

STATEMENT OF: SGT [REDACTED] 7C664 TAKEN AT: CID OFFICE

DATED: 29 APR 84 CONTINUED:

7C664 [REDACTED] HAD ALSO TOLD ME THEY HAD SEX WITH THE TWO YOUNG LADIES AND PAID THEM \$10 (US DOLLARS). I NEVER HEARD OR SAW ANYONE RAPE ANY WOMEN THE ENTIRE TIME I WAS THERE. I DID NOT HAVE SEX WITH ANY OF THE WOMEN OR MEN OR ANYONE WHILE I WAS DEPLOYED OVERSEAS. I NEVER SAW THE SCOUTS HAVING SEX OR RAPING WOMEN AT THE MALL. THE SCOUT WERE PARKED AND GUARDING THE OUTSIDE BOTTOM FLOOR OF THE MALL COMPLEX. [REDACTED] 7C664

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES

0147-04-C10013-64388

JUN 85

EXHIBIT 16

FOR OFFICIAL USE ONLY

DODDOACID 008417

Q: [REDACTED] 7c b1  
A: [REDACTED] 7c b6b4

A: No.

A: No.

A: No.

A: No, I wasn't there, I heard about it.

A: No.

A: In civilian clothing.

A: I know they were combatants.

A: No.

A: No.

A: Yes, I saw [REDACTED] with his arm around one of the girls, and I saw walking to a back room with one of the girls.

A: No.

A. No.

A: No.

A: No, I only saw them.

Ā: Nō.

A: No.

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

A: No. ///END OF STATEMENT/// 70664

~~INITIALS~~

PAGE 3 OF 7

FILE NUMBER 0347-04-C10007

STATEMENT OF [REDACTED] 70664

TAKEN AT CID Office, Fort Benning GA

DATED 29 Apr 01

CONTINUED

STATEMENT (Continued)

704 b64

AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I HAVE 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 FEAR OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

704 b64

WITNESSES.

Subscribed and sworn to before me a person authorized by

12W

TO BE INITIALED BY THIS 29 day of April 2001  
at CID Office, Fort Benning GA 21505

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SA

UCMJ, Article 136 USC 93  
Authority To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 70664

PAGE 4 OF 4 PAGES

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EXHIBIT 16  
DODDOACID 008419

# SWORN STATEMENT

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

## 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: CID Office Bldg 103 Fort Benning GA  
 2. DATE (YYYYMMDD): 2004/05/03  
 3. TIME: 1703  
 4. FILE NUMBER: 014704 CID003 64389  
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
 6. SSN: [REDACTED]  
 7. GRADE/STATUS: O-2E

8. ORGANIZATION OR ADDRESS: Co 3/75 Ranger REGT.

9. [REDACTED] 7C4664, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

① During the war Baker Company did its absolute best to avoid killing [REDACTED] civilians. However, when the platoons were tasked to men blocking positions (BRIS) it some times became difficult to identify the occupants of oncoming VEHICLES. To lessen the risk of shooting civilians we would first set out wine at approx 200-300m, we would then fire warning shots and only if the VEHICLES kept coming did we engage it with direct fire. 95% of the time VEHICLES would either at the wine or once we fired warning shots. When Baker Company was on the move [REDACTED] to an objective we would only engage vehicles in which [REDACTED] weapon systems on them. I believe [REDACTED] Baker Company did a great job at avoiding on necessary civilian casualties. [REDACTED]

② At the Battle of Market Square (Mid Town Nam) two EPW's were taken by 1st Sqd 3rd PLT. When the two EPW's were removed from the building and brought to the street one of the EPW's was naked and one had sustained a gon shot wound to the arm. I instructed SSG [REDACTED] 7C4664 (1st SQD Ldr) To LEAVE two MAN Guard [REDACTED] on the EPW's until the 1SG came to pick them up. I did not witness SPC [REDACTED] inflict any ill treatment on the EPW's. [REDACTED] 7C4664

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

6

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

STATEMENT OF: [REDACTED] 7C664  
 TAKEN AT: CID Office, FBGA  
 DATED: 26 May 04 CONTINUED:

- ③ AT NO time did Third Platoon take an EPW who had been shot into the back of one of our Bradleys. There was an incident in which after a man had been hit an elderly Iraqi [REDACTED] that we put coffs on him and took him back to the Baker Company CP. I witnessed the arrival of the two Bradleys back at the CP and the off loading of Iraqi prisoner. Myself and the Baker Company XO took control of the prisoner and gave instructions to the guards to watch him until the following morning. The prisoner had not been shot and did not show any signs of being beaten up excessively. [REDACTED] 7C664
- ④ We were never given any orders to "kill anyone" at anytime during the war. As stated earlier I think we did a very good job at avoiding any unnecessary civilian casualties. [REDACTED] 7C664
- ⑤ I really do not remember any real details about the "Golden Bulet". I would not have let SPC [REDACTED] take the bullet if he had wanted to. [REDACTED] 7C664
- ⑥ The Baker Company commander strictly enforced the policy of no looting which was re-enforced by the Platoon leaders and NCO's. Could a soldier have grabbed a small item while searching a house? Possible, but to my knowledge no high value items were taken. Once again, looting was not tolerated. [REDACTED] 7C664

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C664

PAGE 2 OF 6 PAGES

JUN 03

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EXHIBIT 17

DODDOACID 008421

STATEMENT OF: [REDACTED]

TAKEN AT: CID Office, FBGA

DATED: 5 May 67 CONTINUED:

⑦ I had no knowledge at the time that any of my soldiers were involved with prostitution. However, since reading the Playboy article, it has been brought to my attention that a couple of soldiers [REDACTED] had sex with prostitutes at a Mall we were guarding. For approx a week one squad would be tasked to guard the Shopping Mall [REDACTED] with the help of the Scouts (1-15 ID). The senior person on the ground would have been a SON leader. [REDACTED] TCU b6 b7

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 6 PAGES

JUN 1967

EX-101

17

7C4b64  
[REDACTED] 7C4b64  
STATEMENT OF [REDACTED] TAKEN AT BUILDING 108, FBGA,  
DATED [REDACTED] 04 CONTINUED:

Q: [REDACTED] 7C4b64  
A: [REDACTED] 7C4b64  
Q: Did you ever see any women/children killed?  
A: Intentionally no, was it possible women and children were killed, yes it is possible.  
Q: How is it possible?  
A: At a blocking position, we would set up wire and when oncoming traffic would come, if they did not turn around at the wire we would fire warning shots, if they continued to come we would engage them with direct fire. I heard women were killed, but I did not witness it directly. I believe the soldiers would wait until the last minute to fire. If we were on the move, we engaged vehicle that had weapons on them or were firing at us, otherwise we did not fire at any civilian vehicles.  
Q: Did anyone go back and check the vehicles?  
A: Certainly, honestly no. When we were on the move, no. A follow on unit may have but we didn't have the time or security to check them especially at night.  
Q: Do you know who was tasked to watch over the EPW's (the one with the injured arm and the naked male)?  
A: I know I tasked SSG [REDACTED] assume it was SPC [REDACTED] and I want to say SPC [REDACTED] but I am not certain. They were only guarding them for about 10 minutes before the ISG came and took them.

