5 b65 took turns hitting the detainee after the translator or the other female (SPC [REDACTED] 7C5 b65) instructed us to do so. There was another soldier from 3-29 FA hitting the detainee too.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C5 b65	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] 7C5 b65 TAKEN AT [REDACTED] 7C5 b65 DATED [REDACTED] 7C5 b65 CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] 7C5 b65 OF [REDACTED] 7C5 b65 PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF SSG ██████████^{7CS bios} TAKEN AT Taji Airbase DATED 27 Sep 03 CONTINUED

I also saw SFC ██████████^{7CS bios} (the JAIL NOBLE) hit the detainee once. After 40 min LTC ██████████^{7CS bios} told us to bring the detainee outside. We took him to the courtyard and the asking and beating continued for about 20 min. Then LTC ██████████^{7CS bios} told us to bring the detainee outside the jail. We took him outside and we continued to ask and hit the detainee for about 15 min. After that LTC ██████████^{7CS bios} told us to put him in the clearing barrel and then shot his pistol with the detainee's head inside barrel. After that the unit that was in charge of the jail took custody of the detainee and we left. On the way back from the jail we stopped at the aid station to send a medic to the jail to check on the detainee and after that we stopped at COL ██████████ where LTC went inside and me and my soldier stayed at the vehicle. ██████████

21 SA ██████████ 7C111111

1: SSG ██████████ 7CS bios

Q: Do you know the date and time of the incident?

A: 20 Aug 03 @ 2300

Q: What did PFC ██████████ mean by "we were going to the jail to bust some heads"?

A: LTC ██████████ told him that, then he told me. And he meant rough up a detainee.

Q: Did LTC ██████████ chamber a round into his 9mm pistol when he entered the room where the detainee was located?

A: Not in the room, he did outside but I don't remember if the detainee saw him doing this.

Q: Did the translator slap the detainee or kick the detainee?

A: Both

Q: How many times did the translator slap the detainee?

A: More than once. with open hand and she also kicked him on the legs.

INITIALS OF PERSON MAKING STATEMENT: ██████████^{7CS bios}

PAGE 2 OF 4 PAGES

7C5608

STATEMENT OF SSG [REDACTED] TAKEN AT Taji Airbase DATED 27 Sep 03 CONTINUED

Q: What soldier threw his kevlar on the ground?

A: SPC [REDACTED] 7C5608

Q: Did you use a closed fist to punch the detainee on the side of the head?

A: yes, Right fist

Q: Who told you not to strike the detainee on the head?

A: either the [REDACTED] or the U.S interrogator, SPC [REDACTED] 7C5608

Q: Describe where everyone was hitting the detainee while he was inside the building?

A: everyone else was hitting the detainee on the ribs and legs with open hand & fist.

Q: Who is everyone? 7C5608 7C5608 7C5608

A: SPC [REDACTED] SPC [REDACTED] PFC [REDACTED] PFC [REDACTED] from 3-29FA and SFC [REDACTED] also hit the detainee once with closed fist on the ribs - Also the DA translator hit the detainee

Q: The only one that didn't hit the detainee was SPC [REDACTED] but she was encouraging us by saying "he is lying, hit him" 7C5608

Q: Who was hitting the detainee in the courtyard?

A: Same as above 7C5608

Q: Did SPC [REDACTED] ever strike the detainee?

A: All she did was asking the detainee questions and then tell us he is lying.

Q: Who held the detainees head into the clearing barrel? 7C5608

A: At that point myself, SPC [REDACTED] and SPC [REDACTED]. I don't remember if PFC [REDACTED] was holding him too.

Q: Where did LTC [REDACTED] shoot his 9mm pistol? 7C5608

A: into the clearing barrel

Q: How close was the 9mm pistol to the head of the detainee when LTC [REDACTED] fired it?

A: 2 or 3 inches

Q: While the detainee was being beaten did he say anything?

A: he kept contradicting himself, and he would say I love you to LTC [REDACTED], cry and scream.

Q: How did the detainee react when LTC [REDACTED] fired his 9mm into

705 b6/5

STATEMENT OF SSG [REDACTED] TAKEN AT Taji Airbase DATED 27 Sep 03 CONTINUED.

STATEMENT (Continued)

the clearing barrel?
 Q: He cried and started to talk or SAID something about Ala.
 Q: Did the detainee receive any injuries from the incident?
 A: NO that I know of, but I asked the medic the next day and he said that he was bruised but other than that OK.
 Q: Who was the medic?
 A: 2-20 FA PA, LT [REDACTED] 705 b6/5
 Q: Did LTC [REDACTED] direct anyone to strike the detainee?
 A: NO, but we knew what we were there for.
 Q: Why were you there?
 A: to try to get information from the detainee.
 Q: Have you every struck a detainee before this incident?
 A: NO
 Q: Did you ever communicate a threat towards the detainee?
 A: NO
 Q: Do you have anything else to add to this statement?
 A: NO // End of statement // [REDACTED] 705 b6/5

705 b6/5

AFFIDAVIT

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

[REDACTED] 705 b6/5
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of Sep, 20 03 at Taji Airbase, Taji, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] 701 b6/1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] 701 b6/1
(Typed Name of Person Administering Oath)
Art 136 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 705 b6/5

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION DPW Building, Taji Air Field, Iraq APO AE 09323	2. DATE 27 SEP 03	3. TIME 1125	4. FILE NO 0152-03-059919-6022
5. NAME (Last, First, MI) [REDACTED] 703 b63	8. ORGANIZATION OR ADDRESS HHS, 2/20 FA, 410 Taji Air Field, Iraq APO AE 09323		
6. SSN [REDACTED] 705 b65	7. GRADE/STATUS PFC/E-3		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (CID) and wanted to question me about the following offense(s) of which I am suspected/accuse assault/communicating a threat

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] 705 b63
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] 701 b61
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA [REDACTED] 701 b61
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 43rd MP Det (CID) APO AE 09323
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

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

2. SIGNATURE OF INTERVIEWEE

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

For Official Use Only

Ex 6

SWORN STATEMENT

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

LOCATION DPW Building, Taji Air Field, Iraq APO AE 09323	DATE 27 SEP 03	TIME 1222	FILE NUMBER 0152-03-LE0469-60212
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 7C31065	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS PFC/E-3
ORGANIZATION OR ADDRESS HHS, 2/20 FA, 4ID TAJI Air Field, Iraq APO AE 09323			

[REDACTED] 7C31065 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

The night that this incident occurred, myself, LTC [REDACTED] 7C665, SFC [REDACTED] 7C1265, SSG [REDACTED] 7C1265, SPC [REDACTED] 7C51065 went to gunner jail to interrogate a certain individual. When we arrived at the jail I immediately recognized the individual as a police officer in Salba Abore. We began to ask this man questions on the supposed assassination on LTC [REDACTED] 7C665. The man did not answer the questions to our liking, and we began to assault this person. The assault lasted about an hour or so, before the LTC [REDACTED] put his head in the cherry barrel and shot three rounds near the individual's head. He then gave up some good information, and we left to the Aid Station to get a medic for this man. LTC [REDACTED] went to Col [REDACTED] living quarters, and from there we left to go back to our living quarters.

