

DEPARTMENT OF THE ARMY  
43<sup>RD</sup> 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:

SUBJECT: 1. *7C5 b65* *7C5 b65* *7C1 b61 b2* [redacted] M; Black; 2-20<sup>th</sup>  
Field Artillery Battalion (FA BN), 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Aggravated  
Assault] [Communicating a Threat]

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

3. *7C5 b65* *7C5 b65* [redacted] FC; [redacted] M;  
White; HHS, 2-20<sup>th</sup> FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Assault]

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

5. *7C5 b65* *7C5 b65* [redacted] F;  
Other; Titan Corporation; FOB Gunner, Taji, Iraq; [Assault]

6. *7C5 b65* *7C5 b65* [redacted] SSG; [redacted]  
[redacted] M; Other; B Co., 2-20<sup>th</sup> FA BN, 4ID, FOB Gunner, Taji, Iraq APO AE 09323; [Assault]

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

SUBJECT: CID REPORT OF ... VESTIGATION - FINAL - 0152-03-C. 469-60212-  
5C1A/5C2/5T1

8. [REDACTED] SPC; [REDACTED] M;  
Black; A Bat, 3-29<sup>th</sup> 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]

FOR OFFICIAL USE ONLY

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 7C5 b65*
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. *7C1 b61 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. *7C1 b61 7C5 b65*
12. AIR of SA [REDACTED], 8 Dec 03, detailing the receipt of the Request for Assistance and interviews of PFC [REDACTED] *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/ST1

On 10 Oct 03, SSG [REDACTED] <sup>705 b6/5</sup> 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] <sup>706 b6/5</sup> 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] <sup>705 b6/5</sup> 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] <sup>705 b6/5</sup> 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] <sup>705 b6/5</sup> was administered non-judicial punishment under Article 15, UCMJ and received forfeiture of \$2500 for two months.

Report Prepared By:

[REDACTED] <sup>701 b6/1</sup>  
Special Agent <sup>02-</sup>

Report Approved By:

[REDACTED] <sup>701 b6/1</sup>  
Special Agent In-Charge

DISTRIBUTION:

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

1- THRU: Commander, 10<sup>th</sup> 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, 3-29<sup>th</sup> Field Artillery Battalion, FOB Pacesetter, Iraq APO AE 09323

1- Commander, 6-37<sup>th</sup> 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)

FOR OFFICIAL USE ONLY

5

05

# 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.

About 1000, 20 Sep 03, SA [REDACTED] advised LTC [REDACTED] 2/20<sup>th</sup> 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]. Detainee Number [REDACTED], Baghdad, Iraq (NFI). (See Waiver Certificate and Sworn Statement for Details)

About 1445, 25 Sep 03, SA [REDACTED] and Mr [REDACTED] Interpreter, Titan Corporation, 4<sup>th</sup> 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 [REDACTED]

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]  
SIGNATURE [REDACTED]

ORGANIZATION

43<sup>rd</sup> Military Police Detachment, CID  
Tikrit, Iraq APO AE 09323

DATE

10 Dec 03

EXHIBIT

CID FORM 94

FOR OFFICIAL USE ONLY

DOD-DOACID000110

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0152-03-CID469-60212

PAGE 2 OF 3 PAGES

## DETAILS

██████████ 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 ██████████ held his head two other soldiers held his arms. LTC ██████████ proceeded to remove his weapon from his holster and placed it about one foot away from Mr ██████████ head, then fired one shot into the barrel very close to Mr ██████████ head. When LTC ██████████ fired the weapon, Mr ██████████ became hysterical and thought he was going to be killed by LTC ██████████. The Egyptian interpreter continued to question him, but he would not provide any information. After a few more minutes of interrogation, LTC ██████████ 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 ██████████ stated he did not provide any information to LTC ██████████ because he did not have any to provide. Mr ██████████ stated LTC ██████████ never struck him nor stated he would kill ██████████ if he did not talk.

Agent's Comment: At the beginning of the interview Mr ██████████ 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 ██████████ realized he was being interviewed as a victim, his story changed and he stated he was detained and abused by the above personnel.

About 0903, 27 Sep 03, SA ██████████ advised SFC ██████████, A Battery, 3/29<sup>th</sup> 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 ██████████ (See Waiver Certificate and Sworn Statement for Details)

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

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA ██████████		43 <sup>rd</sup> Military Police Detachment, CID	
SIGNATURE		Tikrit, Iraq APO AE 09323	
DATE		EXHIBIT	
10 Dec 03			

CID FORM 94

FOR OFFICIAL USE ONLY

DOD-DOACID000111

# 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)

About 1125, 27 Sep 03, SA [REDACTED] advised PFC [REDACTED] HHS, 2/20<sup>th</sup> 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)

About 1305, 27 Sep 03, SA [REDACTED] advised Ms [REDACTED] Interpreter, Titan Corporation, 2/20<sup>th</sup> 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)

About 1306, 27 Sep 03, SA [REDACTED] advised SPC [REDACTED] D Company, 104<sup>th</sup> 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)

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

[REDACTED] LTC [REDACTED] SPC [REDACTED] SPC [REDACTED] HHS, 2/20<sup>th</sup> FA BN, FOB Gunner, Taji, Iraq and Ms [REDACTED]

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 SPC [REDACTED] and SPC [REDACTED] committed the offense of Assault.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE

ORGANIZATION

43<sup>rd</sup> Military Police Detachment, CID  
Tikrit, Iraq APO AE 09323

DATE

10 Dec 03

EXHIBIT

CID FORM 94

FOR OFFICIAL USE ONLY

DOD-DOACID000112



## RIGHT LEARNING PROCEDURE/WAIVER CERTIFICATE

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

## DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION  
FOB Iron Horse, Tikrit, Iraq

2. DATE  
20 Sep 03

3

TIME

1105 hrs

FILE NO.

10152-03-CJN464-60 212

5. NAME (Last, First, MI)  
[REDACTED] NCS bios

8. ORGANIZATION OR ADDRESS  
2-20th Field Artillery  
DIVARTY  
4ID

6. SSN  
[REDACTED] 7051605

7. GRADE/STATUS  
O-5/RA

## 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

suspected/accused Assault/ Communicating a Threat and wanted to question me about the following offense(s) of which I am

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

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

(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)

Have you requested a lawyer after being read your rights within the last 30 days?

