

6/8 CAV

15	02 MAR 05	0200	SENT ELEMENT AND @ 0300 - ELEMENT HAVE BEEN CANCELLED DUE TO MISSION AT HAND.	NOT BTL CPT
16	02 MAR 05	0210	GOING TO INVESTIGATE POI @ [REDACTED]	NOT BTL CPT
17	02 MAR 05	0205	[REDACTED] POO @ [REDACTED] POI @ [REDACTED] POI EAST OF NORTH OF RT [REDACTED]	NOT BTL CPT
18	02 MAR 05	0208	SENT [REDACTED] TO INVESTIGATE POI @ [REDACTED] PER BTL CPT	RELAYED INFO
19	02 MAR 05	0220	[REDACTED] REPORTS: CONFISCATED REMOTE CONTROL DEVICES, \$3500 DOLLARS, 600.000. IRAQI DINAS, 2.9MM, 2-AK-47, 2 BOXES OF 7.62 AMMO.	NOT BTL CPT
20	02 MAR 05	0232	[REDACTED] TO P/U SPC [REDACTED] TO VERIFY POSSIBLE IED SITE	NOT'D BTL CPT
21	02 MAR 05	0246	[REDACTED] ELEMENT PULLING OFF [REDACTED] LINKING UP WITH THEIR [REDACTED]	NOT'D BTL CPT
22	02 MAR 05	0250	[REDACTED] HEADING BACK TO FOB TP LU W/ SPC. [REDACTED]	NOT'D BTL CPT
23	02 MAR 05	0251	[REDACTED] RADAR ACQUISITION @ [REDACTED] FOR POI	NOT'D BTL CPT
24	02 MAR 05	0252	[REDACTED] SENT TO INVESTIGATE POI @ [REDACTED]	SENT ELEMENT
	02 MAR 05	0300	[REDACTED] REPORTS ELEMENT PASSED	NOT'D BTL CPT

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15; the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					PAGE NO. 10	NO. OF PAGES
ORGANIZATION OR INSTALLATION HHC 1/184 INF.	LOCATION IRAQ	PERIOD COVERED				
		FROM HOUR		TO HOUR		DATE
		1405		1405	1 MAR. 05	
ITEM NO.	TIME IN	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN	INL
47	1405	[REDACTED] THE 3 PERSONNEL WERE ENGINEER CONTRACTOR AGES 40 TO 50 BLK. KIA RAN THEM OFF RD.			LOGGED	[REDACTED]
48	1434	[REDACTED] @ NAC at grid			Logged	[REDACTED]
49	1640	[REDACTED] good to go hot on range @ 1843			Logged	[REDACTED]
50	1656	[REDACTED] guide on call responded			Logged	[REDACTED]
51	1653	[REDACTED] r/c and ready to start mission 004				
52	1712	[REDACTED] leaving NAC location.			Logged	[REDACTED]
53	1716	[REDACTED] not leaving location will leave later.			Logged	[REDACTED]
54	1725	[REDACTED] r/c and called for status for [REDACTED] [REDACTED] Both are Amber			Logged	[REDACTED]
55	1729	[REDACTED] requests sig. events in 10+13				
56	1814	[REDACTED] info from 13 C.R. -				
57	1915	IED # [REDACTED] EXPLODED FOLLOWED W/ SMALL ARMS. ELEMENT [REDACTED]				
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY				SIGNATURE		

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-13, the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					PAGE NO.	NO OF PAGES
ORGANIZATION OR INSTALLATION HHC 1/184 INF.		LOCATION TOC-3 IZ		PERIOD COVERED		
				FROM 1905	TO 1 MAR 05	
ITEM NO.	TIME IN	INCIDENTS, MESSAGES, ORDERS, ETC.			ACT ON TAKEN	IN
ITEM NO.	TIME IN	INCIDENTS, MESSAGES, ORDERS, ETC.			ACT ON TAKEN	IN
57	1905	CONT. #ITEM 57 DROVE PASS W/ ALL ████████████████ ACCOUNT FOR W/ 1 CIVILIAN TRANSLATOR WOUND.			LOGGED	
58	1906	PLAKS INTERNAL/ P REQUEST BAYonet LOGGED ████████████ IED G# █████, LINA UP G# █████			LOGGED	
59.	1948	13 PAKS + 3 V				
60.	1930	████████████ TO █████			LOGGED	
61.	1933	REPORT █████ SP 1933 2 PATROL █████, 13N. W/ 3 V. 14 PAKS			LOGGED	
62	1940	████████████ Radio check			LOGGED	
63	1945	SP. █████ 1945 W/ 4 V. 14 PAKS.			LOGGED	
64	1948	LEAVES FOB █████ 3N/13. █████			LOGGED	
65	2000	SHIFT CHANGE █████ ████████████ █████			████████████	
66	2010	#59 UNEXPECTED IED W/ 15 DETERMINED BY 26 M.S.C. █████ BY SITUATION AT IT (NO US ESCAPE)				
67	2020	RETRACES █████				
68	2025	████████████ R/F 3V. 13 PAKS TO FOB Retained				
69	2030	ICO FOB 13 PAKS			9-01-05 11-05	
70	2031	████████████ SF 15 PAKS				

TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

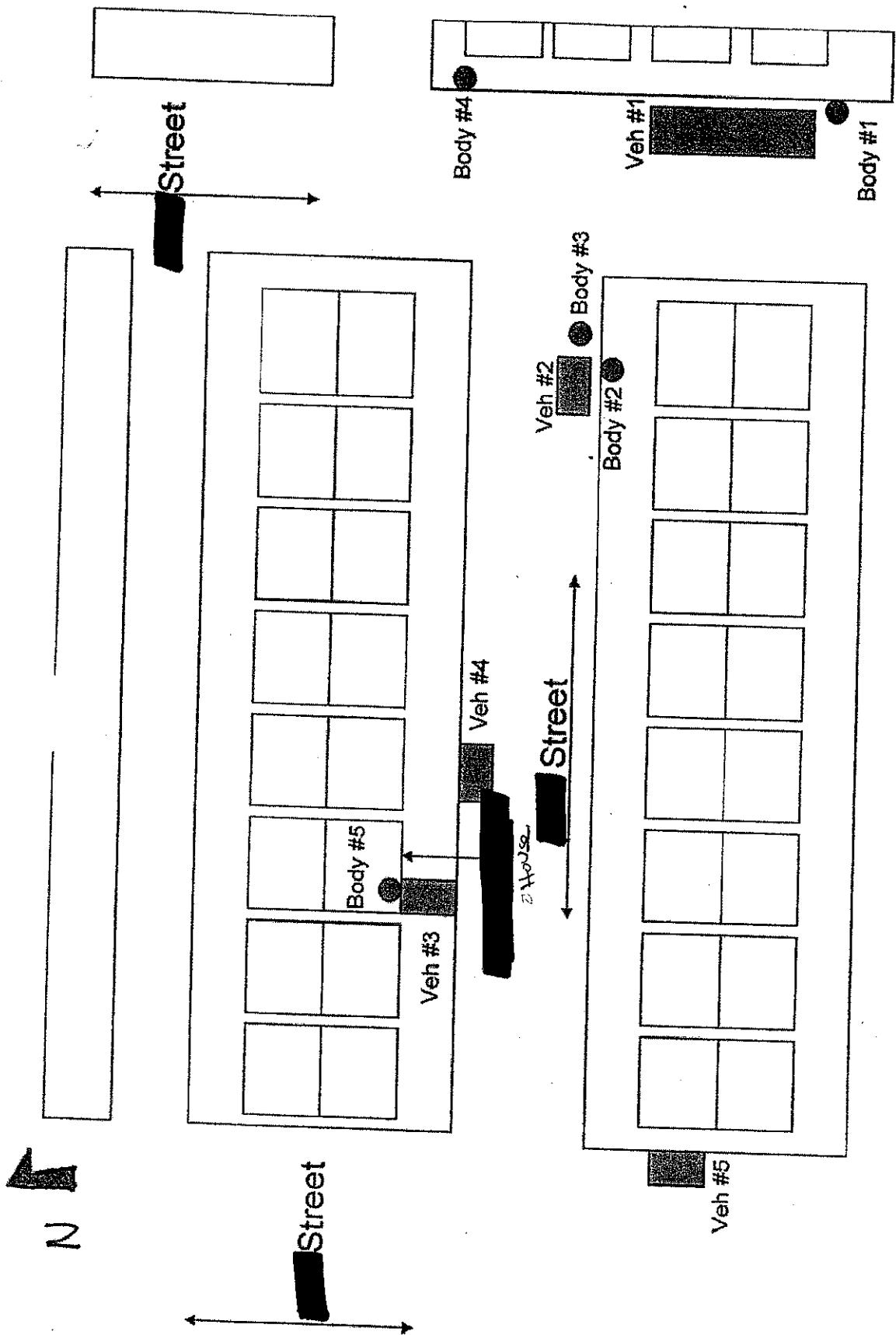
DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-1b: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans.						PAGE NO. 12	NO. OF PAGES
ORGANIZATION OR INSTALLATION HHC 111841W.F. TOC		LOCATION FOB [REDACTED] IRAQ	PERIOD COVERED				
ITEM NO.	TIME IN OUT	INCIDENTS, MESSAGES, ORDERS, ETC.	FROM		TO		
			HOUR	DATE 140000Z	HOUR	DATE	
71	2058	[REDACTED] REQUESTED TO TALK TO S-2 OR S-5					ONABLE TO FIND
72	2059	[REDACTED] RADIO ✓					LOGGED
73	2107	1400 ACO TAKING SMALL ARM FIRE					LOGGED
74	2117	LARGE EXPLOSION BY [REDACTED]					LOGGED
75	2118	SMAK ARM FIRE AT PRIVATE HOUSE # [REDACTED]					
76	2050	FOB - CONTROLLED SECURITY					
77	2130	DETENTION AT [REDACTED] FOB HAS COMPE					
78	2134	[REDACTED] MADE CONTACT WITH MAN NAMED [REDACTED] CELL # [REDACTED] HAS INFORMATION ON RELATIVE OF [REDACTED] SAYS HE IS A DETECTIVE FOR (ADMINISTRATIVE MINISTRY OF POLICE) (ADMINISTRATION OF INTERIOR) MET GUY 19					
		[REDACTED] RELATIVES ARE LIVING IN TELL AY HALL FINANCIAL TO SURVEY					
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY			SIGNATURE				