Q: Describe how the detainee was struck by you and the other soldiers?
 A: He was struck in the face and body area, whether it be by closed fist, open hand, back hand or kicking. I personally hit him a few times in each the facial area and chest area.
 Q: Was the detainee hit hard enough to cause injury?
 A: Yes, but did not know how bad he was injured!
 Q: How often was the detainee hit?
 A: Throughout the interrogation. 7C665
 Q: Besides you and the soldiers LTC [REDACTED] brought with him, did anyone else in the room hit the detainee?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C665	PAGE 1 OF 3
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED". THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED. THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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Ex 6

A: PFC [redacted] 7C5665
SFC [redacted], Interpreter, [redacted] 7C3663

Q: Did these individuals hit the detainee in the same manner as you and the other soldiers did?

A: Yes.

Q: Did the detainee ~~fact~~ appear to be scared he would be killed if he did not provide information?

A: Yes.

Q: Was hitting the detainee part of a interrogation tactic that was discussed prior to the interrogation?

A: NO, the hitting came out of stress and frustration. No one told us to hit anyone at the jail. SPC [redacted] would say to hit him, but it was never an order. [redacted] 7C5665

Q: Did SPC [redacted] ever hit the detainee?

A: Not that I seen.

Q: After being hit, did the detainee require medical attention?

A: Yes, we decided to give him medical attention.

Q: Was the detainee struck with any other object?

A: a gerber by [redacted] 7C3663

Q: while the detainee was being hit, did LTC [redacted] 7C5665 have to stop it because ~~because~~ it might have gotten out of hand?

A: He would try to calm the situation down.

Q: During the interrogation, did LTC [redacted] 7C5665 point his weapon at the detainee?

A: Yes, everytime he sat down in front of the individual, he has his weapon out and clearly visible. ~~Sometimes~~ Sometimes he would point it directly at the individual.

Q: when the detainee was taken to the clearing barrel, what was he told was going to happen to him?

A: That LTC [redacted] 7C5665 was going to kill him if he didn't answer the questions.

Q: when you heard the first shot fired, did you think LTC [redacted] 7C5665 had shot the detainee?

A: Yes.

Q: why did you think he shot the detainee?

A: He seemed very frustrated. He wasn't getting the right answers. He was getting more and more upset. It was like it was the last straw.

Q: How many times did LTC [redacted] 7C5665 fire his weapon near the detainee's head?

A: 3

[redacted] 7C5665

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2 of 3 Ex b

7051665

Statement of PFC [redacted] taken at Taji Airfield dated 27 Sep 03

STATEMENT (Continued)

Q: After the incident, did LTC [redacted] tell you not to tell anyone about the incident?

A: yes. After [redacted] was finished talking to COL [redacted] 703663, we head back to our living quarters. He then told us to keep this incident to ourselves and to people we trust.

Q: Do you have anything to add?

A: NO. /// END OF STATEMENT /// [redacted] 7051665

7051665

AFFIDAVIT

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

[redacted] 7051665

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of Sep, 2003 at Taji Air Field, Iraq

ORGANIZATION OR ADDRESS

[redacted] 701661

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted] 701661

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] 7051665

PAGE 3 OF 3 PAGES

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Exp

RIGHT EARLY WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Taji Airbase</i>	2. DATE <i>27 Sep 03</i>	TIME <i>1:05 PM</i>	4. FILE NO. <i>0152-03-120469-60212</i>
5. NAME (Last, First, MI) [REDACTED] <i>7C5 b65</i>	8. ORGANIZATION OR ADDRESS <i>Titan Corp. Interpreter, LI team Taji, Iraq</i>		
6. SSN [REDACTED] <i>7C5 b65</i>	7. GRADE/STATUS <i>CEV</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *Criminal Investigation Command as a Special Agent* and wanted to question me about the following offense(s) of which I am suspected/accused: *Assault / Communicating a threat*

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

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

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

WITNESSES <i>(If available)</i>		3. SIGNATURE
1a. NAME <i>(Type or Print)</i>	[REDACTED]	[REDACTED] <i>7C5 b65</i>
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME <i>(Type or Print)</i>	[REDACTED]	[REDACTED] <i>7C5 b65</i>
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		<i>SA [REDACTED] 7C5 b65</i>
		6. ORGANIZATION OF INVESTIGATOR
		<i>43rd MP DET (ID) Tikrit, Iraq</i>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

For Official Use Only

Ex 7

SWORN STATEMENT

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

LOCATION: Taji Airbase; DATE: 27 Sep 03; TIME: 2:30 PM; FILE NUMBER: 0152-03-CJD469-60212

LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] 7C5 b65; SOCIAL SECURITY NUMBER: [redacted]; GRADE/STATUS: CIV

ORGANIZATION OR ADDRESS: [redacted] 7C5 b65

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Sometimes on Aug, Special show and I went to the Jail to interrogate a detainee [redacted] 7C5 b65. She asked him some questions about the information that we had regarding the threat of killing LCT [redacted] 7C5 b65 in SAAB Al-Bor.

The detainee didn't answer the questions truthfully, we couldn't get any information and we were about to finish with him and go back to our building. However LCT [redacted] came with his soldiers to the Interrogation Room and kind of took over the Interrogation. LCT [redacted] asked the detainee about more information, however the detainee didn't answer him.

7C5 b65

LCT [redacted] held his weapon to scare the detainee, and I think the detainee started to pop up with some names, but it wasn't enough information for LCT [redacted], so his soldiers started to grab the detainee to the ground and hit him on his shoulders and legs. LCT [redacted] kept asking more questions to the detainee but again, the detainee didn't add any more information about the names he told us before.

7C5 b65

LCT [redacted] order his soldiers to grab the detainee outside of the jail to scare him more. LCT [redacted] shot once in the air and it did scare the detainee. Again the detainee started to give more information and details about the snipers, police, tanks and other planners but again it wasn't enough, so LCT [redacted] asked his soldiers to grab the detainee to a box that was filled with dirt and pushed his head down and LCT [redacted] shot one more time near the detainee's head. Here I thought LCT [redacted] killed the detainee but after a few seconds I figured that the detainee was ok. The soldiers again kept hitting the detainee to get more information. The detainee told us about the exact place, time and other people who were involved.

EXHIBIT: [redacted]; INITIALS OF PERSON MAKING STATEMENT: [redacted] 7C5 b65; PAGE 1 OF 3 PAGES

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

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Ex 7

STATEMENT OF MS [REDACTED]

TAKEN AT Taji Airbase

DATED 27 Sep 03

CONTINUED

In the plan for kidnaping LTC [REDACTED] After that we left

(That was the Best of Knowledge).

Q: SA [REDACTED]

A: Ms [REDACTED]

Q: Did LTC [REDACTED] notify anyone before he arrived at the jail?