No, [REDACTED] 7051605

## Section B. Waiver

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

## WITNESSES (if available)

1a. NAME (Type or Print)

3. SIGNATURE OF INTERVIEWEE

b. ORGANIZATION OR ADDRESS AND PHONE

4. SIGNATURE OF INVESTIGATOR

2a. NAME (Type or Print)

5. TYPED NAME OF INVESTIGATOR

SA

701 1601

b. ORGANIZATION OR ADDRESS AND PHONE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2 01

For Official Use Only

EX 2

DOD-DOACID000113

# SWORN STATEMENT

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

LOCATION FOB Iron Horse, Building 400, Tikrit, Iraq	DATE 20 Sep 2003	TIME 1342	FILE NUMBER 0152-03-CI0469-60 242
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 705605	SOCIAL SECURITY NUMBER [REDACTED] 705605		GRADE/STATUS O-6/RA
ORGANIZATION OR ADDRESS 2-20th Field Artillery, DIVARTY, 4ID			

I, [REDACTED] 705605, 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] 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 activities 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 STATEMENT [REDACTED] 705605	PAGE 1 OF 4 PAGES
---------	--	-------------------

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

DA FORM 2823  
1 JUL 72

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

For Official Use Only

Ex 2

10

7C5 b6s

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] 7C1 b6f

A: LTC [REDACTED] 7C5 b6s

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] 7C5, b6s

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. 7C5 b6s

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?

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C5 b6s

PAGE 2 OF 4 PAGES

For Official Use Only

EX-2

11

705605

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 you 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] 705605

4  
b6 47F

705605

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

For Official Use Only

Ex 2

12

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

STATEMENT (Continued)

705 bbs  
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.

WITNESSES:

705 bbs  
(Signature of Person Making Statement)

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 bbs  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

701 bbs  
(Typed Name of Person Administering Oath)

Article 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

For Official Use Only

Ex-2

13

**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>0152-01-120119-6022</u>
5 NAME (Last, First, MI) <u>[REDACTED] JCPS/605</u>	8 ORGANIZATION OR ADDRESS <u>A Bat, 3/29 FA</u> <u>Taji Air Field, APO AE 09323</u>		
6 SSN <u>[REDACTED]</u>	7 GRADE/STATUS <u>C-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] JCPS/605</u>
1a NAME (Type or Print)		4 SIGNATURE OF INVESTIGATOR <u>[REDACTED] JCPS/605</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)</u> <u>APO AE 09323</u>
b ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-Waiver**

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

2 SIGNATURE OF INTERVIEWEE

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

DA FORM 3881 NOV 80

EDITION OF NOV 80 IS OBSOLETE

*For ORIGINAL Use Only*

14

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: 2pw Bldg, Taji Air Field APO AE 09323	DATE: 27 SEP 03	TIME: 1100	FILE NUMBER: 0152-03-CD0004-60212
LAST NAME, FIRST NAME, MIDDLE NAME: 7051205	SOCIAL SECURITY NUMBER: [REDACTED]	GRADE/STATUS: E-7/SFC	
ORGANIZATION OR ADDRESS: A Bst 3/29 FA, 41D TAJI Air Field			

7051205 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On or about 20 AUG 03 I was detailed to be the NCOIC of the Summer 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]. The detainee was complaining about his ribs area so I called the medic to check him out. After examination was determined that he had bruised ribs. Later the interrogator SPC [REDACTED] 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 Summer Collection Point, stayed with my soldier as guard during the interrogation. The detainee didn't give up any information. SPC [REDACTED] called LTC [REDACTED] on the radio and told him she didn't get any information. LTC [REDACTED] called her and said tell him [REDACTED] he has one hour to tell us the information I want or I, LTC [REDACTED], am gonna come kill him. I along with my soldier, SPC [REDACTED] 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] contacted LTC [REDACTED] again and said that no info was attained. LTC [REDACTED] said tell him I'm enroute. When LTC [REDACTED] showed up along with 4 soldiers, they came into the interrogation room. LTC [REDACTED] 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] had changed his pistol at this time. The detainee did not start talking and LTC [REDACTED] instructed the soldiers that came in to hit him. The soldiers throughout the questioning, soldiers LTC [REDACTED] brought with him, hit in in 5-20 second reps. The detainee was then, told by LTC [REDACTED], to be repositioned by my soldier on the MRE box, after all information, except the time the attack was planned, was received LTC [REDACTED] instructed us to bring him to the gate. Myself and SPC [REDACTED] escorted him

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT: 7051205	PAGE: 4
---------	--	---------

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

DA FORM 2823  
1 JUL 77

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

For Official Use Only

Ex 3

DOD-DOACID000119

to the gate, when approx 10 feet from the gate LTC [REDACTED] said this is your last chance, you have 5 seconds to tell me when 5, 4, 3, 2, 1 & then LTC [REDACTED] fired his weapon in the air, the detainee still did not answer and LTC [REDACTED] said to place his head in the clearing barrel, some soldiers held him in the clearing barrel where LTC [REDACTED] 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] said put him back in the cell, LTC [REDACTED] 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 motion. I had SFC [REDACTED] watch the detainee for the rest of the night in the interrogation room, where I had laid 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]. Summer Collection Point had never been given any guidance on how or how far an interrogation could go, LTC [REDACTED] 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] 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] put the weapon to his head, this is when I was concerned.

Q: SA [REDACTED] 7C11001

A: SFC [REDACTED] 7S 605

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] 7C5 605

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

for official use only [REDACTED] 7C5 605

2 of 4 Ex 3



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 Hum incident was as 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, Mrs [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 screening 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] 7C51205  
For official use only

3 of 4. Ex 3

705b65  
Statement of SFC [redacted]  
STATEMENT (Continued)

taken at Taji Airfield dated 27 Sep 03

NOT USED

705b65  
[redacted]

705b65  
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.

WITNESSES

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

705b65  
[redacted]  
(Signature of Person Making Statement)

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

701b61  
[redacted]  
(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 UCMJ  
(Authority To Administer Oaths)

705b65  
PAGE 4 OF 4 PAGES

For Official Use Only

Ex 3

# RIGHT WARNING PROCEDURE/WAIVER CERT. DATE

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

## 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>Taji Airbase</u>	2. DATE <u>27 Sep 03</u>	3. TIME <u>0938</u>	4. FILE NO <u>0152-03-CT0409</u>
5. NAME (Last, First, Middle) <u>[REDACTED]</u>	8. ORGANIZATION OR ADDRESS <u>Taji Airfield</u>		
6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>E-41 RA</u>	<u>2120th FA. HHJ</u> <u>Taji, Iraq</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 as a special agent and wanted to question me about the following offense(s) of which I am suspected/accused: assault on commander in Iraq or 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.
- If I am 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. 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]</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INTERVIEWER <u>[REDACTED]</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) Tikrit, Iraq</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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 3-01