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					PAGE NO.	NO OF PAGES	
ORGANIZATION OR INSTALLATION		LOCATION	PERIOD COVERED				
			FROM		TO		
			HOUR	DATE	HOUR	DATE	
HHC 1/184 TOC		FOB [REDACTED] IRPAQ	1 MAR 1985				
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN	IN
	IN	OUT					
79	2143		FOR RETURN TO FOB 4V 12 PAX			LOGGED	
80	2159	MS 410 823	AT 2136HRS POWER BOX EXPLODED Town without power [REDACTED]				BNE NET
81	2204		[REDACTED] - [REDACTED] RADIO			LOGGED	
82	2210		ROTATION RETURNED TO FOB WITH 4V 13PAX (1 WOUNDED)			LOGGED	
83	2225		AT GRID OF House TAKING SMALL ARMS FIRE [REDACTED]				BNE NET LOGGED
84	2240		S-5 → TO DO GOT UPDATES FOR OPERATIONS				
85	2251		[REDACTED] REPORTED RET BACK AT FOB WITH 3V-14PAX			LOGGED	
86	2305		[REDACTED] RADIO ✓			LOGGED	
87	2322		SMALL ARMS FIRE AT TOWERS [REDACTED]				
88	2330		TO GRID [REDACTED] (FOB) 3V 4 2PAX AT GRID [REDACTED]				
			SHINING LIGHTS & LOOKING AREAS BY RIFLEMAN TRACKS			BNE NET	
89	2345		R-6 ADVISED WILL BE HELICO AT 0800 TURNED ON TO ESCORT [REDACTED]				
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY					SIGNATURE		

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-1b; the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans.				PAGE NO. 14	NO OF PAGES	
ORGANIZATION OR INSTALLATION 144C 1/184 TOC	LOCATION FGB [REDACTED] TOC	PERIOD COVERED				
		FROM 1400	TO 2140	HOUR 1400	DATE 21 APR 69	
ITEM NO.	TIME IN	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN	INL
90	2350	[REDACTED] RADIO ✓			logged	
91	2357	R-10 TOLD TO SCRUBB 0900 MISSION W/TH [REDACTED] COORDINATED w/ ANOTHER TRIP WITH [REDACTED]				
92	0036	Radio check W/ [REDACTED]			L&C	
93	0058	Radio check W/ [REDACTED]			L&C	
94	0125	RADIO ✓ w/ [REDACTED]				
95	0225	RADIO ✓ w/ [REDACTED]				
96	0250	POF [REDACTED] POF [REDACTED]				
		REPORT ON ANY EXPLOSIONS "MORTAR FIRE" REPORT OF ACQUISITION			WORK REPORTED	
97	0455	[REDACTED] COVER STATUS OF ROUTES FOR PATROL AS [REDACTED]				
98	0520	[REDACTED] GAVE STATS FOR TRIP TICKET TRIP TICKET AT 0505			TRIP TICKET PRODUCED	
99	0541	D-SP FOB ON MISSION				
100	0546	D- ON RT SCRATCH PASSWD 03				
101	0553	D- FROM AO 3 TO AO 10				
102	0600	[REDACTED] R14P10 ✓				
103	0625	[REDACTED] R1410 ✓				
104	0712	ECP- FOB [REDACTED] K - MISSION ITT AREA				
		K - ITEM 10 EXPENSE FROM 0400 BY C15 AM SITE				
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY				SIGNATURE		