A: No

Q: How did LTC [REDACTED] hold his weapon when he was interrogating the detainee?

A: Pointed the detainee's face

Q: What were the names of the soldiers beating the detainee?

A: I don't know

Q: How many soldiers were beating the detainee?

A: (4)

Q: Did you strike the detainee?

A: No

Q: Did anyone state to the detainee they would kill him if he didn't talk?

A: Yes, LTC [REDACTED] did

Q: What did LTC [REDACTED] say?

A: I think he said that "I need some info and if I didn't get it I will kill you."

Q: Did anyone order the soldiers to strike the detainee?

A: I don't know

Q: Did you kick the detainee in the leg?

A: No, not that what I was aware of

Q: Is it possible you could have kicked the detainee?

A: No, not in purpose

Q: Did anyone threaten the cut the detainee with a knife?

A: LTC [REDACTED] threatened me to kill the detainee and show him the knife and translate what LTC told for ex: cutting his toes or fingers if he didn't tell us the truth

Q: Did LTC [REDACTED] tell you to show the knife to the detainee so

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 3 PAGES

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Ex 7

STATEMENT OF M/s [REDACTED]

TAKEN AT Taji Airbase DATED 27 Sep 01 CONTINUED:

FILE NUMBER: 0152-03-CD469-60212

7C5/b05

STATEMENT (Continued)

Q: The translation would be better?

A: Yes

Q: How did the detainee react to the beating + when LTC [REDACTED] fired his 9mm pistol near his head?

A: while he was kicked and pushed, he was screaming

Q: How close did LTC [REDACTED] hold the 9mm pistol to the detainee's head when he fired it into the clearing barrel?

A: I couldn't see because it was dark out

Q: Did you threaten the detainee at any time?

A: only to translate for someone else.

Q: Did SAC [REDACTED] direct anyone to strike the detainee?

A: No 7C5/b05

Q: Did anyone try and stop the soldiers when they were beating the detainee?

A: The person who is in charge of the jail that night

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

A: No // End of Statement // [REDACTED] 7C3/b03

7C5/b05

AFFIDAVIT

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

[REDACTED] 7C5/b05
(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of Sep, 2001 at Taji Airbase, Taji, Iraq.

[REDACTED] 7C1/b01
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] 7C1/b01
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 7C3/b03

PAGE 3 OF 3 PAGES

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Ex 7

W

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30: the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION DPW Building, Taji Air Field, Iraq APO AE 09323	2. DATE 27 SEP 03	3. TIME 1306	4. FILE NO. 0152-03-CJ9919-60212
5. NAME (Last, First, MI) [REDACTED] 7CS 1605	8. ORGANIZATION OR ADDRESS D Co, 104 MI BN Taji Air Field, Iraq APO AE 09323		
6. SSN [REDACTED] 7CS, 1605	7. GRADE/STATUS SPC/E-4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] 7C, 1605
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] 7C, 1601
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME (Last, First, MI) SA [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 43rd MP Det (CID) APO AE 09323
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

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

2. SIGNATURE OF INTERVIEWEE

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

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Ex 8

SWORN STATEMENT

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

LOCATION: DPW Building, Taji Air Field, Iraq APO AE 09323	DATE: 27 SEP 03	TIME: 1456	FILE NUMBER: 0152-07-CID469-60212
LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]	SOCIAL SECURITY NUMBER: [REDACTED]	GRADE/STATUS: SPC/E-4	
ORGANIZATION OR ADDRESS: D Co, 104th MI BN, Taji Air Field, Iraq APO AE 09323			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On ~~the~~ 20 Aug 03 [REDACTED] was detained in response to information given by [REDACTED]. I was sent to question him that evening to get information on a planned attack the next day. I used direct line of questioning initially to get answers. I received no information about the planned attack so proceeded to use incentive, love of family, and finally ^{mild} fear up. I was informed (during the interrogation) that deep strike six wanted to speak with me on the radio. When speaking with him I informed him that we had gotten no information from [REDACTED] regarding the attack. He ~~informed~~ told me to ask about the location of the homes of the people on a list of names he had given me and to inform [REDACTED] to a [REDACTED] tell everything he knew about the attack or He (Ltc [REDACTED]) would be at the jail in a hour to kill him. I went back to the room questioned [REDACTED] about the people on the list and the attack (again) and told him that either he tell me or my commander would come to talk to him and that he really did not want that. Ltc [REDACTED] came to the jail a while later and I stepped back to let him take over. He informed [REDACTED] that he had only a certain amount of time (I can't remember the amount) to tell what he knew or Ltc [REDACTED] would shoot him. [REDACTED] still ~~did~~ did not give the answers that we needed. I saw Ltc [REDACTED] look at his soldiers. I saw them move forward → [REDACTED]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT: [REDACTED] JC 1265	PAGE 1 OF 5
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM

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Ex 8

and at that time I turned away. I left the room when I started hearing hitting and grunts (falls). After that I left the room frequently and gauged when to come back by the guards who were watching - their actions, body language, they were spectator like. At one point LTC [redacted] 725665 called me in and we spoke. I don't fully remember the conversation, but I do remember talking about whether or not he was going to break or if he had anything to say. At this time I also reminded him about Geneva Conventions. ^(He didn't care because was a threat to his life and his men's) I was called in to take over. LTC [redacted] 725665 left the room, leaving behind the threat that [redacted] 7247F104 didn't talk. He would be taking a walk outside ^{to be shot}. I took the role of firmly/harshly demanding that [redacted] 7247F104 carry this through. ^{He wouldn't have to take the walk.} I talked to him some more and then went to talk to LTC [redacted] 725665. I told him I didn't think we were going to get anything either. [redacted] 7247F104 really didn't know or he was afraid of something more than us. He told me to try one more time to see what we could get. So we proceeded outside gunner collection point. When we got outside LTC [redacted] 725665 shot his gun out in the direction of the open area across from the collection point. I don't remember exactly, but I do know I talked to [redacted] 7247F104 and now I'm frustrated so I get up and walk away ^{towards} [redacted] 725665 and his guys grab [redacted] 7247F104 and were not going to get anymore. The same as I told him before - [redacted] 7247F104 I tell LTC [redacted] 725665 and he goes over to the guy. I see them put his head in the clearing barrell. I turn away. The next thing I know I see LTC [redacted] 725665 wear a gun shot. I turn around in shock and see LTC [redacted] 725665 clearing his weapon. After that we pretty much closed things up and ended it. [redacted] 725665

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20F5 Ex 8

Q: SA [REDACTED] 7C1661

A: SPC [REDACTED] 7C5665

Q: Did you witness anyone in the room during the interrogation hit the detainee

A: No, I did not. I purposely turned away and walked out because I did not want to see it or hear it. 1) because I knew it was wrong on many levels and 2) because I don't like (to witness or see) violence.

Q: When you returned to the room, after the detainee was hit, did you notice if the detainee had injuries or in pain?