For Official Use Only

Ex 4

DOD-DOACID000123

# 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 <u>Taji Airbase</u>	DATE <u>27 Sep 03</u>	TIME <u>1857</u>	FILE NUMBER <u>0152-03- (10469-60212</u>
LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED]</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>	GRADE/STATUS <u>E-4/RA</u>	
ORGANIZATION OR ADDRESS <u>HAS, 2/20th Field Artillery</u>			

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], SFC [REDACTED], myself, & SSC [REDACTED]) thought we were going on a raid to support the [REDACTED] GRF. 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 looked & loaded his GMM and waved it in the air never pointing it at the detainee and said we're here for one reason and that's to fire 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 tickled 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 SSC [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], SSC [REDACTED], SFC [REDACTED], PFC [REDACTED], PFC [REDACTED], LTC [REDACTED], & SFC [REDACTED] (interrogator). After that SFC [REDACTED] & PFC [REDACTED] took him outside by orders of LTC [REDACTED] & placed his head in the cleaning barrel, after then LTC [REDACTED] placed his GMM

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u>	PAGE 1 OF <u>4</u> PAGES
---------	--	--------------------------

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

DA FORM 2823  
1 JUL 72

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

For Official Use Only

Ex 4. 20

STATEMENT OF SPC [REDACTED] 7C5K65

TAKEN AT Taji Airfield

FILE NUMBER: 0152-03- CID464-0212

DATED 27 Sep 03 CONTINUED 7C5K65

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 area in which the LTC [REDACTED] stopped by to talk to him. Once done there we headed back to our HQ's - [REDACTED] 7C5K65

Q: SA [REDACTED] 7C16161

A: SPC [REDACTED] 7C5K65

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: [REDACTED] 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

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C5K65

PAGE 2 OF 4 PAGES

For Official Use Only

Ex 4

7C5b65

FILE NUMBER: 0152-03-150464-60212

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] the translator 7C5b65

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? 7C5b65

A: the back once or twice with his forearm

Q: Where did SSC [REDACTED] hit the detainee? 7C5b65

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

Q: Where did SPC [REDACTED] hit the detainee? 7C5b65

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

Q: Where did PFC [REDACTED] hit the detainee? 7C5b65

A: chest, twice, closed fist

Q: Where did PFC [REDACTED] hit the detainee? 7C5b65

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

Q: Where did [REDACTED] hit the detainee? 7C5b65

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

Q: Was the above incident the same one which happened when the detainee grabbed her hand? 7C5b65

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] 7C5b65

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

A: The detainee's 7C5b65

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

A: about 5-6 inches 7C5b65

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

A: Shock 7C5b65

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] 7C5b65

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C5b65

PAGE 3 OF 4 PAGES

For Official Use Only

Ex 4

7C51665

FILE NUMBER 0152-03-00464-60212

STATEMENT OF SPC [REDACTED] TAKEN AT Tajik Airbase DATED 27 Sep 03 CONTINUED

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// 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

WITNESSES

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27<sup>th</sup> day of Sep 20 03 at Tajik Airfield, Tajikistan

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 134, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

7C51665

PAGE 4 OF 4 PAGES

For Official Use Only

Ex 4

## RIGHTS WAIVING 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>Taji Airbase</u>	2. DATE <u>27 Sep 03</u>	3. TIME <u>143</u>	4. FILE NO <u>0152-03-CD/489-6021</u>
5. NAME (Last, First, MI) <u>[REDACTED] 705605</u>	8. ORGANIZATION OR ADDRESS <u>B Company 2120 FA</u> <u>Taji Airbase</u>		
6. SSN <u>[REDACTED] 705605</u>	7. GRADE/STATUS <u>E-61 RA</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 as a special agent and wanted to question me about the following offense(s) of which I am  
suspected/accused: assault with a deadly weapon, citing 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. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

## Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED] 705605</u>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF WITNESS <u>[REDACTED] 701601</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>SA [REDACTED] 701601</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>43rd MP DET (ID) Tikrit, Iraq</u>

## 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

CATION Jail Airbase	DATE 27 Sep 03	TIME 1235	FILE NUMBER 0152-03-CB/MB4-60212
ST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-6/ RA	

ORGANIZATION OR ADDRESS  
Company 2/20 Field Artillery

705/605 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On that night, PFC [REDACTED] came in the room and told me that LTC [REDACTED] 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] told me that we were going to the jail to bust some heads, and I heard somebody else tell [REDACTED] "This job is not for kids, you have to be tough over there". On the way to the jail LTC [REDACTED] 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 detainees in another room and [REDACTED] the JA translator was with him. LTC [REDACTED] 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] "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] 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] SPC [REDACTED] and SPC [REDACTED] took turns hitting the detainee after the translator or the other female (SPC [REDACTED]) instructed us to do so. There was another soldier from 3-29 FA hitting the detainee too.

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

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

DA FORM 2823

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

DOD-DOACID000129

STATEMENT OF <sup>7CS b6s</sup> [REDACTED] TAKEN AT Taji Airbase DATED 27 Sep 03 CONTINUED

I also saw SFC <sup>7CS b6s</sup> [REDACTED] (the JAIL NOBLE) hit the detainee once. After 40 min LTC <sup>7CS b6s</sup> [REDACTED] 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 <sup>7CS b6s</sup> [REDACTED] 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 <sup>7CS b6s</sup> [REDACTED] 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 COC <sup>7CS b6s</sup> [REDACTED] where LTC went inside and me and my soldier stayed at the vehicle. <sup>7CS b6s</sup> [REDACTED]

21 SA <sup>7CS b6s</sup> [REDACTED] 7C11M4P. 556 <sup>7CS b6s</sup> [REDACTED] 7CS b6s

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

A. 20 Aug 03 @ 2300

Q. What did PFC <sup>7CS b6s</sup> [REDACTED] mean by "we are going to the jail to bust some heads"?A. LTC <sup>7CS b6s</sup> [REDACTED] told him that, then he told me. And he meant rough up a detainee.Q. Did LTC <sup>7CS b6s</sup> [REDACTED] 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. <sup>7CS b6s</sup> [REDACTED]

PAGE 2 OF 4 PAGES

STATEMENT OF SSG [REDACTED] 7C5605 TAKEN AT Taj. Airbase DATED 27 Sep 03 CONTINUED

Q: What soldier threw his kevlar on the ground?

A: SPC [REDACTED] 7C5605

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] 7C5605

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? 7C5605 7C5605 7C5605

A: SPC [REDACTED] SPC [REDACTED] PFC [REDACTED] PFC [REDACTED] from 3-29FA and SPC [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" 7C5605

Q: Who was hitting the detainee in the courtyard?

A: Same as above 7C5605

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? 7C5605

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? 7C5605

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C5605

PAGE 3 OF 4 PAGES

7C5 b6S  
STATEMENT OF SSB [REDACTED] TAKEN AT Taji Airbase DATED 27 Sep 03 CONTINUED.