7C4b64  
Q: Did you see any other injuries to the EPW's (other than injured arm)?  
A: No I honestly didn't. The naked guy looked a little roughed up. The one armed guy was injured but it didn't look like he was going to die right there.  
Q: Where were you while the EPW's were being watched by B Co?  
A: I was tasked by the commander to round up all the enemy weapons systems and maintain local security, while the weapons were being collected, for the company.  
Q: Where you present when the young Iraqi hit the older Iraqi and was taken into custody?  
A: No, I was not. I was there when he arrived at the CP.  
Q: How was the young Iraqi restrained when he arrived at your location?  
A: He was flexi-cuffed behind his back.  
Q: Were his feet restrained in any way?  
A: Not that I remember, I don't think so. When I pulled him out I believe he was walking, but I am not certain.  
Q: Are you positive the young Iraqi was not shot?  
A: I am absolutely positive the young Iraqi was not shot.  
Q: Did the young Iraqi speak English?  
A: Maybe a couple of words.  
Q: Was [REDACTED] present with the young Iraqi?  
A: No, he was not present.  
Q: Did you ever witness anyone killed so as to not have to take an EPW?  
A: No, never witnessed that.

7C4b64  
INITIALS [REDACTED]

PAGE 4 OF 6

JUN 01 2001

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EXHIBIT

17

DODDOACID 008423

704 b64  
STATEMENT OF [REDACTED] 704 b64 TAKEN AT BUILDING 108, FBGA,  
DATED 3 May 04 CONTINUED:

Q: Did you ever hear of that occurring?

A: Never.

Q: Did you ever see SPC [REDACTED] with a jeweled box?

A: No, I did not.

Q: Did you see SPC [REDACTED] with a skull?

A: Yes, I did.

Q: Describe it?

A: It was a medical, plastic medical skull, he had put a dagger through it, he had red marker on it that looked like blood. He was told by me and CPT [REDACTED] to remove it. 704 b64

Q: Prior to the article did you ever hear of anyone having sex while deployed?

A: No I didn't

Q: Were you involved with an incident where women were firing RPG's at your vehicle? 704 b64

A: No, not to my knowledge. It is possible LT [REDACTED] engaged a vehicle that had civilians in it after they did not heed the concertina wire or warning shot, he engaged the vehicle with direct fire killing to occupants. I heard someone had found an AK-47 in the vehicle, and I was also told a family was in the vehicle, which I assume had children, I don't know how many. I know it upset CPT [REDACTED] because he was a family man, but it was at night and there was no way he could have identified the occupants of the vehicle.

Q: In the article is stated [REDACTED] fired 11-12 magazines while guarding trucks, does that sound accurate?

A: No it does not, SPC [REDACTED] at the most fired 1-2 magazines during the entire war. Dismounted troops just didn't have the opportunity to fire their weapons.

Q: The article stated SPC [REDACTED] fired 8 magazines, does that sound accurate?

A: No, not at that incident, maybe during over the entire 21 day war maybe 2-3 magazines. If people fired that much ammo as the article alleges, we would have needed an ammo resupply and we never had an ammo resupply.

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

A: No. ///END OF STATEMENT/// [REDACTED] 704 b64

INITIALS [REDACTED]

PAGE 5 OF 6

704 b64  
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JUN 12

EXHIBIT 17

DODDOACID 008424



7C664

STATEMENT OF

TAKEN AT CID Office FBGA DATED 3 May 07

9. STATEMENT (Continued)

7C664

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. 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.

7C664

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of May 2007 at CID Office, Ft. Benning GA 31905

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

7C664

PAGE 6 OF 6 PAGES

USAPA V1.00

014704-10003-64389

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 C-13 Office Bldg 108, Fort Benning GA	2. DATE (YYYYMMDD) 20040504 NO	3. TIME 1520	4. FILE NUMBER 014704-10003-64389
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS Sgt / E-5	
8. ORGANIZATION OR ADDRESS B co 1/5 inf			
9. [REDACTED]			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was never present at the shopping mall when The hooker came. I heard about [REDACTED] and [REDACTED] paying a hooker money for sex. I don't directly remember [REDACTED] telling me he did have sex but I clearly remember teasing [REDACTED] about the hooker, and him agreeing to the sex with a hooker. I don't recall talking to [REDACTED] about the hooker. During Ambush alley I never got out of the bradley however I did hear from Sgt [REDACTED] that [REDACTED] spit chewing tobacco in a Iraqi soldiers arm wound. Then I was told he stepped on, or kicked the guy in his groin. I don't remember ever seeing the necked guy or the soldier with his shoulder/arm wound. I'm not sure, but I heard soldiers talking about it and it was even mentioned to me by soldiers that dogs had done this. I know it was mentioned/talked about. I just can't remember who would have told me [REDACTED]. The young IRAQI guy who is mentioned in playboy as being shot was in the leg was never shot. I was present at the time of this and clearly remember NO

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

STATEMENT OF: [REDACTED]

TAKEN AT: CID Office, FBGA

DATED: 4 May 04 CONTINUED:

bullet wounds on this man. He was  
 a young guy maybe 16, 17, or 18 and  
 an old man was talking to Sgt [REDACTED] 7C664  
 the old man told the young guy to  
 go home and Sgt [REDACTED] said there  
 is no curfew so you don't have to  
 leave. the old man started speaking his  
 language and the young male headbutted him (the old  
 man) in his mouth. Sgt [REDACTED] fired some  
 shots in the air and then the young man  
 was tossed to the ground and flexed  
 cuffed. I don't remember how many shots  
 were fired and I don't recall who  
 did the take down on the young male.  
 what I do know is I never saw that  
 young man beat while he was flexed  
 cuffed. I never saw him get hit after  
 he was cuffed and I was not in  
 the same Bradley he was in. As far as  
 women and children being killed. I only  
 saw women and children killed at  
 check points or road blocks those cars  
 would come speeding at our positions  
 and after a warning shot they were  
 given time to stop. If they didn't.  
 They got killed that's all there was  
 to it. [REDACTED] 7C664

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 5 PAGES

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JUN 15

EXHIBIT

18

DODDOACID 008427

7C664  
 STATEMENT OF [REDACTED] TAKEN AT BUILDING 108, FBGA,  
 DATED 4 May 04 CONTINUED:

Q: [REDACTED] 7C1664  
 A: [REDACTED] 7C4664  
 Q: Did [REDACTED] tell you directly that he had sex with the prostitute?  
 A: Not directly, I heard about it and teased him, he never denied it.  
 Q: Did [REDACTED] and [REDACTED] tell you directly they had sex with the Iraqi women?  
 A: I don't remember. I know [REDACTED] didn't. 7C4664  
 Q: Did you ever hear that they forced the women to have sex?  
 A: No.  
 Q: Did you see [REDACTED] guarding EPW's while at Ambush Alley?  
 A: No.  
 Q: Do you know of anyone that directly saw the EPW's mistreated?  
 A: No. 7C4664  
 Q: Is it possible that the shots fired by SGT [REDACTED] hit the young Iraqi male?  
 A: No.  
 Q: Did the young Iraqi run away?  
 A: I don't recall him trying to run, he was fighting.  
 Q: How was the young Iraqi restrained?  
 A: flexi-cuffs. 7C664  
 Q: How was he flexi-cuffed?  
 A: Hands behind his back. I don't remember if he has them on his feet.  
 Q: Was he hog-tied?  
 A: No.  
 Q: Was he able to walk?  
 A: Yes.  
 Q: Did he have any visible injuries?  
 A: No.  
 Q: What happened to the young Iraqi? 7C664  
 A: He was released the next day, we handed him over to LT [REDACTED] and they put him in a holding area.  
 Q: Was [REDACTED] ever present during the time the young Iraqi was in custody?  
 A: No.  
 Q: Explain how women and children were killed?  
 A: They would drive the cars toward road blocks or check points, after warning shots were fired they continued to move toward us, then we fired at them.  
 Q: Did you know at the time there were women and children in the car?  
 A: No.  
 Q: Did you go back and check the vehicles?  
 A: Sometimes, if the car was all burned or shot with depleted uranium round, then we didn't check.