A: No I did not notice any injuries. He had been holding his side when he first came in the room for us to start interrogating him, but we were told the medics had cleared him for questioning. So occasionally I did see him hold his side, but I did not notice him pay attention to any new areas of pain.

Q: From what you saw who was hitting the detainee?

A: I saw LTC [REDACTED] 7C5665 soldiers move towards the detainee, from this I assume it was them doing the hitting.

Q: Did Ms [REDACTED] 7C3103 the interpreter or any other soldier not mentioned, hit the detainee?

A: I'm not sure. I did not see her or any other soldier hit the detainee, but that is because I turned away and left.

Q: Did you strike the detainee or instruct other soldiers to strike the detainee?

A: No, I did not. I don't condone violence. I know sometimes the implication is required for a fear up approach and I do my job but I have never and never will strike or instruct someone else to strike another individual (detainee).

Q: Did LTC [REDACTED] 7C5665 or any other soldier tell the detainee he would be killed if he did not answer questions and provide information?

A: Yes, LTC [REDACTED] 7C5665 did tell this to the detainee - he would be killed if he did not give us the information about the attack.

Q: Did LTC [REDACTED] 7C5665 or any other soldier point a weapon at the detainee while being interrogated in side the interrogation room?

[REDACTED] 7C5665
For Official Use Only

3 of 5 Ex 8

A: I don't remember. I do know that he held the weapon in his lap.

Q: who had the weapon out?

A: LTC [REDACTED] 7C5b65

Q: was it apparent to you that he had the weapon out in order to show the detainee that he would be shot if he did not cooperate?

A: Yes

Q: Did the detainee, through his actions, show that he was in fear of his life?

A: I wouldn't say that he showed he feared for his life, but he did show fear and the begging desire to please.

Q: when the detainee was taken to the clearing barrel, what did LTC [REDACTED] 7C5b65 tell him would happen if he did not provide the information he was seeking?

A: I don't remember what he said (if any), but I do know the detainee was given the warning before his head was put in the barrel.

Q: How many shots did LTC [REDACTED] 7C5b65 fire?

A: 2 shots 1 towards the field across from the collection point and 1 in the clearing barrel.

Q: After the incident did LTC [REDACTED] 7C5b65 tell you not to report the incident?

A: No, he did not

Q: Did you report the incident to your supervisor?

A: I mentioned it to her Lt. [REDACTED] 7C3b63 when I returned to my room. It was late and she was going to bed so out of courtesy I did not go into details. I did tell her LTC [REDACTED] 7C5b65 came to the jail and took over the interrogation and that things got crazy. She told me to write what happened. I put it in my journal, but did not give her a written statement mainly because I ran out of time preparing for my trip the next day and then I pushed it out of my mind.

Q: Do you have anything to Add?

A: No // END OF STATEMENT // [REDACTED] 7C5b65

7C5b65

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4 of 5 Ex 8

7051265
Statement of SPC [redacted] taken at Taji Airfield dated 27 Sep 03

STATEMENT (Continued)

[Large diagonal line across the page with handwritten text: NOT USED 7051265]

7051265

AFFIDAVIT

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

7051265

[redacted signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by [redacted] to administer oaths, this 27 day of SEP, 2003 at TAJI AIR FIELD, Iraq

ORGANIZATION OR ADDRESS

[redacted signature]

701161

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]

701161

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

7051265-5

PAGE 5 OF 5 PAGES

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Ex 8

52

Basis for Investigation: On 7 Nov 03, this office received a Request for Assistance (RFA) (0152-03-CID469-60212) from the Special Agent in Charge, 43rd Military Police Detachment (CID) (FWD), 10th Military Police Battalion (CID) (FWD), Camp Iron Horse, Iraq, APO AE 09323-2647, requesting our office locate, fully identify and interview SPC [redacted], B Battery, 6-37th Field Artillery, Camp Stanley, Korea, APO AP 96257. *7C5 b65*

At 1300, 7 Nov 03, SA [redacted] advised SPC [redacted] of his legal rights, which he waived, and provided a sworn statement admitting to physically assaulting Mr [redacted] Detainee Number [redacted], and holding him down while LTC [redacted] fired his issued 9mm beside Mr [redacted]'s head into a clearing barrel. SPC [redacted] provided two sketches, which are of the interrogation room and outside by the clearing barrel. SPC [redacted] could not identify the observers, which were drawn on the two sketches he provided. SPC [redacted] stated the observers were in military uniforms (See Waiver Certificate, Sworn Statement and Sketches for details). *7C5 b65*

7C5 b65

b7c-4, b6-4

7C5, b65

7C5, b65

STATUS: This RFA is being closed in the files of this office as all investigative activity was completed and additional activity is not anticipated.///LAST ITEM///

SA [redacted]

7C1 b61 b2

20th Military Police Detachment
6th Military Police Group (CID)
Camp Red Cloud, Korea APO AP 96258

Signature: [redacted]

Date: 7 Nov 03

CID Form 94 *7C1, b61*

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EXHIBIT: *9*

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: Camp Red Cloud
2. DATE: 7 Nov 03
3. TIME: 1310
4. FILE NO: 705 b65
5. NAME (Last, First, MI): [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: E-4/AD
8. ORGANIZATION OR ADDRESS: Bravo Battery, 6137 Field Artillery, Camp Stanley, Korea, APO AP 96257

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected: Assault III

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

1a. NAME (Type or Print): [Redacted]
1b. ORGANIZATION OR ADDRESS AND PHONE: [Redacted]
2a. NAME (Type or Print): [Redacted]
2b. ORGANIZATION OR ADDRESS AND PHONE: [Redacted]
3. SIGNATURE OF INTERVIEWEE: [Redacted]
4. SIGNATURE OF INVESTIGATOR: [Redacted]
5. TYPED NAME OF INVESTIGATOR: [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 20th MP Det (CIA), Camp Red Cloud RD, Camp Red Cloud, Korea, APO AP 96258

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT OR FORWARDED TO THE SUSPECT ACCUSED

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Red Cloud CID Office
2. DATE (YYYYMMDD): 2003/11/07
3. TIME: 13351610
FILE NUMBER: 0096-03-CID338
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] 705 b65
6. SSN: [redacted]
7. GRADE/STATUS: E-4/ SPC
8. ORGANIZATION OR ADDRESS: Bravo Battery, 6/37 FA, Camp Stanley, Korea, 96257