FILE NUMBER: 0152-03- GFD 469-60212

STATEMENT (Continued)

the clearing barrel?

1. He cried and started to talk or said something about Ala.

2. Did the detainee receive any injuries from the incident?

3. 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.  
4. who was the medic?

5. 2-20 FA PA, LT [REDACTED] 7C5 b6S

6. Did LTC [REDACTED] direct anyone to strike the detainee?

7. no, but we knew what we were there for.

8. Why were you there?

9. to try to get information from the detainee.

10. Have you every struck a detainee before this incident?

11. NO

12. Did you ever communicate a threat towards the detainee?

13. NO

14. Do you have anything else to add to this statement?

15. NO // End of statement // [REDACTED] 7C5 b6S

7C5 b6S  
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] 7C5 b6S  
(Signature of Person Making Statement)

WITNESSES.

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

ORGANIZATION OR ADDRESS

[REDACTED] 7C1 b6S  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] 7C1 b6S  
(Typed Name of Person Administering Oath)

Art 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 7C5 b6S

PAGE 4 OF 4 - PAGES

<b>RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE</b> For use of this form, see AR 190-30; the proponent agency is ODCSOPS			
DATA REQUIRED BY THE PRIVACY ACT			
<b>AUTHORITY:</b> Title 10, United States Code, Section 3012(g) <b>PRINCIPAL PURPOSE:</b> To provide commanders and law enforcement officials with means by which information may be accurately identified <b>ROUTINE USES:</b> Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval <b>DISCLOSURE:</b> Disclosure of your Social Security Number is voluntary			
1 LOCATION <u>DPW Building, Taji Air Field, Iraq</u> <u>APD AE 09323</u>	2 DATE <u>27 SEP 03</u>	3 TIME <u>1125</u>	4 FILE NO <u>0152-03-02919-1022</u>
5 NAME (Last, First, MI) <u>[REDACTED] 7C3 b63</u>		8 ORGANIZATION OR ADDRESS <u>HHS, 2120 FA, 410</u>	
6 SSN <u>[REDACTED] 7C3 b63</u>	7 GRADE/STATUS <u>PFC/E-3</u>	<u>Taji Air Field, Iraq</u> <u>APD AE 09323</u>	
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE			
<b>Section A. Rights</b>  The investigator whose name appears below told me that he/she is with the United States <u>Army Criminal Investigation Command (CID)</u> and wanted to question me about the following offense(s) of which I am suspected: <u>assault/communicating a threat</u> Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: 1 I do not have to answer any questions or say anything 2 Anything I say or do can be used as evidence against me in a criminal trial 3 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. - or - (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4 If I am now willing to discuss the offense(s) under investigation with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.			
5 COMMENTS (Continue on reverse side)			
<b>Section B. Waiver</b> 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] 7C3 b63</u>	
1a NAME (Type or Print)	4 SIGNATURE OF INVESTIGATOR <u>[REDACTED] 7C1 b61</u>		
b ORGANIZATION OR ADDRESS AND PHONE	5 TYPED NAME OF INVESTIGATOR <u>SA [REDACTED] 7C1 b61</u>		
2a NAME (Type or Print)	6 ORGANIZATION OR ADDRESS AND PHONE <u>43rd MP Det (CID)</u> <u>APD AE 09323</u>		
<b>Section C. Non-Waiver</b> 1 I do not want to give up my rights. <input type="checkbox"/> I want a lawyer. <input type="checkbox"/> I do not want to be questioned or say anything.			
2 SIGNATURE OF INTERVIEWEE			
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA Form 2827) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED			

DA FORM 3881 NOV 80

EDITION OF NOV 80 IS OBSOLETE

For Official Use Only

Ex 6 20

# 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 <u>SPW Building, Tali Air Field, Iraq</u> <u>APD AE 09323</u>	DATE <u>27 SEP 03</u>	TIME <u>1222</u>	FILE NUMBER <u>0152-01-CE0469-60212</u>
LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED] TC 1665</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>		GRADE/STATUS <u>PFC/E-3</u>
ORGANIZATION OR ADDRESS <u>HHS, 2/30 FA, 41D Tali Air Field, Iraq APD AE 09323</u>			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

The night that this incident occurred, myself, LTC [REDACTED] TC 1665, SPC [REDACTED] TC 1665, SSG [REDACTED] TC 1665, SPC [REDACTED] TC 1665 went to gurner 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] TC 1665. 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] TC 1665 put his head in the clearing 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] TC 1665 went to Col [REDACTED] TC 1665 living quarters, and from there we left to go back to our living quarters.

3: SA [REDACTED] TC 1661  
A: PFC [REDACTED] TC 1665

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.

Q: Besides you and the soldiers LTC [REDACTED] TC 1665 brought with him, did anyone else in the room hit the detainee?

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] TC 1665

PAGE 1 OF 3

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

DA FORM 2823  
1 JUL 72

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

For Official Use Only

Ex-6

DOD-DOACID000134

A: [REDACTED] 7C6605  
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 ~~feel~~ 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. SFC [REDACTED] would say to hit him, but it was never an order. [REDACTED] 7C5605

Q: Did SFC [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] have to stop it because ~~because~~ it might have gotten out of hand?

A: He would try to calm the situation down. [REDACTED] 7C5605

Q: During the interrogation, did LTC [REDACTED] 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] 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] had shot the detainee? [REDACTED] 7C5605

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] fire his weapon near the detainee's head? [REDACTED] 7C5605

A: 3

For Official Use Only

2 of 3 Ex 6

705665

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] finished talking to COL [REDACTED], 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] 705665

705665

AFFIDAVIT

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

WITNESSES

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 705665  
(Signature of Person Making Statement)

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

[REDACTED] 701661  
(Signature of Person Administering Oath)

SA [REDACTED] 701661  
(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

For Official Use Only

Ex 6



# RIGHT EARLY WARNING PROCEDURE/WAIVER CERTIFICATE

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

## 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>Taji Airbase</u>	2. DATE <u>27 Sep 03</u>	TIME <u>1:05 PM</u>	4. FILE NO. <u>0152-03-02469-6012</u>
5. NAME (Last, First, MI) <u>[REDACTED] 705 665</u>	8. ORGANIZATION OR ADDRESS <u>Titan Corp. Interpreter, LZ team Taji, Iraq</u>		
6. SSN <u>[REDACTED] 705 665</u>	7. GRADE/STATUS <u>CEU</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 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.
- If 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 -

If 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 <u>[REDACTED] 705 665</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] 708 668</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF WITNESS <u>SA [REDACTED] 701 661</u>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>43rd MP DET (ID) Tikrit, Iraq</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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2-01

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 <u>Taji Airbase</u>	DATE <u>27 Sep 03</u>	TIME <u>2:30 PM</u>	FILE NUMBER <u>0152-03-CJ0419-60212</u>
LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED] R5605</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>	GRADE/STATUS <u>CIU</u>	
ORGANIZATION OR ADDRESS <u>[REDACTED] 7C5605</u>			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Sometimes in Aug, Special Shaw and I went to the Jail to interrogate a detainee (R5605). She asked him some questions about the information that we had regarding the threat of killing LCT [REDACTED] in SAAB Al-Bor.