4th BCT TOC LOG DA 1594 entry from 02 0018 MAR05

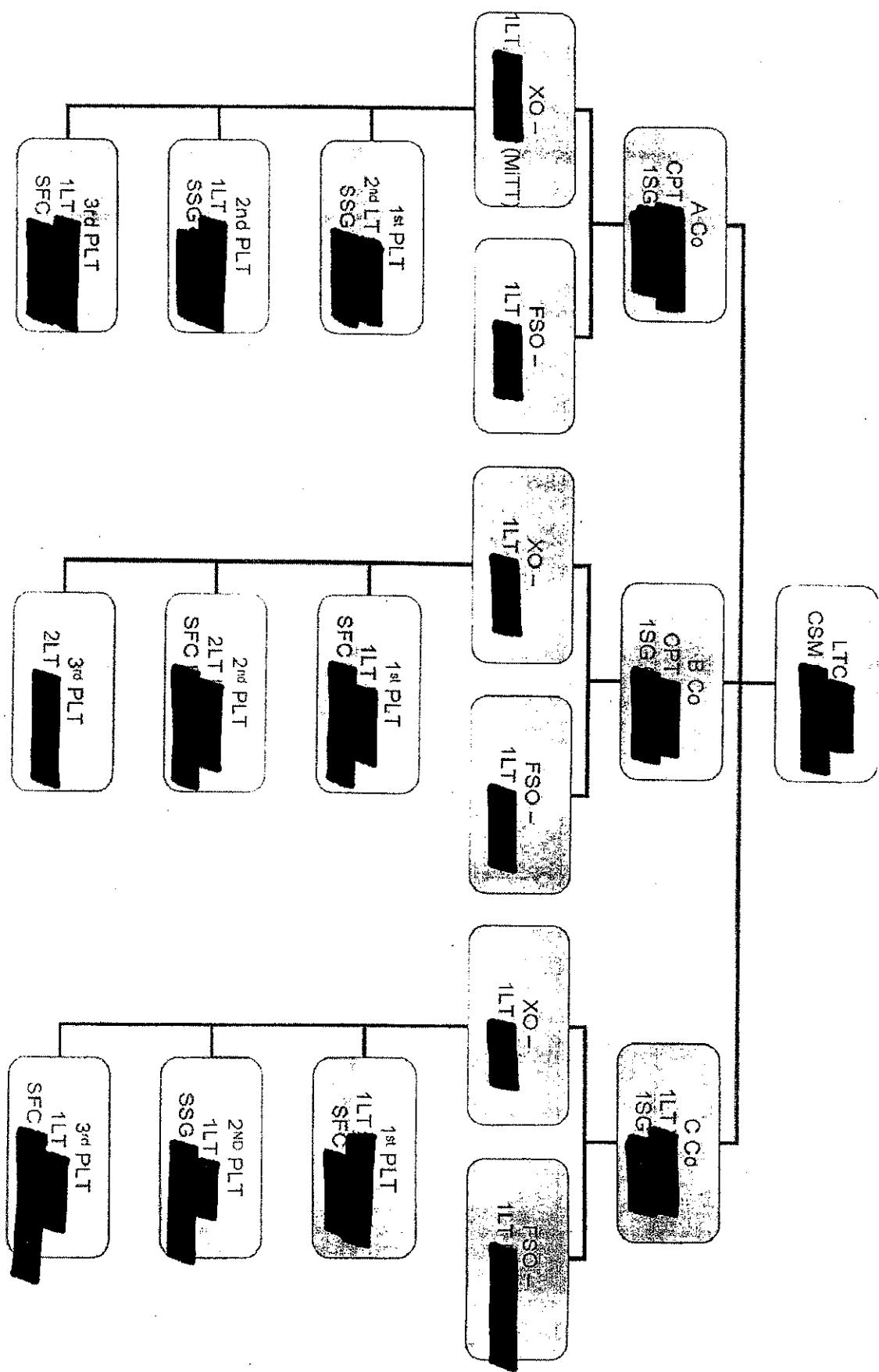
"NEW INFO FROM [REDACTED] ON CONTACT AT [REDACTED]. AIF WERE PLANNING AN AMBUSH OF LOCAL IP'S. JUST AS THE AMBUSH BEGAN A 1-184IN PATROL SHOWED UP AND THE AIF SHIFTED FIRE ONTO THEM. 1-184 OPENED FIRE AND KILLED 2 LOOKOUTS. AIF FORCES WERE THEN CAUGHT BETWEEN THE IP'S AND 1-184. 1 IP WAS WOUNDED. WHEN THE IP'S EVACUATED THE WOUNDED THE AIF FLED. 2 MORE AIF WERE KILLED BY A FRAG GRENADE. 1-184 MANEUVERED DOWN THE STREET IN PURSUIT OF THE FLEEING AIF. IP'S RETURNED AND SAID THAT THEY WERE TAKING FIRE FROM A HOUSE. 1-184 CORDONED OFF THE HOUSE AND DEMANDED THE PERSONELL INSIDE SURRENDER. WHEN THAT DIDN'T HAPPEN, 1-184 ENTERED THE HOUSE KILLING 1 AIF. 20 YEAR OLD DAUGHTER WAS WOUNDED IN THE LEG AND FOOT. BUILDING WAS SEARCHED AND RPG ACCESSORIES WERE FOUND. ALSO FOUND WAS A SENIOR BA'ATH PARTY OFFICIAL ID CARD. IT BELONGED TO ONE OF THE KIA."



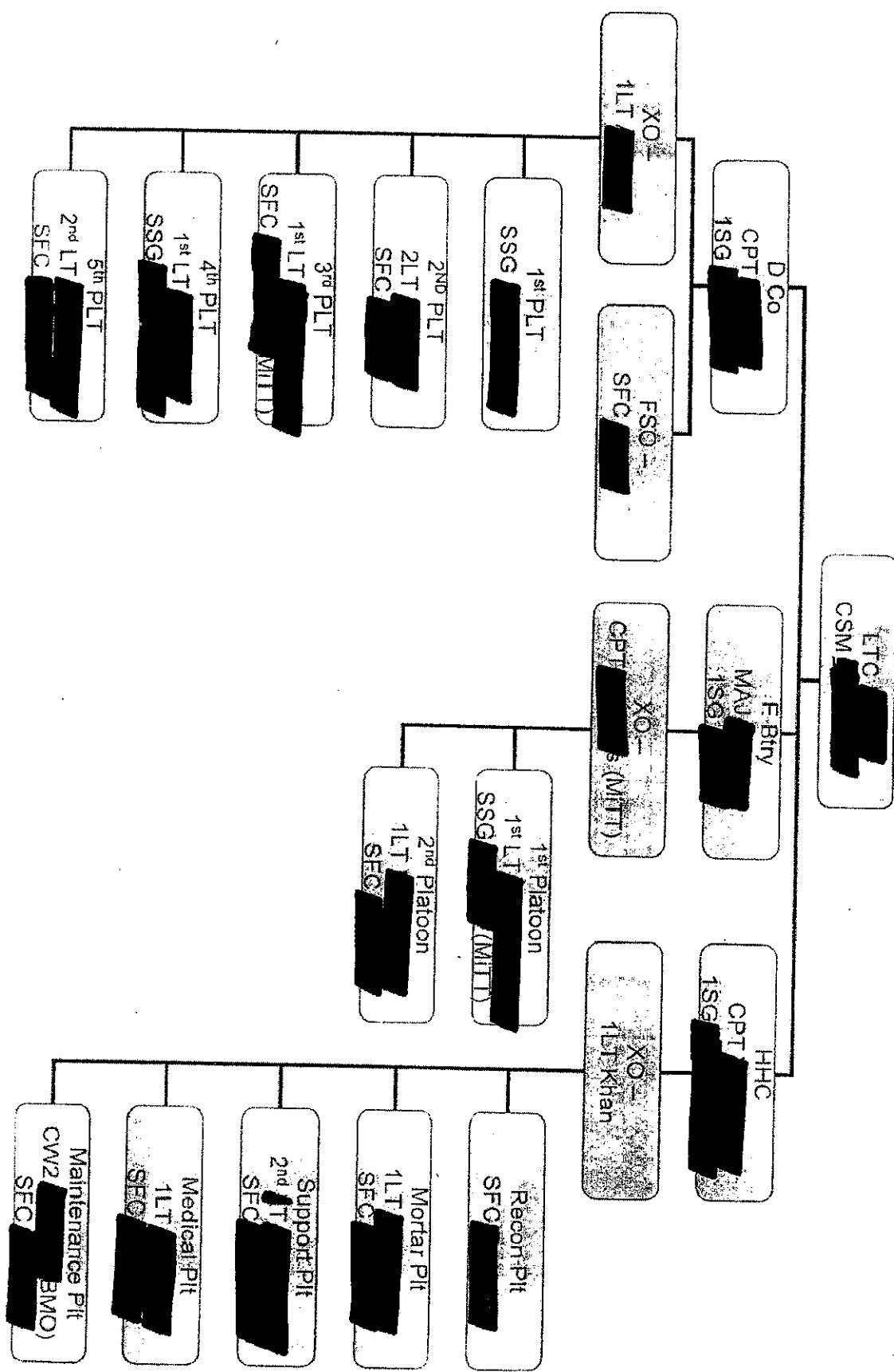
(DIAGRAM DRAWN BY: [unclear])