9. [redacted] 705 b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I WAS WITH LTCOL [redacted] THE NIGHT OF THE ALLEGED ASSAULT ON AN IRAQI DETAINEE IN TAJI, IRAQ. EARLY THAT DAY LTCOL [redacted] 705 b65 RECEIVED INFORMATION ABOUT A REWARD FOR HIS LIFE. LTCOL [redacted] THEN ORDERED A GROUP OF SOLDIERS AND NCOs TO MOVE TO THE SABER AL-PAR POLICE STATION TO DETAIN A POLICE OFFICER. UPON RETURNING TO GUNNER COLLECTION POINT LTCOL [redacted] ORDERED MS [redacted] 705 b65 TO INTERROGATE THE DETAINEE. AT APPROXIMATELY 2330 HRS LTCOL [redacted] 705 b65 WAS INFORMED THAT NO INFORMATION WAS GIVEN. LTCOL [redacted] 705 b65 DELAYED THAT THE INTERROGATOR HAD ONE HOUR TO OBTAIN AS MUCH INFORMATION AS POSSIBLE OR HE WOULD COME DOWN THERE TO TALK TO THE POLICE OFFICER HIMSELF. AFTER ONE HOUR HAD PAST LTCOL [redacted] 705 b65 GATHERED UP SFC [redacted] 705 b65, SSG [redacted] 705 b65, AND JFC [redacted] 705 b65 AND HEADED TO THE GUNNER COLLECTION POINT. UPON ARRIVAL LTCOL [redacted] 705 b65 TALKED TO THE INVESTIGATOR AND ASKED WHAT INFORMATION WAS GIVEN. WE THEN PROCEEDED TO ENTER THE INTERROGATION ROOM TO TALK TO THE INDIVIDUAL. LTCOL [redacted] 705 b65 THEN GRABBED A UKE BOX TO SIT DOWN IN FRONT OF THE INDIVIDUAL LTCOL [redacted] 705 b65 TO THE INDIVIDUAL THAT "IF YOU DON'T TELL ME WHAT I WANT TO HEAR, I HAVE A WORK OUTSIDE FOR YOU AND I WILL TAKE YOU OUTSIDE AND KILL YOU."

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] 705 b65 DATED [redacted] 705 b65"

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

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

STATEMENT OF SPC [redacted] ^{705 b65} TAKEN AT CRC CID DATED 2003/11/07

9 STATEMENT (Continued)

^{705 b65} Now myself LTCOL [redacted] ^{705 b65} proceeded to question the individual. After about 10 minutes of questioning SPC [redacted] walked up to the individual and pushed him on the ground and screamed "ANSWER THE QUESTION. WHO IS TRYING TO KILL LTCOL [redacted]?" SSG [redacted] then stepped up and began hitting the individual in the ribs. LTCOL [redacted] shouted for SPC [redacted] and SSG [redacted] to stop and pick him up. After about 15 minutes of questioning by LTCOL [redacted] and MS. [redacted] myself, PFC [redacted] ^{705 b65}, SSG [redacted], SPC [redacted] and PFC [redacted] ^{705 b65} Gunner Collection Point [redacted] began to hit the individual in the ribs MS [redacted] told us to stop and she began to question the individual while he was sitting on the floor. After about 10 minutes of questioning, MS [redacted] ^{703 b63} told us to take him outside. Myself and PFC [redacted] ^{705 b65} held the individual while SSG [redacted] ^{705 b65} began to blindfold the individual. PFC [redacted] and I picked him up and began walking to the door. MS [redacted] asked us to stop in the middle of the room to ask him two questions. He gave false information and MS [redacted] ^{703 1063} told PFC [redacted] and I to walk him outside. As we started walking PFC [redacted] ^{705 b65} struck the individual in the nose. We proceeded to take the individual outside and were told to stop at the door. MS [redacted] asked the individual one question. He proceeded to give information. After five minutes the individual began to give false information. MS [redacted] told PFC [redacted] and I to take him outside. ^{705 b65} At this time the individual began to squirm around as if he wanted to get away, so myself and PFC [redacted] hit the individual in the ribs about 5 times each to stop him from squirming. LTCOL [redacted] ^{705 b65} ordered us to

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 11 PAGES

^{705 b65} For Official Use Only

EX 10

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

STATEMENT OF [REDACTED] 705 b05 TAKEN AT Camp Red Cloud DATED 2003/11/07

703 b03

9. STATEMENT (Continued) to stop in the courtyard. The individual asked for some water. Ms [REDACTED] got the individual some water and told him that if he answered her question he would get water. The individual complied with Ms [REDACTED] and gave information. After about 15 minutes in the courtyard the individual began give false information again and Ms [REDACTED] told us to take him to the gate. As Pfc [REDACTED] and I started walking we felt the individual start moving his arms as if he was trying to escape from our hold. I hit the individual approximately 3 times to stop him from moving. As we proceeded to the gate we had another guard open the gate. Ms [REDACTED] yelled for us to stop and reminded the individual that if he didn't give up information Lt Col [REDACTED] was going to kill him. He then told Ms [REDACTED] that he would give her more information. Ms [REDACTED] continued to question the individual. After 20 minutes of questioning the individual began giving false information again. As the individual was sitting on the ground Ms [REDACTED] told us to hit him a couple of times. As we hit him the individual began to swing his arms as if he was trying to hit us. SSG [REDACTED], SFC [REDACTED] Pfc [REDACTED] then joined myself and Pfc [REDACTED] in hitting the individual. Lt Col [REDACTED] The told us to put the individual in the clearing barrel. As we put him in the clearing barrel Lt Col [REDACTED] moved alongside of us with his gun and pressed the barrel to the individual head told him that "If you don't start giving answers I will kill you." The individual began to talk and Ms [REDACTED] asked us to take him out.

b3
b6
b3

703 b03

b6
b3

05
b6
b5

705 b05

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 705 b05 PAGE 3 OF 11 PAGES

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Ex 10

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STATEMENT OF [REDACTED] TAKEN AT Camp Red Cloud DATED 2003 11/07

9. STATEMENT (Continued)

705 b6
705 b7C

Myself and PFC [REDACTED] began to take the individual out of the clearing barrel and placed him on the ground. After 10 minutes of questioning Ms. [REDACTED] said he was lying again. SPC [REDACTED] and I began hitting the individual. LT Col [REDACTED] ordered us to put him back in the clearing barrel. This time LT Col [REDACTED] put the 9MM next to the individual head not intending to shoot him but to scare enough to give up information and pulled the trigger. As LT Col [REDACTED] pulled the trigger the individual went stiff of shock. He then said that he would talk. Ms. [REDACTED] finally came to LT Col [REDACTED] and told him that she has all the information. LT Col [REDACTED] gathered us to get inside the humvee to leave. As we were leaving LT Col [REDACTED] said to go by the Aid Station so he could tell Lt. [REDACTED] to go check out the individual. As we were returning back to our building LT Col [REDACTED] said that this night stays within 2-20 and 2-20 only. We all gave a HOOAH and continued to walk to our rooms as LT Col [REDACTED] returned to the Operations Center.

Q: SA [REDACTED] 701 b6/1

A: SPC [REDACTED] 705 b6's

Q: WHEN LTC [REDACTED] WAS SITTING IN FRONT OF THE DETAINEES DID HE HAVE HIS 9MM OUT OF THE HOLSTER?

A: I couldn't tell, I WAS IN THE CORNER AND HE HAD HIS HANDS BETWEEN HIS LEGS.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 705 b6's

PAGE 4 OF 11 PAGES

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STATEMENT OF [REDACTED] 705 b65 TAKEN AT CRC DATED 2003 11/07

9. STATEMENT (Continued) 705 b65

Q: When SSG [REDACTED] WAS hitting the detainee, how WAS he hitting him?