The detainee didn't answer the questions truly, we couldn't get any information and we were about to finish with him and go back to our briefing. 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.

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.

LCT [REDACTED] asked 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 station and other places but again it wasn't enough, so LCT [REDACTED] asked his soldiers to grab the detainee to a box that was filled with bags and pushed his head down and LCT [REDACTED] shot one more time near the detainee's head. He thought LCT [REDACTED] killed the detainee but a few seconds later 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	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED] 7C5605</u>	PAGE 1 OF <u>3</u> PAGES
---------	---	--------------------------

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

DA FORM 2823  
1 JUL 72

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

For Official Use Only

Ex 7

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

In the plan for killing LTC [REDACTED] After that was left to

(That was the Best of Knowledge). [REDACTED]

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: (cf)

Q: Did you strike the detainee?

A: No

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

A: Yes, I CT [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 to cut the detainee with a knife?

A: LTC [REDACTED] threatened me to tell the detainee and show him the knife and translate what LTC told me about 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 to

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

For Official Use Only

Ex 7

STATEMENT OF MS [REDACTED]

TAKEN AT Taji Airbase DATED 27 Sep 01 CONTINUED

FILE NUMBER: 0152-03- CI0469- 60212

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 SA [REDACTED] direct anyone to strike the detainee?

A: No

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!!!

# AFFIDAVIT

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

WITNESSES

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27<sup>th</sup> day of Sep, 2002 at Taji Airbase, Taji, Iraq.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

For Official Use Only

Ex 7

W

<b>RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE</b> For use of this form, see AR 190-30. the proponent agency is ODCSOPS			
DATA REQUIRED BY THE PRIVACY ACT			
<b>AUTHORITY:</b> Title 10, United States Code, Section 3012(g) <b>PRINCIPAL PURPOSE:</b> To provide commanders and law enforcement officials with means by which information may be accurately identified <b>ROUTINE USES:</b> Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval <b>DISCLOSURE:</b> Disclosure of your Social Security Number is voluntary			
1 LOCATION <u>DPO Building, Taji Air Field, Iraq</u> <u>APC AE 09323</u>	2 DATE <u>27 SEP 03</u>	3 TIME <u>1306</u>	4 FILE NO. <u>0152-01-CJ9419-80212</u>
5 NAME (Last, First, MI) <u>[REDACTED] 785 1605</u>	8 ORGANIZATION OR ADDRESS <u>D Co, 104 MI BN</u> <u>Taji Air Field, Iraq</u> <u>APC AE 09323</u>		
6 SSN <u>[REDACTED] 785, 1605</u>	7 GRADE/STATUS <u>SPC/E-4</u>		
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE			
<b>Section A. Rights</b>  The investigator whose name appears below told me that he/she is with the United States <u>Army Criminal Investigation Command (CID)</u> and wanted to question me about the following offense(s) of which I am suspected <u>Assault/communicating a threat III</u> Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: 1. I do not have to answer any questions or say anything. 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both. - or - (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.			
5 COMMENTS (Continue on reverse side)			
<b>Section B. Waiver</b> I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.			
WITNESSES (If available)		3 SIGNATURE OF INTERVIEWEE	
1a NAME (Type or Print)	b ORGANIZATION OR ADDRESS AND PHONE	<u>[REDACTED] 785, 1605</u> <u>[REDACTED]</u>	
2a NAME (Type or Print)	b ORGANIZATION OR ADDRESS AND PHONE	<u>[REDACTED] 785, 1601</u> <u>[REDACTED]</u>	
		5 TYPED NAME <u>SA [REDACTED]</u>	
		6 ORGANIZATION OF INVESTIGATOR <u>43rd MP Det (CID)</u> <u>APC AE 09323</u>	
<b>Section C. Non-Waiver</b> 1. I do not want to give up my rights. <input type="checkbox"/> I want a lawyer. <span style="margin-left: 100px;"><input type="checkbox"/> I do not want to be questioned or say anything.</span>			
2 SIGNATURE OF INTERVIEWEE			
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA Form 2835) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED			

DA FORM 3881 NOV 80

EDITION OF NOV 84 IS OBSOLETE

For Official Use Only

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 <u>DPW Building, Taji Air Field, Iraq</u> <u>APG AE 09323</u>	DATE <u>27 SEP 03</u> TIME <u>1456</u>	FILE NUMBER <u>0152-01-CI0469-60212</u>
LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED]</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>	GRADE/STATUS <u>SPC/E-4</u>
ORGANIZATION OR ADDRESS <u>D Co, 104th MI BN, Taji Air Field, Iraq, APO AE 09323</u>		

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On 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 <sup>and</sup> 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 <sup>told</sup> ~~informed~~ 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 [REDACTED] tell everything he knew about the attack or He (Ltc [REDACTED]) would be at the jail in a hour [REDACTED] 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] look at

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u> <u>70 1765</u>	PAGE 1 OF <u>5</u>
---------	--	--------------------

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

DA FORM 2823

SUPERSEDES DA FORM 2823 1 JAN 68 WHICH WILL BE USED

For Official Use Only

Ex 8

and at that time I turned away. I left the room after I started hearing hitting and grunts (bills). 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] 7C5665 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. <sup>(he didn't care because it was a threat to his life and his men's.)</sup> Some time after (maybe not long) I was called in to take over. LTC [REDACTED] 7C5665 left the room, leaving behind the threat that if [REDACTED] 7C47F604 didn't talk, he would be taking a walk outside. I took the role of firmly/harshly demanding that [REDACTED] 7C47F604 talk so that he wouldn't have to take the walk. Carrying this through ( [REDACTED] 7C47F604 still was not talking) we went to the middle of the courtyard. I talked to him some more and then went to talk to LTC [REDACTED] 7C5665. I told him I didn't think we were going to get anything either. [REDACTED] 7C47F604 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] 7C5665 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] 7C47F604 some more and now I'm frustrated so I get up and walk away towards [REDACTED] 7C5665 and his guys grab [REDACTED] 7C47F604. I tell LTC [REDACTED] 7C5665 the same as I told him before - [REDACTED] 7C47F604 and were not going to get anyone. 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] 7C5665 clear his weapon. After that we pretty much wear a gun shot. I turned around in shock and see LTC [REDACTED] 7C5665 clearing his weapon. After that we pretty much closed things up and exited it.