7C664  
 INITIALS [REDACTED]


PAGE 3 OF 5

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EXHIBIT 18

DODDOACID 008428

7C66 4



A: I don't remember, there may have been some out there on the roads.

Q: Were you ever given instructions or witness anyone kill everyone within a four block radius?

Q: Did you know of anyone that killed a non-combatant so as to not have to take them as an EPW?

A: No. **b7C-4, b6-4**  
Q: Did you see **[REDACTED]** with a skull?

A: Yes, it was a plastic medical skull.

A: No.

A: No.

Q: How many magazines did you utilize during the entire deployment?  
A: I used maybe 5 or 6, but there was a guy on my track didn't fire any round at all. I know [REDACTED] fired some rounds, but I don't think he would have used 8 magazines.

70664

7C664

~~INITIALS~~

70664

PAGE 4/ OF 5

juuul - ?

**POINT**

18

STATEMENT OF

TAKEN AT

CID OFF. in FB

DATED 4 May 04

STATEMENT (Continued)

Photo

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of May, 2004 at CID OFF. Bldg 193, Fort Benning GA 31905

ORGANIZATION OR ADDRESS

SA

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

USAPA V1.00

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30, the Department of Defense GDSOPS

## 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 CID Office, Fort Benning, GA 31905	2. DATE 4 May 04	3. TIME 1800	4. FILE NO 0147-04-CID013
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS C Co, 2/58 ITB Fort Benning, GA 31905		
6. SSN [REDACTED]	7. GRADE/STATUS SSG/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 Investigation Command

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

Dereliction of Duty/ Misprision of on an Offense

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.

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)

Any comments you have made previously do not obligate you to answer any further questions.

### 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		
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		
		4. SIGNATURE OF INVESTIGATOR
		5. SIGNATURE OF WITNESS
		6. ORGANIZATION OF INVESTIGATOR 86th MP Det (CID) Fort Benning, GA 31905

### 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 INT [REDACTED]

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION	2. DATE (YYYYMMDD) 20040504	3. TIME 1720	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 7C664	6. SSN [REDACTED] 7C664	7. GRADE/STATUS E-6/SSG	

8. ORGANIZATION OR ADDRESS

C co 3/58 INF, ITB

9. I, SSG [REDACTED] 7C664, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: LAST YEAR WHILE WE WERE IN IRAQ (DOWNTOWN / MID-TOWN) WE B Co 1/15 IN 3RD ID WERE IN THE MIDDLE OF A GUN FIGHT WITH SOME TERRORIST. THERE WAS A COUPLE OF EPW'S THAT MY SQUAD (3RD SQR) & 1ST SQUAD TOOK HOLD OF. SPC [REDACTED] HAD THE ONE GUY WHO SHOT UP ARM. THE EPW WAS GIVING [REDACTED] A HARD TIME ABOUT HIM WALKING NAKED BY BEING STUBBORN WHEN WALKING TO THE TURN IN POINT. SO [REDACTED] HAD PUSHED HIM ALONG, SO WE COULD KEEP MOVING. I SAW [REDACTED] GRAB THE EPW BY THE ARM (WOUND) AND HIS HAND WAS ALL IN THIS GUY'S WOUND, SO TOLD [REDACTED] TO CHILL WITH ALL OF THAT, NOT KNOWING IF HE WAS DOING THAT ON PURPOSE OR NOT. YES HE WAS YELPING & HOLLARING AT THE GUY. SPC [REDACTED] HAD THE OTHER EPW. I KNOW DON'T RECALL ANYTHING BESIDES HIM YELPING & SCREAMING AT THE EPW.

TO MY KNOWLEDGE THERE WERE NO RAPES COMMITTED AT ALL. ONE TIME WE WERE ON GUARD AT THE MALL AND THE SCOUTS HAD SOME GIRLS UPSTAIRS SO WE WERE WENT UP THERE TO SEE THEM. THEY WERE HAVING SEX WITH SOME OF THE SCOUTS AND A COUPLE OF MY

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C664	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" TAKEN AT \_\_\_\_\_ DATED 4 MAY 04  
 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: 1720

DATED: 04 MAY 04 CONTINUED:

SOLDIER WANTED TO PARTICIPATE IN THE ACTION. I SAW [REDACTED] ENTER THE ROOM W/ ONE OF THE AND EXIT ABOUT 10 MAY 20 SEC LATER HE SAID HE COULDN'T DO IT. I LATER HEARD THAT HE WENT BACK AND FINALLY DID HAVE SEX WITH THE YOUNG LADY PFC [REDACTED] ALSO WAS HAVING SEX, (I DIDN'T SEE HIM GO OFF WITH THE GIRL BUT I SAW HIM LATER WITH HER) AND BRAGGED ABOUT SLEEPING WITH HER. I LATER HEARD THAT NIGHT THAT PFC [REDACTED] MAD SEX WITH THEM ALSO.

WHILE ON ROAD (D3) MY SQUAD WAS ON LOOK OUT ON TOP OF A ROOF. THERE WAS THIS WHITE CAR THAT KEPT GOING BACK AND FORTH LONG THIS ROAD. I INSTRUCTED MY TEAM LEADER SGT [REDACTED] TO FIRE A WARNING SHOT AT THE CAR AND HE DID. THE CAR KEPT COMING RIGHT INTO THE ROUNDS AND IT GOT SHOT UP + WENT OFF THE ROAD. I WAS LATER TOLD THAT THERE WAS A WOMAN AND A CHILD IN THERE (THAT JUST HEAR SAY) BUT OTHER THAN THAT I KNOW NOTHING ABOUT WOMAN AND CHILDREN JUST BEING KILLED.

I WAS NEVER INSTRUCTED TO KILL EVERYONE IN A 4 BLOCK RADIS.