A: He WAS standing in front of him punching straight down with a closed fist. He used his right hand. About 10 to 15 hits.

Q: When you, PFC [REDACTED] SSG [REDACTED], SPC [REDACTED], and PFC [REDACTED] WERE hitting the detainee in the ribs, How did each individual hit him and how many times?

A: He WAS laying down on the ground and we WERE circled around him. We WERE all punching straight down with a closed fist and hitting him in the stomach and the ribs. We each hit him about 5 times.

Q: When you say SSG [REDACTED] blindfolded the detainee, what do you mean?

A: He took the detainee's shirt, wrapped around his eyes, and tied it in a knot around the back of his head.

Q: When PFC [REDACTED] struck the detainee in the nose, how did he hit him?

A: He stood in front of him, and threw a straight punch with a closed right fist, hitting him in the nose.

Q: When you and PFC [REDACTED] WERE hitting the detainee by the door, How WERE you and PFC [REDACTED] hitting him?

A: I WAS holding the individual with my left arm and I WAS hitting him with a closed fist ~~with~~ right fist. PFC [REDACTED] WAS doing the same on the detainee's right side.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 705 b65

PAGE 5 OF 11 PAGES

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STATEMENT OF

[REDACTED]
705 b65

TAKEN AT

CRC

DATED

2003 11/07

9. STATEMENT (Continued)

Q: When you said you hit the detainee three times while walking to the gate, what do you mean?

705 b65

A: I gave him 3 quick hits with a closed right fist to make him stop squirming.

Q: When the detainee was on the ground, how were you, PFC [REDACTED], SSG [REDACTED], PFC [REDACTED], and SPC [REDACTED] hitting him?

705 b65

A: We were all circled around him as he was laying on his side, we were all punching straight down with closed fists. We all hit him about 4 times each.

Q: Did you think LTC [REDACTED] was going to kill or shoot the detainee?

705 b65

A: Yes

Q: Why do you think this?

705 b65

A: He just brought out his 9mm and put it to his head and I thought he was going to shoot him, but he just asked him questions and I realized he wasn't going to shoot him.

Q: When you, SSG [REDACTED], PFC [REDACTED] and SPC [REDACTED] were hitting him beside the clearing barrel, how were each of you hitting him?

705 b65

A: SPC [REDACTED] was on his left side, SSG [REDACTED] was on his right side, the detainee was laying on his back, and me and PFC [REDACTED] I was next to SPC [REDACTED] and PFC [REDACTED] was next to SSG [REDACTED] me and SPC [REDACTED] were hitting with a closed fist in the back and ribs, we hit him about 6 to 7 times, SSG [REDACTED] and PFC [REDACTED] were hitting him in his stomach and ribs with closed fist, they hit him about 6-7 times.

705 b65
705 b65

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]
705 b65

PAGE

6

PAGES

[REDACTED]
705 b65

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STATEMENT OF [REDACTED] ^{705 1205} TAKEN AT CRC DATED 2003/11/07

9. STATEMENT (Continued)

^{705 1205} Q: Did you attempt to stop LTC [REDACTED] when he pointed and fired his 9mm at the detainee?

^{705 1205} A: It all happened so fast that I didn't realize he did it till afterwards.

Q: What you think LTC [REDACTED] meant by "This night stays within 2-20 and 2-20 only"?

^{705 1205} A: He didn't want a lot people knowing what was going on, that was not there or inside our building.

Q: Why do think he said?

^{705 1205} A: I guess he wanted to keep it between us.

Q: Did you and the other soldiers discuss what happened afterwards?

^{705 1205} A: Yes, we just talked among ourselves about what happened and how crazy it was.

Q: Did you and the other soldiers discuss how to keep this incident from being told to other people?

^{705 1205} A: No we didn't.

Q: What was the demeanor of everyone that was involved that in the incident?

^{705 1205} A: We were angry because they were trying to kill LTC [REDACTED] we were mad because the detainee kept giving false statements.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] ^{705 1205}

PAGE 7 OF 11 PAGES

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STATEMENT OF

7C5 665
[Redacted Name]

TAKEN AT

CRC

DATED

2003/11/07

9. STATEMENT (Continued)

Q: Did ANYONE order you or the other soldiers to hit the detainee?

7C5 665
A: Ms. 7C31603 did, she would tell us to hit him EVERYTIME HE WOULD GIVE A FALSE STATEMENT.

Q: Did ANYONE order you or the other soldiers to stop hitting the detainee?

7C366
A: LTC 7C366 did the first time, the rest of the it was Ms. 7C366 who told us to stop.

Q: Do you think you WERE doing the right thing by hitting the detainee?

7C366
A: At the time, I thought I WAS BECAUSE WE WERE TRYING TO GET information, but LATER ON I thought about AND I REALIZED IT WAS bad thing AND HE WAS just doing what HE WAS told AND WE hurt him for somebody ELSE.

Q: What kind of injuries did the detainee have?

7C366
A: He had a bandage underneath his shirt, I didn't see any blood.

Q: Do you regret what happened that day?

7C366
A: YES I do. 7C36603

Q: Describe Ms. [Redacted]?

7C366
A: She has red curly hair, shoulder length, she is about 5'7", about 115-120 lbs, she was Egyptian, very light skin, she had on desert BDU pants and boots and a brown shirt, looked to be in her late 20's or early 30's. She didn't wear glasses.

Q: Did Ms. [Redacted] hit the detainee?

7C366
A: YES, she slapped him and kicked and pushed him.

INITIALS OF PERSON MAKING STATEMENT

7C366
[Redacted Initials]

PAGE 8 OF 11 PAGES

7C366

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FX 10

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STATEMENT OF [REDACTED] TAKEN AT CRC DATED 2003 11/07

9. STATEMENT (Continued)

Q: Describe the detainee?

705
7065

A: He was about 5'4" - 5'7" black hair crew cut, he had medium skin tone, weighed ~~130~~ 135-140 lbs, no tattoos, he had on a white white muscle shirt, blue slacks, and black moccasins.

Q: Did anyone to include LTC [REDACTED] tell you not to report this incident?

705
7065

A: No.

Q: Why did you not report it?

705
7065

A: It really did occur to me.

Q: Did you know that it is a crime to abuse EPWs or civilian detainees?

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A: EPWs I did know, civilian detainees I did not.

Q: Were you briefed on the treatment of EPWs or civilian detainees?

705
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A: In basic training I was briefed on treatment of EPWs, but I did not know that civilian detainees were treated as EPWs.

Q: What were you told/trained on for handling of EPWs or civilian detainees?

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A: EPWs I was always told not to abuse them, use verbally abuse them, due to Geneva Convention, but I was not briefed on civilian detainees.

Q: Do you feel that Ms [REDACTED] and LTC [REDACTED] influenced your actions on the evening in question?