7C5665  
[REDACTED]

20FS Ex 8

For Official Use Only

INTERVIEW OF [REDACTED] ON 12 SEP 03

Q: SA [REDACTED] 701661

A: SPC [REDACTED] 705605

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] 705605 soldiers move towards the detainee from this. I assume it was them doing the hitting.

Q: Did MS [REDACTED] 705605 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] 705605 or any other soldier tell the detainee he would be killed if he did not answer questions and provide information?

A: Yes, LTC [REDACTED] 705605 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] 705605 or any other soldier point a weapon at the detainee while being interrogated in side the interrogation room?

[REDACTED] 705605  
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] 705665

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] 705665 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] 705665 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] 705665 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 [REDACTED] 705665 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] 705665 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] 705665

705665  
[REDACTED]  
For Official Use Only

4 of 5 Ex 8

7051065  
 Statement of SPL [REDACTED] taken at Taji Airfield dated 27 Sep 03  
 STATEMENT (Continued)

NOT USED

7051065

7051065 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.

7051065  
 (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

7011061  
 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

Article 136 UCMJ  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

For Official Use Only

Ex 8

## AGENT'S INVESTIGATION REPORT

0096-03-CID338

0152-03-CID469-60212

CID Regulation 195-1

Page 1 of 1

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] *7C1 b61* *7C5 b65* *b7C-4, b6-4* and [REDACTED] Detainee Number [REDACTED] and holding him down while LTC [REDACTED] fired his *7C5, b65* issued 9mm beside Mr [REDACTED]'s head into a clearing barrel. SPC [REDACTED] provided *7C5, b65* 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*

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-*20<sup>th</sup> Military Police Detachment6<sup>th</sup> Military Police Group (CID)

Camp Red Cloud, Korea APO AP 96258

Signature: [REDACTED]

Date: 7 Nov 03

CID Form 94

*7C1, b61*

FOR OFFICIAL USE ONLY

EXHIBIT. *9*

<b>RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE</b> <small>For use of this form, see DA 190-30, the proponent agency's DDCSOPS</small>			
DATA REQUIRED BY THE PRIVACY ACT			
<b>AUTHORITY:</b> Title 10, United States Code, Section 3012(g)		<b>PRINCIPAL PURPOSE:</b> To provide commanders and law enforcement officials with means by which information may be accurately identified	
<b>ROUTINE USES:</b> Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval		<b>DISCLOSURE:</b> Disclosure of your Social Security Number is voluntary	
<b>1. LOCATION</b> <u>Camp Red Cloud</u>	<b>2. DATE</b> <u>7 Nov 03</u>	<b>3. TIME</b> <u>1310</u>	<b>4. FILE NO.</b> <u>705 b65</u> <u>0096-03-C10338</u>
<b>5. NAME (Last, First, MI)</b> <u>[REDACTED]</u>	<b>6. ORGANIZATION OR ADDRESS</b> <u>BEAVO BATTERY, 6137 Field Artillery,</u> <u>Camp Stanley, Korea, APO AP 96257</u>		
<b>7. SSN</b> <u>[REDACTED]</u>	<b>8. GRADE/STATUS</b> <u>E-41AD</u>		
<b>PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE</b>			
<b>Section A. Rights</b>			
The investigator whose name appears below told me that he/she is with the United States Army <u>Criminal Investigation</u> <u>Command as a Special Agent</u> and wanted to question me about the following offense(s) of which I am suspected: <u>Assault III</u> <u>705 b65</u>			
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:			
1. I do not have to answer any questions or say anything. 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both. or (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.			
<b>5. COMMENTS (Continuing on reverse side)</b>			
<b>Section B. Waiver</b>			
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.			
<b>WITNESSES (If available)</b>		<b>3. SIGNATURE OF INTERVIEWEE</b> <u>[REDACTED]</u> <u>705 b65</u>	
<b>1a. NAME (Type or Print)</b>	<b>4. SIGNATURE OF INVESTIGATOR</b> <u>[REDACTED]</u>		
<b>1b. ORGANIZATION OR ADDRESS AND PHONE</b>	<b>5. TYPED NAME OF INVESTIGATOR</b> <u>[REDACTED]</u> <u>701 b61</u>		
<b>2a. NAME (Type or Print)</b>	<b>6. ORGANIZATION OR ADDRESS AND PHONE</b> <u>204th MP Det (CIA), Camp Red Cloud RD,</u> <u>Camp Red Cloud, Korea, APO AP 96258</u>		
<b>Section C. Non-waiver</b>			
I do not want to give up my rights. <input type="checkbox"/> I do not want to be questioned or say anything.			
<b>7. SIGNATURE OF INTERVIEWEE</b>			
ATTACH THIS WAIVER CERTIFICATE TO ANY ENCLAVE STATEMENT, DA Form 158, DISSEMINATED BY THE SUSPECT ACCUSED <u>FX-10</u>			

## 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] 705 b65	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 Sabra Al-Tor Police Station to detain a police officer. Upon returning to GUNNER Collection Point LTCOL [REDACTED] 705 b65 directed MS [REDACTED] 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 myself, SFC [REDACTED] 705 b65, SSG [REDACTED] 705 b65, and PFC [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 MRE box to sit down in front of the individual. LTCOL [REDACTED] 705 b65 told the individual that "If you don't tell me what I want to hear, I have a box of MREs outside for you and I will take you outside and kill you."

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 705 b65	PAGE 1 OF 11 PAGES
-------------	---	--------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

DATED

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

DA FORM 2823, DEC 1998

DA FORM 2823 JUL 72, IS OBSOLETE

USAPA 01 02

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 SPC [REDACTED] <sup>705  
665</sup> TAKEN AT CRC CID DATED 2003/11/07

## 9 STATEMENT (Continued)

<sup>705  
665</sup> Now myself LTCOL [REDACTED] 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], SSG [REDACTED], SPC [REDACTED] and PFC [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] told us to take him out side. Myself and PFC [REDACTED] held the individual while SSG [REDACTED] 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] told PFC [REDACTED] and I to walk him outside. As we started walking PFC [REDACTED] 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. At this time the individual began to squirm around as if he wanted to get away. SSG [REDACTED] and PFC [REDACTED] hit the individual in the ribs about 5 times each to stop him from squirming. LTCOL [REDACTED] walked us to

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

<sup>705  
665</sup> For Official Use Only

FX 10

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

STATEMENT OF [REDACTED] 705605 TAKEN AT Camp Red Cloud DATED 2003/11/07

705603

9 STATEMENT (Continued) to stop in the courtyard. The individual asked for some water. [REDACTED] got the individual some water and told him that if he answered her question, he would get water. The individual complied with [REDACTED] 705605 gave information. After about 15 minutes in the courtyard the individual began give false information again and [REDACTED] told us to take him to the gate. As [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. [REDACTED] 705603 yelled for us to stop and reminded the individual that if he didn't give up information, LTCOL [REDACTED] 705603 was going to kill him. He then told [REDACTED] 705605 that he would give her more information. [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 [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] 705605, SFC [REDACTED] 705605 then joined myself and [REDACTED] in hitting the individual. LTCOL [REDACTED] 705605 told us to put the individual in the clearing barrel. As we put him in the clearing barrel LTCOL [REDACTED] 705605 moved alongside of us with his gun and pressed the barrel to the individual's head and told him that "If you don't start giving answers I will kill you." The individual began to talk and [REDACTED] asked us to take him out.