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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JUL 11 11

EXHIBIT 19

DODDOACID 008433

7011664

0147-04-00003-64359

STATEMENT OF [REDACTED] TAKEN AT CID Office FBGA DATED 4 May 04

9. STATEMENT (Continued)

[REDACTED]

7011664

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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 4 day of May, 2004 at CID Office bldg 108, Fort Benning GA 31905

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED]

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V1 00

1. SPECIAL TEST UNIT

JUN 12 2004 19

DODDOACID 008434

# 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: **TRAB CID Office, Fort Benning GA**  
 2. DATE (MM/DD/YYYY): **20050820/0505**  
 3. TIME: **1033**  
 4. FILE NUMBER: **047-04-CID-13-6438**  
 5. LAST NAME FIRST NAME MIDDLE NAME: **[REDACTED] TCB64**  
 6. SSN: **[REDACTED] TCB64**  
 7. GRADE/STATUS: **E-5**  
 8. ORGANIZATION OR ADDRESS: **HHC 415 IN Fort Benning GA 31905**

9. **[REDACTED] TCB64** WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

DURING THE WAR IN IRAQ, I OBSERVED THE FOLLOWING:  
 THERE WAS A KNIFE PLACED THROUGH A SKULL. TO THE BEST OF MY KNOWLEDGE, IT WAS A "MEDICAL SKULL". **[REDACTED] TCB64**  
 REGARDING THE "MIDTOWN MASSACRE", I OBSERVED 2 IRAQI PERSONNEL STANDING OUTSIDE OF A SHOPPING CENTER. ONE MAN WAS NUDE, THE SECOND MAN EITHER HAD SHORTS OR A T-SHIRT ON. I DIDN'T SEE SPC **[REDACTED]** OR ANY OTHER SOLDIER STATE THE TWO IRAQI MEN. I WAS TOLD LATER BY SGT **[REDACTED]** THAT, " **[REDACTED]** WAS OUT OF CHARACTER, HE YELLED AT AND SPAT ON ONE OF THE EPWS." I HEARD ABOUT BUT WAS NOT PRESENT WHEN AN OLDER IRAQI MAN WAS ASSAULTED BY A YOUNGER IRAQI MAN. **[REDACTED]**  
 WARNING SHOTS WERE ALWAYS FIRED OVER VEHICLES. IF A **[REDACTED]** EVER LANDED IN A VEHICLE, WE USUALLY DID NOT CHECK THE VEHICLE. TO THE BEST OF MY KNOWLEDGE, I CAN NOT REMEMBER IF A POLICY WAS IN PLACE TO CHECK VEHICLES THAT WERE HIT OUTSIDE OF OUR CHECK POINTS. **[REDACTED] TCB64**

REGARDING THE PROSTITUTES AT THE STOPPING MALL:  
 THERE WERE 2 PROSTITUTES THAT SHOWED UP AT THE SHOPPING MALL. AN OLDER LADY AND MAN WITH SMALL CHILDREN WERE ALSO PRESENT. I'M NOT SURE HOW OLD THE PROSTITUTES WERE. I WAS UP ON THE ROOF OF THE SHOPPING CENTER WITH SPC **[REDACTED] TCB64** **[REDACTED] TCB64**

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

STATEMENT OF: [REDACTED]

TAKEN AT: CID Office, FBGA

DATED: 05 May 04 CONTINUED:

SGT [REDACTED] AND PFC [REDACTED] WHEN WE WERE TOLD THAT 2 PROSTITUTES WERE AT THE SHOPPING CENTER. I WENT DOWNSTAIRS TO SEE IF THIS WAS TRUTH OR A JOKE. WHEN I WENT DOWNSTAIRS, I OBSERVED 2 FEMALES ALONG WITH THE OTHER PEOPLE MENTIONED EARLIER. I RETURNED TO THE ROOF OF THE SHOPPING CENTER. SFC [REDACTED] PFC [REDACTED] AND PFC [REDACTED] HAD SEX WITH THE PROSTITUTES. I KNOW THIS BECAUSE I ASKED THEM IF THEY HAD SEX. PFC [REDACTED] STATED THAT HE GAVE ONE OF THE FEMALES \$10.00. IT DIDN'T APPEAR THAT THE FEMALES WERE THERE AGAINST THEIR WILL. AND, TO THE BEST OF MY KNOWLEDGE, THE PROSTITUTES WERE NOT RAPED. [REDACTED]

REGARDING LEVELING OR KILLING EVERYTHING IN A 4 BLOCK RADIUS: TO THE BEST OF MY KNOWLEDGE, THERE WAS NO STANDING ORDER TO "KILL EVERYTHING IN SIGHT." IF WE WERE FIRED UPON, WE RETURNED FIRE. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 4 PAGES

STATEMENT OF [REDACTED] TAKEN AT BUILDING 108, FBGA, DATED 5  
May 04 CONTINUED:

Q: [REDACTED]

A: [REDACTED]

Q: What were you doing during Ambush Alley/Midtown Massacre?

A: Me, [REDACTED] and [REDACTED] were unloading trucks that had  
ammo, gasoline, mortars, and stuff that needed to be downloaded.

Q: Were you involved with the taking of the EPW's at Midtown?

A: No.

Q: Did you witness anyone mistreat the EPW's?

A: No.

Q: Did you hear anyone talking to the EPW's?

A: No.

Q: Did you ever witness any women or children killed?

A: No.

Q: Do you know of anyone that killed women or children?

A: No.

Q: Even at the checkpoints?

A: No.

Q: Did you see [REDACTED] pay the prostitute?

A: No.

Q: Did you see anyone go off with the prostitutes?

A: No.

Q: Do you know of any other incidents involving soldiers having sex with Iraqi women  
during the deployment?

A: No.

Q: Did you see SPC [REDACTED] with a jeweled box?

A: No.

Q: Where you present when [REDACTED] attempted to steal a gold toilet?

A: No.

Q: How much ammunition did you use during the deployment?

A: I fired four 203 rounds and I fired maybe half of one magazine out of the 11 I had.

Q: The comment in the article that [REDACTED] fired 8 magazines and [REDACTED] fired 11,  
does that sound accurate?

A: I don't think so.

Q: Have you ever heard of anyone that killed someone so as to not have to take an EPW?

A: No.

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

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

INITIALS [REDACTED]

PAGE 3 OF 4

14-115

THE OFFICIAL USE ONLY

EXHIBIT 20

DODDOACID 008437

STATEMENT OF

TAKEN AT

CID Office, FBGA DATED 5 May 01

STATEMENT (Continued)

TC664

AFFIDAVIT

I, [REDACTED] TC664, 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.

TC664

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of May 2001 at CID Office, Bldg 108 Fort Benning GA 31505

ORGANIZATION OR ADDRESS

TC664  
bp  
SA [REDACTED]  
(Typed Name of Person Administering)

Article 136 UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

TC664

PAGE 4 OF 4 PAGES

USAPA V1 00

## AGENT'S INVESTIGATION REPORT

ROI NUMBER

0304-04-CID016

CID Regulation 195-1

PAGE 1 OF 1 PAGE

## DETAILS

*cf b6 b7*  
BASIS FOR INVESTIGATION: About 1530, 30 Apr 04, this office received a Request for Assistance (RFA) from the 86th Military Police Detachment (CID), Fort Benning, GA 31905 (FBGA). The RFA requested CPL [REDACTED] Headquarters and Headquarters Company (HHC), 3rd Brigade (Bde), 2nd Infantry Division (ID), Fort Lewis, WA 98433 (FLWA), be interviewed concerning possible war crimes committed while his former unit, B Company (Co), 1/15 Infantry Battalion (Inf Bn), FBGA, was in Iraq.

About 0915, 5 May 04, SA [REDACTED] *TC1 b61* advised CPL [REDACTED] *TC1 b61* of his rights, which he waived and subsequently provided a sworn statement denying any and all illegal activity. (See sworn statement for details.)