705
7065

A: No, everybody is in charge of their own actions, if I was in LTC [REDACTED] position, I probably would have done the same thing.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 705
7065

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EX 10

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STATEMENT OF [REDACTED] ⁷⁰⁵/₁₂₀₅ TAKEN AT CRC DATED 2003/11/07

9. STATEMENT (Continued)

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

A: No. /// End of Statement /// [REDACTED] ⁷⁰⁵/₁₂₀₅

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] ⁷⁰⁵/₁₂₀₅

PAGE 10 OF 11 PAGES

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EX 10

STATEMENT OF SPC [REDACTED] TAKEN AT CRC CID DATED 2003/11/07

9. STATEMENT (Continued)

[Large diagonal line across the statement area]

705165
[REDACTED]
Not Used

765 b65

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 11. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] 705165
(Signature of Person Making Statement)

WITNESSES.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of November, 2003 at Camp Red Cloud

ORGANIZATION OR ADDRESS

[REDACTED] 7011061
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136, UCMJ
(Authority To Administer Oaths)

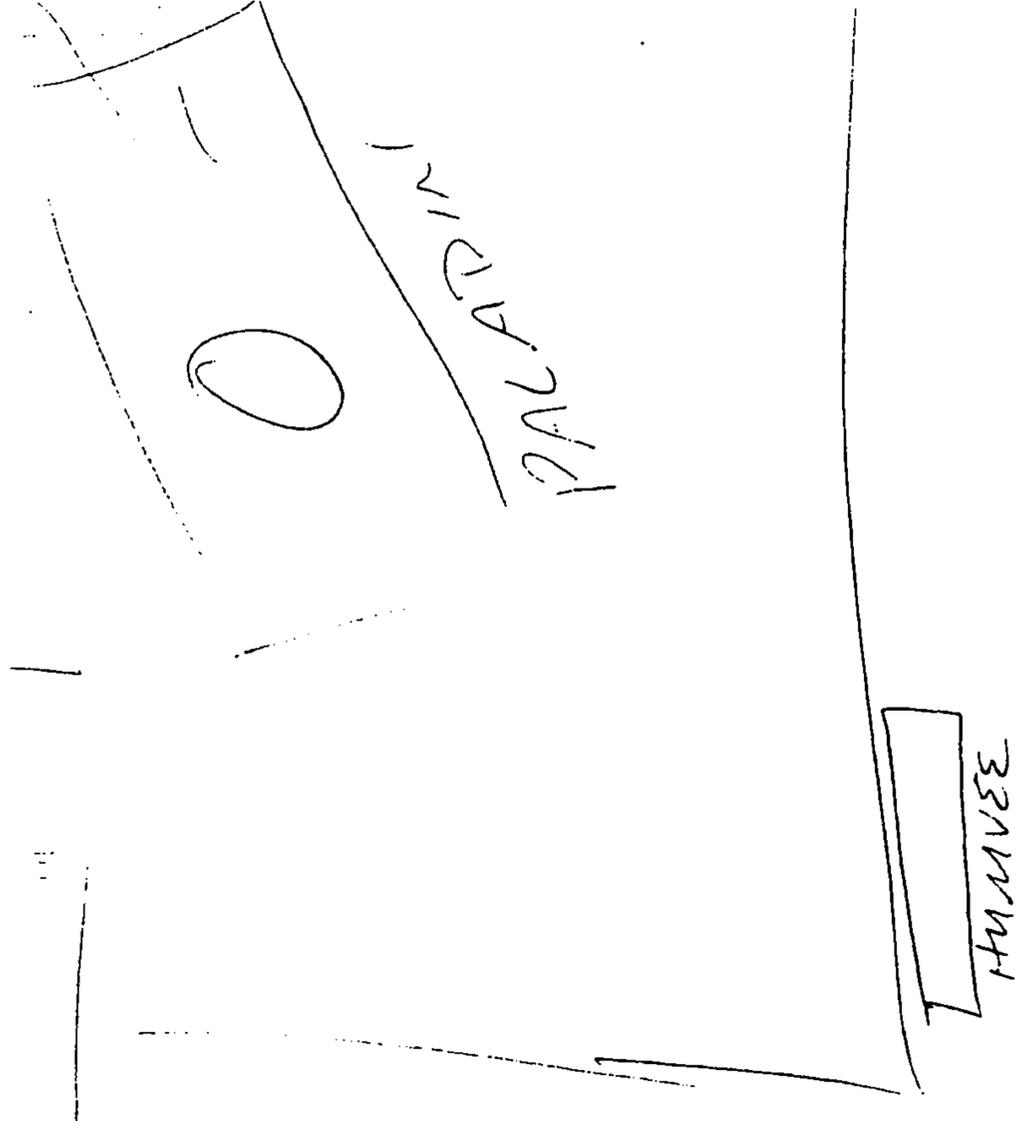
INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 11 OF 11 PAGES

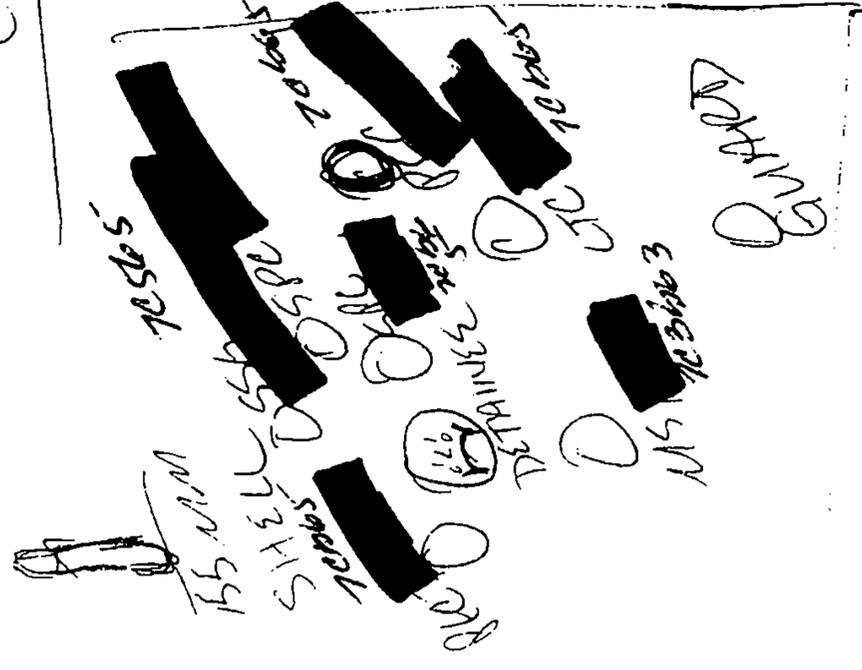
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Ex 10



G V A T 2

WALKWAY
 OBSERVER
 OBSERVER
 OBSERVER



CLERK
BRANCH 47

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705 605
 [Redacted]
 Statched by -
 7 Nov 03
 1550