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 705605 PAGE 3 OF 11 PAGES

For Official Use Only

Ex 10

0086-03-110338

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

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

7C5B65

9. STATEMENT (Continued)

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, [REDACTED] said he was lying again. SFC [REDACTED] and I began hitting the individual. LTCOL [REDACTED] ordered us to put him back in the clearing barrel. This time LTCOL [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 LTCOL [REDACTED] pulled the trigger the individual went stiff as shock. He then said that he would talk. [REDACTED] finally came to LTCOL [REDACTED] and told him that she was all the information. LTCOL [REDACTED] gathered us to get inside the humvee to leave. As we were leaving LTCOL [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 the our building LTCOL [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 LTCOL [REDACTED] returned to the Operations Center.

Q: SA [REDACTED] 7C1601

A: SFC [REDACTED] 7C5B65

Q: When LTC [REDACTED] WAS sitting in front of the detainee 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] 7C5B65

PAGE 4 OF 11 PAGES

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] 705605 TAKEN AT LRC DATED 2003 11/07

9 STATEMENT (Continued) 705605

705605 Q: When SS6 [REDACTED] WAS hitting the detainee, how was he hitting him?

705605 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.

705605 Q: When you, PFC [REDACTED] 705605 SS6 [REDACTED] 705605, SPC [REDACTED] 705605, AND PFC [REDACTED] 705605 WERE hitting the detainee in the ribs, How did each individual hit him and how many times?

705605 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.

705605 Q: When you say SS6 [REDACTED] 705605 blindfolded the detainee, what do you mean?

705605 A: He took the detainee's shirt, wrapped around his eyes, and tied it in a knot around the back of his head.

705605 Q: When PFC [REDACTED] 705605 struck the detainee in the nose, how did he hit him?

705605 A: He stood in front of him, and threw a straight punch with a closed right fist, hitting him in the nose.

705605 Q: When you and PFC [REDACTED] 705605 WERE hitting the detainee by the door, How WERE you and PFC [REDACTED] 705605 hitting him?

705605 A: I WAS holding the individual with my left arm and I WAS hitting him with a closed fist with right fist. PFC [REDACTED] 705605 WAS doing the same on the detainee's right side.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2, DA FORM 2823, DEC 1998

PAGE 5 OF 11 PAGES

USAPA 1011 000

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

TAKEN AT CRCDATED 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?

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], and SPC [redacted] hitting him?

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?

A: Yes

Q: Why do you think this?

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?

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.

INITIALS OF PERSON MAKING STATEMENT

PAGE

PAGES

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]

7C5  
b65

TAKEN AT

CRC

DATED

2003/11/07

9 STATEMENT (Continued)

7C5 b65

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

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"?

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?

A: I guess he wanted to keep it between us.

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

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?

A: No we didn't.

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

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]

7C5 b65

PAGE

7 OF 11

PAGES

PAGE 2, DA FORM 2000, DEC 1998

US-24 34 000

For Official Use Only

EX 10

51

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

STATEMENT OF 7C5 BWS TAKEN AT CRC DATED 2003/11/07

## 9 STATEMENT (Continued)

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

A: Ms. 7C3 BWS 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?

A: LTC 7C3 BWS did the first time, the rest of the it was Ms. 7C3 BWS who told us to stop.

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

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?

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

Q: Do you regret what happened that day?

A: YES I do. 7C3 BWSQ: Describe Ms. 7C3 BWS?

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. 7C3 BWS hit the detainee?

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

INITIALS OF PERSON MAKING STATEMENT 7C5 BWSPAGE 8 OF 11 PAGES

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

TAKEN AT

CRC

DATED

2003 11/07

## 9 STATEMENT (Continued)

Q: Describe the detainee?

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

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

A: No.

Q: Why did you not report it?

A: It really did occur to me.

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

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

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

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?

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 questions?

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] Testimony

PAGE

9

OF

11

PAGES

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] <sup>705</sup><sub>105</sub> 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 /// <sup>705</sup><sub>105</sub>

INITIALS OF PERSON MAKING STATEMENT

PAGE <sup>1023</sup><sub>10</sub> OF <sup>11</sup><sub>11</sub> PAGES

For Official Use Only

EX 10

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

9 STATEMENT (Continued)

7051665  
[REDACTED]  
Not Used

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 INFLUENCE.

[REDACTED] 7051665  
(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] 7011661  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 11 OF 11 PAGES

For Official Use Only

Ex 10

INTERGRATION ROOM  
INSIDE THE ROOM

[illegible]