*cf b6 b7*  
AGENT'S COMMENT: While CPL [REDACTED] *TC1 b61* was finishing his statement, SA [REDACTED] *TC1 b61* was called away on a priority investigation. SA [REDACTED] *TC1 b61* this office, finalized the statement and swore CPL [REDACTED] to it. A subsequent review of the statement revealed the following details were not included in the statement, but CPL [REDACTED] *TC1 b61* disclosed in the interview:

- CPL [REDACTED] *TC1 b61* stated he did not remember who stated SPC [REDACTED] *TC1 b61* B Company, 1/15 Infantry Battalion (Inf Bn), FBGA (NFI), had dug into the wounds of an Enemy Prisoner of War (EPW), but just that he heard rumors.
- When CPL [REDACTED] *TC1 b61* stated he heard about "soldiers shooting unarmed civilian vehicles", he was referring to the incident he addressed later where he stated he thought he saw bullets hit a vehicle. He stated he later heard the same information, but could not remember from whom.
- The answer to the question at the bottom of page 1, "Where were you when that battle occurred?", was cut off in the printing of the statement. CPL [REDACTED] *TC1 b61* stated only 1<sup>st</sup> and 3<sup>rd</sup> Squads went, and he was in 2<sup>nd</sup> Squad. *TC1 b61*
- CPL [REDACTED] *TC1 b61* stated at OBJ [REDACTED] *TC1 b61* he fired warning shots, but never actually hit the vehicle. He further stated he only used about two to three magazines during the entire deployment.
- CPL [REDACTED] *TC1 b61* stated he heard about SPC [REDACTED] *TC1 b61* attempting to steal the toilet, but couldn't remember from whom. *b7c-4, b6-4*
- CPL [REDACTED] *TC1 b61* stated he remembered SPC [REDACTED] *TC1 b61* carrying a box of some sort, possibly with jewels on it, but couldn't describe it and even had trouble remembering where or when he saw it. *Last Entry!!!*

TYPED AGENT AND SEQUENCE NUMBER  
SA [REDACTED] *TC1 b61*

ORGANIZATION  
44<sup>th</sup> Military Police Detachment (CID), PO Box  
331009, Fort Lewis, WA 98433-0009

SIGNATURE

DATE

5 May 04

EXHIBIT

CID FORM 94  
1 FEB 77

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DODDOACID 008439

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AFM 1-50.80; the proponent agency is DDCSOPS

## DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION 44th MP Det (CID), Fort Lewis, WA 98433	2. DATE 5 May 04	3. TIME 0915	4. FILE NO. 0304-04-CID016
5. NAME (Last, First, MI) [REDACTED] 7C4bb4	8. ORGANIZATION OR ADDRESS Headquarters and Headquarters Company 3rd Brigade, 2nd Infantry Division Fort Lewis, WA 98433		
6. SSN [REDACTED] 7C4bb4	GRADE/STATUS E-4 / AD		

## PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Division as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Rape, War Crimes, Maltreatment of Prisoners, Failure to Obey Order, Murder, Larceny///

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

### Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me [REDACTED] 7C4bb4

WITNESSES (If available)		3. SIGNATURE [REDACTED] 7C4bb4
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] 7C4bb4
b. ORGANIZATION OR ADDRESS AND PHONE		5. SIGNATURE OF INVESTIGATOR [REDACTED] 7C4bb4
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 44th MP Det (CID) Fort Lewis, WA 98433
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 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

DODDOACID 008440



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 44th MP Detachment, Fort Lewis, WA 98433	2. DATE (YYYYMMDD) 2004/05/05	3. TIME 11.30	4. FILE NUMBER 0304-2004-CID016
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 7C4 b64	6. SSN [redacted] 7C4 b64	7. GRADE/STATUS E-4/RA	
8. ORGANIZATION OR ADDRESS HHC, 3rd Infantry Brigade, Fort Lewis, WA 98433			

9. [redacted] 7C4 b64, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

[redacted] 7C4 b64  
During my deployment to Iraq at no time did I commit nor did I see others commit anything more than the appropriate use of force to Iraqi prisoners. I did not see, hear about or commit rape towards an Iraqi female guarding a mail in Baghdad. I did not shoot an unarmed Iraqi see or hear about it. I did however hear about a POW's wounds being dug into by SPC [redacted] I cannot confirm if its true. I did hear about soldiers shooting unarmed civilian vehicles, either not knowing they were unarmed or purposely.  
At no time did I see hear about or commit the shooting of a wounded Iraqi soldier. At one point in time at the "oracle" (the guarding of a weapons cache, trucks) I was on guard in a Bradley fighting vehicle making sure no vehicles came by our objective area of guard, at one point I attempted to fire warning shots upon a car before I could I thought I saw bullets through my scope and the car stopped real quick and the driver got out and I continued to scan my sectors because he wasn't in my sights any longer. I do not recall an incident where another Iraqi struck an Iraqi man, fled and was shot in the leg. All the statements I made are true to the best of my knowledge.

- Q. SA [redacted] 7C1 b61  
A. CPL [redacted] 7C4 b66  
Q. Did you hear of any soldiers having sex while deployed?  
A. No.  
Q. Did you have sex with anyone while deployed?  
A. No.  
Q. DID YOU EVER SEE ANYONE ABUSE AN EPW?  
A. No.  
Q. Did you observe a younger Iraqi strike an older Iraqi who attempted to give information?  
A. No.  
Q. Did anyone shoot warning shots?  
A. I wasn't there.  
Q. Is it possible one of the shots hit the Iraqi male?  
A. I wasn't there.  
Q. Did you restrain the younger Iraqi in any way?  
A. I wasn't there.  
Q. Did you put him in your Bradley vehicle?  
A. I wasn't there.  
Q. Did anyone strike him at anytime?  
A. I wasn't there. 67C-4, 66-4  
Q. Was SPC [redacted] present during this incident?  
A. I wasn't there. 67C-4, 66-4  
Q. Was SPC [redacted] ever assigned to your vehicle?  
A. Not that I know of. 67C-4, 66-4  
Q. Was SPC [redacted] in the area where this incident occurred?  
A. I wasn't there.  
Q. What happened to the younger Iraqi male?  
A. I wasn't there.  
Q. Were you at the ambush alley / midtown massacre?  
A. No.  
Q. Where were you when that battle occurred? [redacted] 7C4 b64

10. EXHIBIT  
11. INITIALS OF PERSON MAKING STATEMENT  
[redacted] 7C4 b64  
PAGE 1 OF 3 PAGES

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

USAPA V1 00

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

STATEMENT OF

CPL [REDACTED]

TAKEN AT

Bldg. 5183, FLWA

DATED

2004/05/05

STATEMENT (Continued)

Q. Did SPC [REDACTED] ever tell you about mistreating a POW?

A. No.

Q. Do you know of anyone mistreating POW's during your deployment?

A. No.

Q. What is the "oracle"?

A. I was informed today by SA [REDACTED] that it was the truck cache of weapons we guarded. I haven't heard that area called the "oracle" before now.