OPEN SPACE

OPEN

WITNESSED BY:
 [Redacted]
 7 Nov 03, 1550

Ex 11

DETAILS

705 b6-3
 Basis Of Investigation: About 1100hrs, 20 Nov 03, SA *701 b61* [REDACTED] 307th MP DET CID, APO AE 09391 received a Request For Assistance (RFA) (0152-03-CID469-60212) from the 43rd MP DET (CID), 10th MP BN (CID), APO AE 09323-2647 to locate, fully identify, photograph, obtain major case prints and conduct a subject interview of SPC [REDACTED], A Co., 3-29 Field Artillery Battalion, Forward Operating Base (FOB) Pacesetter, Iraq regarding the alleged assault of Mr. [REDACTED] (NFI), an Iraqi Detainee who was being interrogated on FOB [REDACTED] Iraq.
704 7F b64

705 b6-3
 Additionally, locate, fully identify, interview as a witness and obtain a sworn statement from LT [REDACTED] (NFI), Physician Assistant (PA), 2/20th FA BN (NFI) regarding what injuries Mr. [REDACTED] sustained from the alleged assault and what medical treatment was provided. *70 7F b64*

About 1230, 24 Nov 03, SA *701 b61* [REDACTED] advised SPC *70-3 b63* [REDACTED] of his rights, which he invoked. Major case fingerprints and photographs of SPC [REDACTED] were obtained. *70 b63* **///LAST ENTRY///**

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA

701 b61 62
 [REDACTED]
 [REDACTED]

ORGANIZATION

10th Military Police Bn (CID)(ABN)
 307th Military Police Detachment (CID)
 APO AE 09391

SIGNATURE

DATE
 8 Dec 03

EXHIBIT

12

RIGHTS WARNING PROCEDURE/WAIVER CERT. DATE
For use of this form, see AR 190-30; the pronoun agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1 LOCATION: LSA ANACONDA, IRAQ
2 DATE: 24 NOV 03
3 TIME: 1236
4 FILE NO: 0105-03-CID919
5 NAME: [Redacted] 7C5 1065
6 SSN: [Redacted] 7C5 1065
7 GRADE/STATUS: SPC
8 ORGANIZATION OR ADDRESS: C 3/29th FA, APO 09323-2616

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- 00 -

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

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

5 COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a NAME (Type or Print)
b ORGANIZATION OR ADDRESS AND PHONE

3 SIGNATURE OF INTERVIEWEE
4 [Redacted Signature]

2a NAME (Type or Print)
b ORGANIZATION OR ADDRESS AND PHONE

5 TYPED NAME OF INVESTIGATOR
6 ORGANIZATION OF INVESTIGATOR
307th MP DET (CID), LSA ANACONDA, IRAQ
APO AE 09391

Section C. Non-Waiver

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

2 SIGNATURE: [Redacted]

AFFIDAVIT OF THIS WAIVER CERTIFICATE AND SWORN STATEMENT (If Form 2875 SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED)

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EX 13

Page(s)

60-90

Referred to:

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

MS. JACQUELINE SCOTT
scottj@centcom.smil.mil
(813) 827-5341/2830

DATE: 20 SEP 03

FROM: SAC, 43RD MP DET (CID) (FWD)

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, HQUSACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID) (ABN) (FWD) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
CDR, 2ND BCT
PROVOST MARSHAL //PM//4ID

SUBJECT: CID REPORT - INITIAL/SSI - 0152-03-CID469-60212-5C1A/5C2/5T1

DRAFTER: [REDACTED]
RELEASER: [REDACTED]

7C1, b61

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 20 AUG 03/1900; GUNNER COLLECTION POINT, FORWARD OPERATING BASE GUNNER, TAJI, IRAQ

2. DATE/TIME REPORTED: 19 SEP 03/2100

3. INVESTIGATED BY: SA [REDACTED]

7C1 b61 b2

4. SUBJECT: 1. [REDACTED]; LTC; [REDACTED]; [REDACTED] M; BLACK; 2-20TH FIELD ARTILLERY BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC; [AGGRAVATED ASSAULT] [COMMUNICATING A THREAT]

7C5 b65

7C5 b65

2. [REDACTED]; SPC; [REDACTED]; [REDACTED] M; HISPANIC; HHS, 2-20TH FIELD ARTILLERY BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC; [ASSAULT]

7C5 b65

7C5 b65

3. [REDACTED]; PFC; [REDACTED]; [REDACTED] M; WHITE; HHS, 2-20TH FIELD ARTILLERY BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC; [ASSAULT]

7C5 b65

7C5 b65

4. [REDACTED]; SPC; [REDACTED]; [REDACTED] M; BLACK; HHS, 2-20TH FIELD ARTILLERY BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC; [ASSAULT]

7C5 b65

7C5 b65

5. [REDACTED] LOCAL IRAQI INTERPRETOR; ZZ (NFI); [ASSAULT]

7C5 b65

5. VICTIM: 1. [REDACTED]; LOCAL IRAQI DETAINEE; (NFI)

7C4 7F b64

[AGGRAVATED ASSAULT] [ASSAULT] [COMMUNICATING A THREAT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE'S OFFICE, CAMP IRON HORSE, IRAQ APO AE 09323, OF AN ASSAULT AND COMMUNICATING A THREAT AGAINST AN IRAQI DETAINEE.

7C5 b65
PRELIMINARY INVESTIGATION DISCLOSED LTC [REDACTED] WHILE SITTING INSIDE THE GUNNER COLLECTION POINT AND CONDUCTING AN INTERROGATION OF MR [REDACTED], PLACED HIS 9MM ON HIS THIGH AND TOLD MR [REDACTED] HE WOULD KILL HIM IF HE DID NOT PROVIDE INFORMATION PERTAINING TO A PLOT TO KILL LTC [REDACTED] AND OTHERS. LTC [REDACTED] TOOK MR [REDACTED] OUTSIDE THE FACILITY WHERE HE HELD MR [REDACTED] HEAD INTO THE CLEARING BARREL AND FIRED TWO SHOTS FROM HIS 9MM PISTOL, NEXT TO [REDACTED] HEAD AND INTO THE CLEARING BARREL. INVESTIGATION FURTHER DISCLOSED SPC [REDACTED], PFC [REDACTED], SPC [REDACTED] AND MS. [REDACTED] WHILE IN THE DETAINMENT FACILITY, PUNCHED AND KICKED MR [REDACTED] IN THE CHEST AND LEGS MULTIPLE TIMES DURING THE COURSE OF THE INTERROGATION AND IN THE PRESENCE OF LTC [REDACTED].

7C4, 7F, b64
7C4, 7F, b64
7C4, 7F, b64
7C4, 7F, b64

ON 20 SEP 03, LTC WEST PROVIDED A SWORN STATEMENT IN WHICH HE CONFESSED TO THE ABOVE OFFENSES.

INVESTIGATION CONTINUES BY THE USACIDC.

*** REQUEST USACRC NAME CHECK OF LTC [REDACTED], SPC [REDACTED], PFC [REDACTED], SPC [REDACTED] AND MS [REDACTED] ***

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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