15495

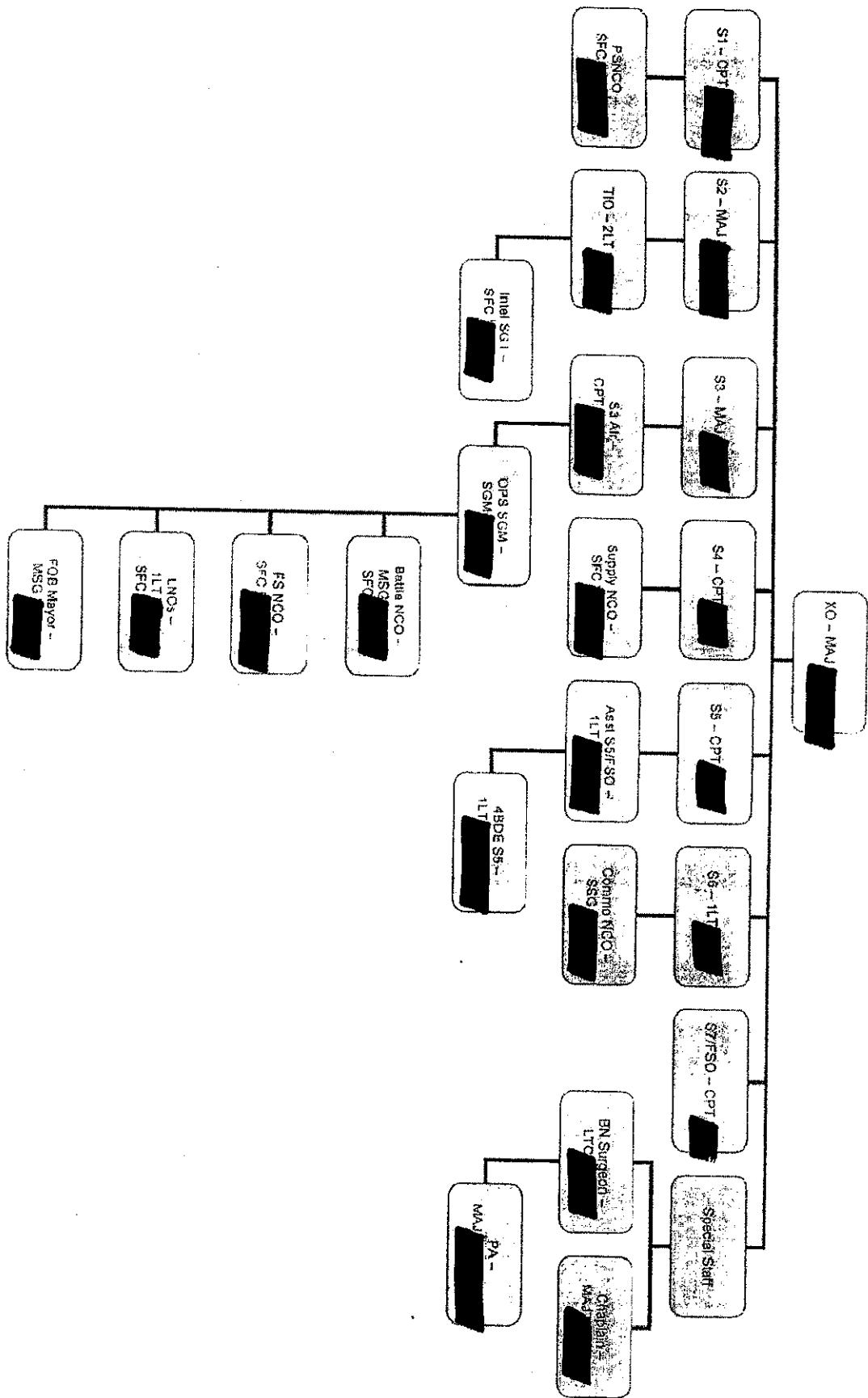
1-184 IN Battalion Command, A, B, & C Co