Q. Were you ever assigned to missions with SPC [REDACTED] b7c-4, b6-4

A. Possibly, if so I don't recall.

Q. Were you one a rooftop with SPC [REDACTED] b7c-4, b6-4

A. I don't recall.

Q. Did you ever shoot at cars that were coming at roadblocks or restricted areas?

A. Yes. At OBJ [REDACTED] car went through our wire and was speeding towards the checkpoint. I fired warning shots at the vehicle. 7C1064

Q. Did you ever see anyone shoot at cars the were going towards roadblocks or restricted areas?

A. Yes.

Q. Did you ever see them stop?

A. Yes.

Q. Did you ever see any women/children dead in vehicles?

A. No.

Q. Did you ever see any women/children dead during the deployment?

A. No.

Q. Were you ever given instructions to kill everybody and to not take EPWS?

A. No.

Q. Did you ever receive instructions to level a four block radius?

A. No. b7c-4, b6-4

Q. Did you see SPC [REDACTED] with a skull?

A. No.

Q. Did you shoot at anyone while guarding the tractor trailers?

A. No.

Q. Were you present when SPC [REDACTED] attempted to steal a gold toilet?

A. No. b7c-4, b6-4

Q. Did you ever see SPC [REDACTED] with a jeweled box?

A. Maybe, I'm not sure though. 7C4640

Q. Did SP [REDACTED] PFC [REDACTED] ever tell you they had sex while in Iraq?

A. No.

Q. Did you ever hear of anyone having sex while in Iraq?

A. No.

Q. Did you talk to the PLAYBOY reporter?

A. No. 7C4640

Q. Do you know why SPC [REDACTED] buttstroked the EPW in the head?

A. I wasn't there.

Q. Did anyone else abuse the EPW's?

A. No.

Q. Pertaining to the fight between the older Iraqi and the younger Iraqi, did SGT [REDACTED] fire the warning shot to break up a fight between the Iraqis or between Iraqis and soldiers?

A. I wasn't there. 7C4640

Q. Why was SPC [REDACTED] punching and kicking the Iraqi?

A. I wasn't there.

Q. How was the Iraqi zip-tied?

A. I wasn't there.

Q. Were his feet restrained?

A. I wasn't there.

Q. Was he struck after he was zip-tied?

A. I wasn't there.

Q. Was he struck while he was in the Bradley vehicle?

A. I wasn't there.

Q. Was the young Iraqi shot?

A. I wasn't there. 7C4640

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

USAPA V1 00

FOR OFFICIAL USE ONLY

STATEMENT OF

CPL [REDACTED]

TAKEN AT

Bldg. 5183, FLWA

DATED

2004/05/05

STATEMENT (Continued)

- Q. Is there anyway one of the warning shots hit the Iraqi?  
A. I wasn't there. *6704, 66-4*  
Q. Was SPC [REDACTED] around during the time the young Iraqi was in custody?  
A. I wasn't there.  
Q. Did you ever see any women/children shot during the deployment?  
A. No.  
Q. Did you ever go through an area and kill everyone you found?  
A. No.  
Q. Did you ever witness or receive instructions to kill people and not to take EPW's?  
A. No.  
Q. Is there anything we haven't talked about here today already that you feel is important to this investigation?  
A. *No*  
Q. How were you treated here today during this interview?  
A. *Great*  
Q. Do you have anything else to add to this statement?  
A. *No* */// End of statement ///* *704664*

*704664*  
AFFIDAVIT

[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.

*704664*

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of May, 2004 at 44th MP Detachment (CID), Fort Lewis, WA 98433

ORGANIZATION OR ADDRESS

*704664*

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

Article 136, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

USAPA V1 00

## AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0147-04-CID013-64389

PAGE 1 OF 1 PAGE

## DETAILS

## BASIS FOR INVESTIGATION:

About 0950, 3 May 04, this office received a Request for Assistance (RFA) from the 86<sup>th</sup> Military Police (MP) Detachment (DET), 3<sup>rd</sup> MP Group, USACIDC, Fort Benning, Georgia 31905 (FBGA), requesting this office locate, fully identify, and interview SGT [REDACTED] Special Forces Training (SFAS), Fort Bragg, NC 28310 (FBNC), formerly assigned to B Company, 1/15<sup>th</sup> Infantry Battalion, FBGA, regarding his knowledge of possible enemy prisoner of war (EPW) abuse and the shooting of an unarmed Iraqi, while being deployed in Iraq. *704 b01*

## DETAILS:

About 1341, 12 May 04, SA [REDACTED] advised SGT [REDACTED] of his legal rights, which he waived and provided a sworn statement detailing his knowledge of the incident in which an Iraqi was detained, but not abused or shot. (See attached sworn statement for details.) *704 b01*

Agent's Comments: During the interview, SGT [REDACTED] clarified the term "hog tie" as to only having the hands of the detainee restrained. Further, SGT [REDACTED] stated he could not for sure remember, but was pretty sure the detainee walked on his own back to their vehicle. *704 b01*

STATUS: This investigation is being closed within the files of this office. No further investigative activity is anticipated.

/////////////////////////////////Last Entry/////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

704 b01 b2

ORGANIZATION

87<sup>th</sup> MILITARY POLICE DETACHMENT (CID)  
FORT BRAGG, NC 28310-5000

SIGNATURE

SA

[REDACTED]

704 b01

DATE

12 May 04

EXHIBIT

23

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY

DODDOACID 008444

0147  
3047-04-65003-64389

# 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 87th MP Det FBNC 28310	2. DATE 12 May 04	3. TIME 1347	4. FILE NO
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS D Company, Student Support, SWC		
6. SSN [REDACTED]	7. GRADE/STATUS E-5	FBNC 28310	

## PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

### Section A. Rights

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

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

I do not have to answer any questions or say anything

Anything I say or do can be used as evidence against me in a criminal trial

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both

(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

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 been advised of your legal rights w/in 30 Days? Yes

### 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]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
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

## 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

87th MP Det (CD) FBNC 28310

DATE

12 May 04

TIME

1449

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

E-5

ORGANIZATION OR ADDRESS

C Company, Student Support Battalion, AFAS FBNC 28310

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While on patrol, I witnessed a Iraqi man tell a younger Iraqman to go inside. The younger Iraqi man said to. The older Iraqi hit the younger one with his fist. The younger one head butted the old one in the mouth. Then fled. Then I fired two warning shots in the air SFC [redacted] order to capture the younger man. So I ran and tackled him and me and SFC [redacted] hog tied him. Sat him in the Bradley and left back to base. While in the Bradley we gave the EPW water. Then we handed the EPW over to the gate guard. And that's the last I seen of him.

QSA [redacted] TC1601

A. SGT [redacted] TC1601

Q. Did you shoot the Iraqi while he was fleeing from you?

A. No [redacted]

Q. Did you ever shoot any Iraqi EPW?

A. No [redacted]

Q. Do you know of anyone shooting an EPW?

A. No [redacted]

Q. Did you ever abuse an EPW?

A. No [redacted]

Q. Did you ever see anyone abuse an EPW?

A. No [redacted]

Q. Did any of your warning shots hit the Iraqi?

A. No [redacted]

Q. Did anyone else fire any shots?

A. No [redacted]

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 1 OF 3 PAGES

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

FILE NUMBER:

STATEMENT OF Sgt [REDACTED]