Witnessed by - [redacted] 701661 b2  
7 Nov 03, 1545

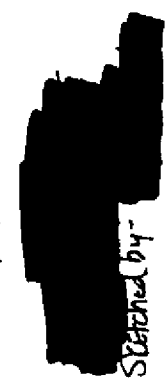
2001

Ex 11

For Official Use Only



706 605



Stated by-

7 Nov 03

1550

SPACE

OPEN

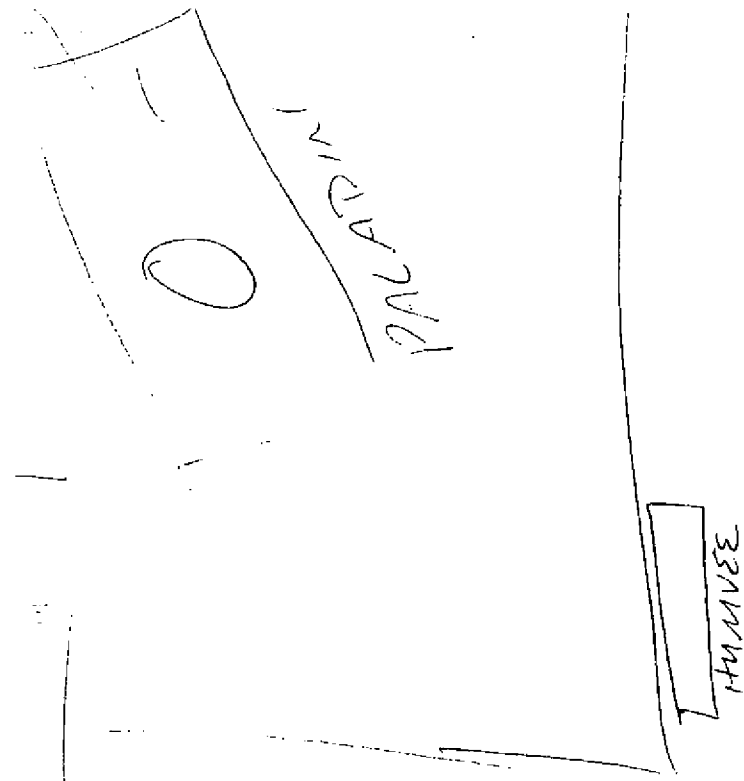
706 605

WITNESSED BY:



7 Nov 03, 1550

Ex 11



GATE 2

WALKWAY

WALKWAY

CLERK BLANK

For official Use Only

## DETAILS

705  
b6-3

Basis Of Investigation: About 1100hrs, 20 Nov 03, SA [REDACTED] 307<sup>th</sup> MP DET CID, APO AE 09391 received a Request For Assistance (RFA) (0152-03-CID469-60212) from the 43<sup>rd</sup> MP DET (CID), 10<sup>th</sup> 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 b6-4

705  
b6-3

Additionally, locate, fully identify, interview as a witness and obtain a sworn statement from LT [REDACTED] (NFI), Physician Assistant (PA), 2/20<sup>th</sup> FA BN (NFI) regarding what injuries Mr. [REDACTED] sustained from the alleged assault and what medical treatment was provided.

704 7F b6-4

704 b6-1

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

704 3643  
704 b6-3

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

10<sup>th</sup> Military Police Bn (CID)(ABN)  
307th Military Police Detachment (CID)  
APO AE 09391

SIGNATURE [REDACTED]

DATE  
8 Dec 03

EXHIBIT 12

CID Form 94

FOR OFFICIAL USE ONLY

056-01-110484 00000

RIGHTS WARNING PROCEDURE WAIVER CERT. STATE			
For use of this form see AR 190-30, the proponent agency is ODCSOPS			
DATA REQUIRED BY THE PRIVACY ACT			
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:		Title 10, United States Code, Section 3012(g) To provide commanders and law enforcement officials with means by which information may be accurately identified Your Social Security Number is used as an additional alternate means of identification to facilitate filing and retrieval Disclosure of your Social Security Number is voluntary	
1. LOCATION LSA ANACONDA, IRAQ		2. DATE 24 NOV 03	3. TIME 1235
4. NAME (Last, First, MI) [REDACTED] 7C5 b6/s		4. FILE NO 0105-03-CID919	
5. NAME (Last, First, MI) [REDACTED] 7C5 b6/s		8. ORGANIZATION OR ADDRESS C 3/29th FA APO 09323-2616	
6. SSN [REDACTED] 7C5 b6/s		7. GRADE/STATUS SPC	
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE			
Section A. Rights			
The investigator whose name appears below told me that he/she is with the United States <u>CRIMINAL INVESTIGATION COMMAND</u> [REDACTED] 7C1 b6/s and wanted to question me about the following offense(s) of which I am suspected/accuse <u>Assault</u>			
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. If I am 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 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			
5. 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)		6. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print) [REDACTED]		[REDACTED] 7C1 b6/s	
b. ORGANIZATION OR ADDRESS AND PHONE		[REDACTED]	
2a. NAME (Type or Print) [REDACTED]		6. TYPED NAME OF INVESTIGATOR [REDACTED] 7C1 b6/s	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 307TH MP DET (CID), LSA ANACONDA, IRAQ APO AL 09391	
Section C. Non-Waiver			
1. I do not want to give up my rights			
2. I want a lawyer <input checked="" type="checkbox"/> 7C5 b6/s			
3. I understand my rights and I want to make a statement or say anything <input checked="" type="checkbox"/>			
2. SIGNATURE OF SUSPECT/ACCUSED [REDACTED]			
ATTEST: THIS WAIVER CERTIFICATE AND SWORN STATEMENT SET FORTH WERE SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED			

DA FORM 3887 NOV 80

EDITION OF 10-1-80 OBSOLETE

For Official Use Only

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, 43<sup>RD</sup> 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, 2<sup>ND</sup> BCT  
PROVOST MARSHAL //PM//4ID

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

DRAFTER: [REDACTED]

RELEASER: [REDACTED]

7C1, b6/b7

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 b6/b7

4. SUBJECT: 1. [REDACTED] 7C5 b6/b7; LTC; [REDACTED] 7C5 b6/b7  
[REDACTED]; [REDACTED] M; BLACK; 2-20<sup>TH</sup> FIELD ARTILLERY  
BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC; [AGGRAVATED  
ASSAULT] [COMMUNICATING A THREAT]

7C5 b6/b7 2. [REDACTED] 7C5 b6/b7; SPC; [REDACTED] 7C5 b6/b7  
[REDACTED] M; HISPANIC; HHS, 2-20<sup>TH</sup> FIELD  
ARTILLERY BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC;  
[ASSAULT]

7C5 b6/b7 3. [REDACTED] 7C5 b6/b7; PFC; [REDACTED] 7C5 b6/b7  
[REDACTED] M; WHITE; HHS, 2-20<sup>TH</sup> FIELD  
ARTILLERY BATTALION, 4ID, FOB GUNNER, TAJI, IRAQ; FC;  
[ASSAULT]

4. [REDACTED] 7C5 b6/b7; SPC; [REDACTED] 7C5 b6/b7  
[REDACTED] M; BLACK; HHS, 2-20<sup>TH</sup> FIELD ARTILLERY BATTALION,  
4ID, FOB GUNNER, TAJI, IRAQ; FC; [ASSAULT]

5. [REDACTED] 7C5 b6/b7 LOCAL IRAQI INTERPRETOR; ZZ  
(NFI); [ASSAULT]

5. VICTIM: 1. [REDACTED] 7C4 7F b6/b7; LOCAL IRAQI DETAINEE; (NFI)

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 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.

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]

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

\*\*\* REQUEST USACRC NAME CHECK OF LTC [REDACTED], SPC [REDACTED], PFC [REDACTED]  
[REDACTED] SPC [REDACTED] AND MS [REDACTED] \*\*\* 705 665

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.