1-184 IN Battalion Command, D, E, & HHC



1-184 IN - Battalion Staff



STATEMENT OF KEVIN JOSEPH KOTHLOW TAKEN AT CAMP FALCON IRAQ DATED 18 JUNE 05

11. STATEMENT (Continued)

The commander then dismissed SSG [REDACTED] and brought in SGT [REDACTED]. He went into the event that someone was setting him up and "z" out his radio's. He thought it was as set up by someone to fail, and stated he could not work for SSG [REDACTED] anymore. He also described an incident he had with a soldier from another team, SPC [REDACTED] dismissed him and then talked with all the members from his squad. Each member then went into events of what happened with the radio. This event went undetermined as to how the radio was "z" out. The one common point the soldiers made were the following: they thought SGT [REDACTED] as paranoid, spoke negatively of the entire chain of command to his subordinates and those around him, he kept a hate list of who he hated, that he wanted SSG [REDACTED] to die a horrible and painful death, and he was weird. When asked what he did that was weird, SPC [REDACTED] said he goes through some ritual when he puts on lotion every day. SGT [REDACTED] indicated that SGT [REDACTED] got very angry when one of his shoes was bumped out of place under his bed. They also all said he was a loner and hung out by himself. I then said that I know he hangs out alone but he does eat with SGT [REDACTED] and SGT [REDACTED]. One of the soldiers then said not anymore. That in actuality, they no longer talk because of something that happened a few weeks ago. (This point was discussed with SGT [REDACTED] and [REDACTED] the next day. They indicated that they disagreed with SGT [REDACTED] on a social issue. The commander pressed them on the issue and it was drug usage. They indicated that SGT [REDACTED] thinks its okay to use drugs and they did not. Since that point, they did not talk anymore. When asked about why, strictly because SGT [REDACTED] stated not to talk to them.)

[REDACTED] called in SGT [REDACTED] after the interviews were over with the soldiers. The commander asked if he had a hate list. SGT [REDACTED] said yes, but not written and just something he talked about. When asked about talking bad about the chain of command, he admitted to doing that. I told him that was not acceptable on my level. When asked about hoping for a firey painful death of SSG [REDACTED] he said yes. He said he hated SSG [REDACTED]. He said he knew that was a strong word but hated SSG [REDACTED]. He said he knew he could never like SSG [REDACTED] before the incident on 1 March but after that, he knew he hated him. [REDACTED] asked if he thought his judgement of 1 March was blurred because it was SSG [REDACTED] and he said he was not sure. He then added to the statement that he had heard other things about SSG [REDACTED]. He said that SGT [REDACTED] indicated that SSG Levario, SGT [REDACTED] and SFC [REDACTED] beat up a prisoner after the CPL [REDACTED] IED on 5 April when they went to detain a shop owner by the IED site that was closed that day. This was the first time I had heard of this issue. After finishing, the commander again indicated to SGT [REDACTED] that he should not talk about this interview to anyone until the investigation of the "z" out is complete.

After SGT [REDACTED] left the room, the commander asked SFC [REDACTED] about the torture incident on 6 April. SFC [REDACTED] said he was with the element the whole time and nothing like that happened. SFC [REDACTED] is muslim, and one of the highest caliber of characters I know. After that conversation, [REDACTED] dismissed SFC [REDACTED] & LT [REDACTED]. He indicated to me that SGT [REDACTED] needed to see the chaplin and maybe a mental counselor. I concurred. I walked SGT [REDACTED] over to the chaplin to introduce him and set up an appointment.

The following day [REDACTED] interviewed SGT [REDACTED] and SGT [REDACTED]. He asked SGT [REDACTED] if he ever told SGT [REDACTED] that there was a torture incident on 6 April. SGT [REDACTED] indicated that he never said that. The commander also asked him about the reason why they do not talk anymore as described above. [REDACTED] then interviewed SGT [REDACTED] on the 6 April patrol and if had any torture incidents. SGT [REDACTED] said of course not.

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 5 PAGES

9. STATEMENT (Continued)

The CO determined that SGT [REDACTED] should be removed from the PLT until things could be sorted out and he was reassigned to my HQ section as an RTO and replaced with CPL [REDACTED]. The Chaplin met with SGT [REDACTED] that day. I am not sure what was discussed or the outcome. The following day, SGT [REDACTED] was sent to see the BN mental health counselor. He ended up seeing the BN Surgeon, who once he heard about SGT [REDACTED] issues with the shooting, brought them to the BN Commander. This started the investigation.

I personally feel that the soldier has mental issues, complex or not. I have been in this company since 1997 and 1SG since 1999. I have worked with most for many years and have a truthful communication channel with these soldiers and that I am not being lied to. I believe SGT [REDACTED] believes he was being targeted for punitive action and the negative counseling and simply responded with the accusations. Nothing follows.

AFFADAVIT

I, KEVIN JOSEPH KOTHLOW, 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.