TAKEN AT 87th Wd Del  
FWC 28310

DATED 12 MAY 04 CONTINUED

Q. Is it possible one of the warning shots hit the Iraqi?

A. NO [REDACTED]

Q. After you put the Iraqi in the Bradley did anyone strike him?

A. NO [REDACTED] b7c-4, b6-4

Q. Was [REDACTED] present during this incident?

A. Unsure [REDACTED]

Q. Were you at Ambush Alley/Midtown massacre?

A. NO [REDACTED] b7c-4, b6-4

Q. Where were you?

A. ON ground [REDACTED] b7c-4, b6-4

Q. Were you ever instructed to kill instead of take EPW?

A. NO [REDACTED] 7C4b6-4

Q. Did you ever see women/children killed at a roadblock or restricted area?

A. NO [REDACTED] 7C4b6-4

Q. Did you ever see any dead women or children?

A. NO [REDACTED] 7C4b6-4

Q. Did you ever see anyone shoot or kill women or children?

A. Yes A scout shot a M16 at a hostile vehicle and missed and it hit a truck behind it which housed a group of people.

Q. Did he intend to hit anything other than the armed vehicle?

A. Did you have sex while in Iraq? [REDACTED] b7c-4, b6-4

Q. Did you have sex while in Iraq?

A. NO [REDACTED]

Q. Do you know of anyone having sex while in Iraq?

A. NO [REDACTED]

Q. Do you know of anyone who stole or looted while deployed?

A. NO [REDACTED] 7C4b6-4 b7c-4, b6-4

Q. Were you present when [REDACTED] attempted to steal a gold toilet?

A. NO [REDACTED] b7c-4, b6-4

Q. Did you see [REDACTED] with a jeweled box?

A. NO [REDACTED] 7C4b6-4

Q. Did you talk to any reporters?

A. NO [REDACTED] b7c-4, b6-4

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

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FILE NUMBER:

STATEMENT OF [REDACTED]

TAKEN AT 87th MP Det  
FBN 28310

DATED 12 May 04 CONTINUED:

STATEMENT (Continued)

A. I was contact by a reporter and asked to make a statement about [REDACTED] as he told him NO. [REDACTED] 704 b64

Q Did you ever see [REDACTED] with a skull?  
A- NO [REDACTED] 67c-4, b6-4

Q Is there anything else you wish to add to your statement?  
A- NO [REDACTED] END OF STATEMENT [REDACTED] 704 b64

## AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Signature of Person Making Statement

[REDACTED] and sworn to before me, a person authorized by law to administer oaths, this 12 day of May, 20 04 at 87th MP Det (GCD) Ft Bragg NC 28310

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

Art 136 [REDACTED] (Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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## AGENT'S INVESTIGATION REPORT

0147-04-CID013-64389

CID Regulation 195-1

PAGE 1 OF 6 PAGES

7C1661  
About 1300, 10 May 04, SA [REDACTED] interviewed Mr. [REDACTED] formerly SSG assigned to B Co, 1/15<sup>th</sup> Inf Bn, Fort Benning, GA) who provided a sworn statement detailing his knowledge of the Playboy article. Mr. [REDACTED] stated he was present at Midtown/Ambush Alley, but did not see the EPW's mistreated. SPC [REDACTED] later told him that he had spit on them and put his hand in the wound, but Mr. [REDACTED] could not recall the specifics of the conversation. Mr. [REDACTED] stated he continued on with his mission, so he did not have direct observation while the EPW's were in custody. Mr. [REDACTED] stated he did not see any women killed, but he shot a young boy while at Midtown. He stated a man with an AK-47 was running down the street and he was shot. A little boy came out to the body to get the weapon. Mr. [REDACTED] stated he fired warning shots to scare the boy away and make him go back inside, but he picked up the weapon and aimed it at his squad, therefore he shot the boy. Mr. [REDACTED] stated they did fire at vehicles that disregarded the roadblocks, but he did not see any women or children in the vehicles. He stated they generally did not check the vehicles because they were too far away from their position. Mr. [REDACTED] stated he did see SPC [REDACTED] with the plastic skull that he found at the school and he decorated it. Mr. [REDACTED] stated he did not see SPC [REDACTED] with the gold toilet or the jeweled box. Mr. [REDACTED] stated he was not present when the young Iraqi from the article was taken into custody, and did not have any direct knowledge about soldiers having sex while deployed. He stated he heard a rumor that SPC [REDACTED] and PFC [REDACTED] had sex with prostitutes while deployed, but he could not recall who told him. (See statement for details) b7C-4 66-4

7C1661  
About 1400, 14 May 04, SA [REDACTED] interviewed Mr. [REDACTED] (formerly SPC assigned to B Co, 1/15<sup>th</sup> Inf Bn Fort Benning, GA) currently incarcerated at Muscogee County Jail, in the presence of his defense attorney Mr. [REDACTED] 2<sup>nd</sup> Avenue, Columbus, GA 31909. Mr. [REDACTED] stated he was present at Midtown/Ambush Alley and they were tasked with clearing buildings. He stated he shot a man coming out of a window with a weapon, and later pulled security on him to make sure he was no longer a threat. Mr. [REDACTED] stated he did briefly see the injured EPW and the one that was stripped naked being guarded by SPC [REDACTED] and another soldier, but he could not recall who. He stated he did not observe them long and did not see anyone mistreat the EPW's. Later SPC [REDACTED] told him that he stepped on the one EPW's testicles and put his hand in the wound of the injured EPW, but he did not directly see that occur. Mr. [REDACTED] stated he was not present when the younger and older Iraqi were fighting, and did not believe SPC [REDACTED] was there either since they were in the same track. Mr. [REDACTED] stated he did not see SPC [REDACTED] attempt to steal a gold toilet, but did see him with a jeweled box. Mr. [REDACTED] stated the box was a novelty box, the kind that people sell on the side of the road for \$10.00, with fake jewels on it. He stated SPC [REDACTED] was told to leave it on the side of the road. He stated the jewels were definitely not real. Mr. [REDACTED] stated he did see the skull the SPC [REDACTED] decorated and 7C4664 7C4664 b7C-4 66-4

Special Agent [REDACTED] 7C1661

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Signature: [REDACTED] 7C1661

Date: 9 Jun 04 Exhibit: 25

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AGENT'S INVESTIGATION REPORT

0147-04 CID013-64389

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believed it was a medical skull that they found at the college, it was bleached white, and there was no way the skull was from an Iraqi during the war. Mr. [REDACTED] stated he heard about members of third squad having sex while at the mall. PFC [REDACTED] told him that he had sex, but it was only rumors he heard about others having sex. Mr. [REDACTED] stated he was never under the impression that the girls were raped. Mr. [REDACTED] stated he never saw any women or children killed, he heard there were, but never actually saw any. Mr. [REDACTED] stated the unit did not kill everyone and he never heard of anyone that killed people just so they didn't have to take any EPW's. Lastly Mr. [REDACTED] stated he used no more than four magazines during the deployment, and felt it was not likely that SPC [REDACTED] and SPC [REDACTED] used as many magazines as the article alleged. 7C b64