(Signature of Person Making the Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of June 2005.
at Fort [REDACTED] 18th [REDACTED] Year

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AF 180-30; the proponent agency is QDCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION	2. DATE		
3. TIME		4. FILE NO.	
5. NAME (Last, First, MI)	6. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS	Co A 1-184 IN	

1. LOCATION *FBG [REDACTED] Camp Baghdad Iraq*

2. DATE *19 Jun 05 2150*

3. TIME

4. FILE NO.

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

6. ORGANIZATION OR ADDRESS *[REDACTED]*

7. GRADE/STATUS *E8*

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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
1a. NAME (Type or Print)		<i>[REDACTED]</i>
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

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



**DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION
FOB [REDACTED], BAGHDAD, IRAQ
APO [REDACTED]**

REPLY TO
ATTENTION OF:

AFZP-VE-C

MEMORANDUM FOR

156

SUBJECT: Restricted Communications

1. With the exception of appointed investigative officer(s); CID, and/or legal personnel, you are to have no discussions of any nature pertaining to the issues that are the subject of this investigation, specifically the allegations of misconduct surrounding the events of 1 March 2005. The term "discussions" includes any and all means of communication, to include, but not limited to, verbal, telephonic, electronic, and written communication. This term further includes having any of your associates conduct or attempting to conduct communications by any means (physically, telephonically, or electronically) on your behalf. If anyone communicates or attempts to communicate to any other party pertaining to these issues and it is determined that you were in any way involved, you will be held accountable for your conduct.
2. If anyone communicates or attempts to communicate to any other party pertaining to these issues and you have knowledge or become aware of such efforts you are required to report the incident to the investigating officer and/or legal personnel. Failure to report such an incident will be considered as failure to follow a lawful order and you will be held accountable for your conduct.
3. You are to conduct no actions of an investigative nature into these issues. Should you be contacted by anyone other than an appointed investigative officer, CID, or legal regarding these issues, that person or persons should be referred to the investigating officer and/or legal personnel.
4. This order is not imposed as punishment under the Uniform Code of Military Justice, but issued as an administrative measure to facilitate the neutral and detached execution of on-going investigations.

LTC, IN
Deputy Commander

AFZP-VE-C

SUBJECT: Restricted Communications

PROOF OF SERVICE

I acknowledge receipt of the above order on 19 June 05
(Date)

(Signature)



DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION
FOB [REDACTED] BAGHDAD, IRAQ
APO [REDACTED]

REPLY TO
ATTENTION OF:

AFZP-VE-C

MEMORANDUM FOR 156 [REDACTED]

SUBJECT: Rights Waiver

1. I understand that you may have made statements to other persons. Those persons may or may not have advised you of your rights. If you made incriminating statements and you were not appropriately advised of your rights, those statements may or may not be able to be used against you. The fact that you made statements **does not obligate** you to continue to talk
2. Understanding all of this, do you still want to talk to me at this time?
 Yes No

[REDACTED]
LTC, IN
Deputy Commander

PROOF OF SERVICE

I acknowledge receipt of the above advisement on 16 June 05
(Date)

[REDACTED]
(Signature)

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

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

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
Fob [REDACTED]	4 JUL 2005	11:01	
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS ACD 1-184 IN		
[REDACTED]	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E4	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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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 -

4. (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
1a. NAME (Type or Print)	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

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

SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAFM 201

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

1. LOCATION Camp [REDACTED]	2. DATE (YYYYMMDD) 20050704	3. TIME 11:30	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS A Co 1-184 IN	9. [REDACTED]		

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

A vehicle had driven into our perimeter, into the intersection. I was facing down the street facing away from the vehicle. Warning shots were fired. The vehicle, a 4-door sedan, lurched, and then accelerated. Multiple people began firing at the vehicle, first at the front, then at the rear once the vehicle passed us. The rear window had been completely shattered by the gunfire. It came to a stop about 20-30m in front of me when it slowly collided with a light pole. At first nobody exited the vehicle. But a guy was yelling something in arabic. [REDACTED] approached, talked to them and confirmed that they were IP's. Their vehicle was unmarked and they did not wear uniforms. There were 3-5 occupants in the vehicle. [REDACTED] said some were wounded, but I did not see anyone being carried out. Another IP vehicle evacuated the occupants.

At no time did we receive fire from the house that we entered. We did not know who was inside. The information we had was provided by the IP's, that the house was had enemy. My team leader, SFC [REDACTED], briefed me on the plan to enter the house, that we were not the main effort to enter

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] DATED 2005 0704

9. STATEMENT (Continued)

the house. cl do not recall any discussion of [REDACTED] enemy strength or members, or about civilians. The IP's had already left and there was no way to know what was inside. Anything he did not mention cl assumed would be done as we had trained during mobilization at Ft. Bliss. We did not train to use grenades during [REDACTED] a house entry, but that was the planned initiation of the entry. [REDACTED] gave a warning, yelling in arabic at the house maybe 10-20 seconds before we entered.

After the house was secure, cl was with [REDACTED] the CO, and a 3ID major as we went to the roof of the house. [REDACTED] Someone found what looked like an eyeball. Someone said that it was for NODS, but [REDACTED] said it looked like it was an eyeball for an RPG.

Nothing follows

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8 day of July 2005
at [REDACTED] Bagram, Tora

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

✓ Cordon, IPl's came in how IPl/wounds, evac don't know who
gunfire from stack

✓ discussion for stack plan, where in stack - no enemy sitrep, civilians
EZ-E before entry ✓ did not receive fire, no way to know what
warning? was inside

✓ entry, grenade

✓ search of root

✓ training

PIP, escalation of force

Re: patrol on night of 1 Mar 2005

Our first stop after leaving Camp [REDACTED] was the granary. We dropped off a rear element and proceeded to the power plant. We picked up an interpreter and left one vehicle, and started the patrol with 4 vehicles. I was in the last vehicle, in right back seat.

We stopped [REDACTED] on a street, dismounted, and mounted up again after a brief stop. We drove onto another street and again dismounted. I was pulling rear security, and was told to mount up. I was partway into the vehicle when I heard gunfire. I was told to dismount again and I immediately began scanning rooftops. There was a lot more gunfire. We mounted up again and started moving backwards the way we came. We turned to go to the next street over and saw men wearing body armor and carrying rifles. They identified themselves as IP. [REDACTED], the interpreter, came and started talking to them. The IP's were extremely excited and were sporadically firing down the next street over.

We assembled on the corner. The IP's vehicles came and picked up the IP's and left. Somebody put wood down to block off the street. I crossed to the other side where [REDACTED] was. I was facing down the cross street, while [REDACTED] was covering down the street the IP's were firing.

A car came from a side street to my rear, it got pretty close to us, [REDACTED] within 30m, and warning shots were fired at it. The car accelerated, and lots of people started firing on it, first at the front of the car, and after it passed me, people were firing into the rear of the vehicle. The rear windshield was completely shattered. It came to a stop on a lightpole about 30m past me. One guy in the car was yelling something. Eventually the interpreter communicated with them and confirmed they were IP. They all exited the vehicle and were picked up by another vehicle and left. [REDACTED] said that 3 had been wounded.

At some point helicopters started flying overhead. The next time I remember looking at my watch it was about 21:40. I overheard someone talking on the radio, it [REDACTED]

I think, trying to guide the helicopter to the target house, which I learned was the 3rd house down on the left. Various methods of marking the target were used, a green laser pointer, [REDACTED] and firing at the 2nd story wall of the building. People were switching off fire at the building, and I fired 28 rounds, into the wall. Those are the only rounds I fired that night.

Eventually I overheard that someone had called off the helicopter. I overheard discussion as to whether we had enough combat power to take the house overhanded. Around this time I looked at my watch and it was about 22:25. At some point during this time our QRF from the power plant arrived. Shortly after a QRF made up of 3rd platoon soldiers arrived. I saw Sgt. [REDACTED] walking up the cross street. Immediately after, we assembled an assault team to enter the house. I was the last man in the column. We moved to the house and got down next to the wall. I heard someone yell grenade. I assumed it was our grenade thrown into the courtyard of the house, so I yelled "frag out!"

The grenade exploded and cl stood up and moved towards the gate a couple meters. cl heard a few gunshots, maybe 4. There were plenty of people inside the gate ~~and outside~~ so cl stayed outside the gate. Shortly thereafter cl heard a call for a medic.

[REDACTED] went into the building. cl looked in from where cl was and saw through a window a person in civilian clothes lying face up on the ground, with blood on his clothes on his upper body. cl heard a call for a stretcher, so cl grabbed one from the back of the vehicle that [REDACTED] was gunner. clt was just in front of the house. [REDACTED] took the stretcher inside. shortly after he came back out with it and put it back into the gun truck.

Shortly after, another time was another call for a medic. cl overheard someone say that a woman inside the house claimed to have an injury to the leg or foot. CPT [REDACTED] needed to talk to battalion, so cl was tasked to find [REDACTED] along with SGT [REDACTED]. SGT [REDACTED] and cl ran down the street looking for [REDACTED]

5/6

Somebody told us he was back towards the house. Here I saw one body lying on the street and 2 bodies lying next to a car.

We went back to the house. I was told to follow the interpreter. He went into the house. Inside the house I saw a woman with a bandaged foot. In one room the body was covered with a rug. [REDACTED] told me to stand in the doorway as the woman was carried out of the house because it was her father. In the hallway was a an open wood box with books, papers, and a pistol holder. I looked in another room and from where I was standing I could see a pistol, with a loaded magazine beside it on a desk or a bookcase.

[REDACTED] went to roof with a 370 magnum and the CO. He picked up an eyepiece and said it looked like it was for a sight for an RPG.

He went to the next street over and helped talk to residents as members of 4th agreed with house to house talking to residents and looking for expended brass.

I went back to my vehicle to sit down.

I listened to radio traffic. I was told to relieve [REDACTED], who was watching a detainee, who was sitting in the vehicle [REDACTED] was in. The detainee was cuffed but not blindfolded or wearing shaded goggles. He frequently mumbled. After awhile [REDACTED] came to relieve me. I relieved him after a half hour. Shortly after, the detainee spoke to me asking to use the latrine. I relayed the request to TS G [REDACTED], who denied the request. [REDACTED] relieved me again, and I went back to our vehicle. [REDACTED]

It was nearly daylight before we left the area and came back to Camp [REDACTED], after dropping off [REDACTED] at the power plant.

[REDACTED]

[REDACTED]

[REDACTED]

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

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

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
Fob [REDACTED]	4 JUL 2005	11:0	
5. NAME (Last, First, MI)	6. ORGANIZATION OR ADDRESS		
[REDACTED]	ACO 1-184 FA		
6. SSN	7. GRADE/STATUS		
[REDACTED]	E4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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
1a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

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

SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01



DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION
FOB [REDACTED] BAGHDAD, IRAQ
APO [REDACTED]

REPLY TO
ATTENTION OF:

AFZP-VE-C

MEMORANDUM FOR SPC [REDACTED]

SUBJECT: Rights Waiver

1. I understand that you may have made statements to other persons. Those persons may or may not have advised you of your rights. If you made incriminating statements and you were not appropriately advised of your rights, those statements may or **may not** be able to be used against you. The fact that you made statements **does not** obligate you to continue to talk.
2. Understanding all of this, do you still want to talk to me at this time?

Yes _____ No _____

[REDACTED]
LTC, IN
Deputy Commander

PROOF OF SERVICE

I acknowledge receipt of the above advisement on 4 JUL 2005
(Date)

[REDACTED]
(Signature)