About 1020, 18 May 04, SA [REDACTED] interviewed PV2 [REDACTED] HHC, 1/15<sup>th</sup> Inf Bn (formerly assigned to B Co, 1/15<sup>th</sup> Inf Bn) Fort Benning, GA 31905 who provided his knowledge of the Playboy article. PV2 [REDACTED] stated he was present at Midtown/Ambush Alley when the EPW's were taken into custody. PV2 [REDACTED] stated the EPW's were taken upstairs and were being guarded by SPC [REDACTED] and SPC [REDACTED]. PV2 [REDACTED] stated he went to unload ammunition from a truck, so he did not observe the EPW's after that point. During the time he did observe them, he did not see anyone mistreat them. PV2 [REDACTED] stated the tanks would come into an area and cause a lot of damage, but they did not intentionally kill everyone within a four-block radius. He stated they only killed people who were combatants, and even then, they would fire a warning shot at them first, because most of them would drop their weapons and run away. PV2 [REDACTED] stated they took a lot of EPW's during the deployment. He stated he did not directly see any women or children killed, but had heard rumors about dead women and children on a bus. PV2 [REDACTED] stated they did fire at vehicle but most of the time they would turn around or would run from the vehicle. He did not see women or children killed inside the vehicles, but he did not go and check any vehicles. PV2 [REDACTED] stated he did not see SPC [REDACTED] with a skull, gold toilet or jeweled box. During the layout prior to moving back to Kuwait the only items he saw in SPC [REDACTED] possession was a t-shirt, and some rank. PV2 [REDACTED] stated he was present when the young Iraqi was taken into custody, but he was down the street. PV2 [REDACTED] stated they placed the young Iraqi in custody and restrained his arms. He walked over to the Bradley, but PV2 [REDACTED] could not say what type of treatment he received in there as he was assigned to a different Bradley. PV2 [REDACTED] stated he believed the young Iraqi was hog-tied when he pulled security on him during the night, but he was not beaten during that time frame. PV2 [REDACTED] stated he was certain the young Iraqi was not shot. PV2 [REDACTED] stated both SPC [REDACTED] and PFC [REDACTED] told him directly that they had sex with a prostitute while at the mall and they paid her \$10.00. PV2 [REDACTED] stated he heard a rumor that SPC [REDACTED] also had sex with one of the two girls, but he was not told that directly by SPC [REDACTED]. PV2 [REDACTED] stated b7c-4, b6-4

Special Agent [REDACTED]

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Signature: [REDACTED]

Date: 9 Jun 04 Exhibit: 25

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## AGENT'S INVESTIGATION REPORT

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b7c-4, b6-4  
he did speak to [REDACTED] from CBS News, about SPC [REDACTED] and the four soldiers accused of his murder. [REDACTED] also asked about the actions of the Battalion Commander during Midtown/Ambush Alley.

About 1100, 20 May 04, SA [REDACTED] coordinated with Mr [REDACTED], Atlanta, GA, attorney for SPC [REDACTED], who declined to have his client interviewed.

b7c-4, b6-4  
About 1435, 20 May 04, SA [REDACTED] interviewed PFC [REDACTED] B Co, 1/15<sup>th</sup> Inf Bn, Fort Benning, GA 3105 (currently incarcerated at the Muscogee County Jail, Columbus, GA). PFC [REDACTED] stated he observed the two EPW's at Midtown/Ambush Alley, but only for a short time. He stated he did not see any direct abuse but later SPC [REDACTED] told him he stuck his hand in the guys wound and was laughing about it, he also heard rumors that SPC [REDACTED] stepped on one of the EPW's testicles. PFC [REDACTED] stated he did not directly see any women and children killed but heard about a van that had women and children in it that was fired upon. PFC [REDACTED] stated all of the vehicles his team shot at that disobeyed the road blacks turned around or the occupants ran from the vehicle. PFC [REDACTED] stated they only fired upon people who fired upon them or they felt were a threat. PFC [REDACTED] stated he was present when the young Iraqi and older Iraqi were involved in the altercation. He was on a roof and could see the disturbance but was not directly involved. He stated the young Iraqi was taken into custody, but he was not shot or hog-tied. PFC [REDACTED] stated he observed the young Iraqi walk to the Bradley, and stated SPC [REDACTED] was not present during this incident. PFC [REDACTED] stated he later was assigned to guard the young Iraqi back at the barracks area. The prisoner complained about his zip-ties being too tight, so they cut them off and put on a new set. PFC [REDACTED] stated he did see SPC [REDACTED] with the medical skull and it was definitely not real, he had found it at the school. He also saw SPC [REDACTED] with a gold toilet seat that he removed from a house, but he was told he could not take it. PFC [REDACTED] stated at the same house SPC [REDACTED] found the toilet seat, he also observed SPC [REDACTED] with a jeweled box. He saw it in SPC [REDACTED] hand, but did not see what he did with it. When they had inspections he never saw the box, and never saw the box outside of that house. About 1535, 20 May 04, PFC [REDACTED] was advised of his rights, which he waived and admitted he had sex with a prostitute while at the mall. He stated he heard a noise in the hallway and went to see what was going on. He saw the women, but did not know how they got into the mall area. He was told they were prostitutes. He stated he went to a separate room with one of the girls. She took off her clothes, and then took off PFC [REDACTED] clothing. She provided him with a condom. They kissed and she fondled him, then they had intercourse. He paid her \$5.00 and stated there was no force involved. She was not crying or scared. She knew what she was doing. PFC [REDACTED] stated he did not directly see anyone else have sex with the women, but SPC [REDACTED] told him he did. PFC [REDACTED]

Special Agent [REDACTED]

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Signature: [REDACTED]

Date: 9 Jun 04 Exhibit: 25

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JUN 04 23

DODDOACID 008451

## AGENT'S INVESTIGATION REPORT

0147-04-CID013-64389

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7C4  
b6-4  
[redacted] stated he suspected SPC [redacted] also had sex, but he never gave him a direct answer and would joke around about it. PFC [redacted] stated he was not sure if SSG [redacted] was aware of the incident, but a few days later, SSG [redacted] shook his head at PFC [redacted] which he thought meant he knew what occurred. PFC [redacted] stated SFC [redacted] Platoon Sergeant, never said anything to him to indicate he was aware of the situation. PFC [redacted] stated he was unaware of any other soldiers having sex while deployed.

7C4  
b6-4  
b7c-4, b6-4  
About 0915, 21 May 04, SA [redacted] interviewed CPT [redacted], HHC, 3/75<sup>th</sup> Ranger Regiment (formerly Commander of B Co, 1/15<sup>th</sup> Inf Bn, Fort Benning, GA) who provided a sworn statement detailing his knowledge of the allegations in the Playboy article. CPT [redacted] stated he was aware of the fact that they took prisoners at Midtown/Ambush Alley, but he was not directly involved. He further stated he had no knowledge of the young Iraqi that was taken into custody. He did state he would check on the prisoners they did have in their custody and he did not recall any prisoner's shot while staying at the airborne barracks. CPT [redacted] stated he did see SPC [redacted] with a skull and made him get rid of it, which he did on the spot. CPT [redacted] stated he was unaware of any gold toilet or jeweled box, but stated he took looting very seriously and tried to stay on top of any situations that arose pertaining to looting. CPT [redacted] stated he was unaware of any soldiers having sex while deployed. He stated the soldiers were rarely alone. He was informed that there were prostitutes several weeks after they left the mall, but he was informed by a platoon leader from a different section, so he did not believe his soldiers had access to the prostitutes. CPT [redacted] stated he was aware of women and children being killed during the war, but they were in vehicles that were speeding toward a roadblock, or had weapons firing at them. CPT [redacted] did not feel his unit was firing at everyone or "killing everything within a four-block radius". He stated they would contact him over the radio to get clearance to shot at someone who was firing upon them, which was clearly an area where they could engage them. He stated they took prisoners at every battle, so he did not feel they were shooting people so they did not have to take them as EPW's. (See statement for details).

7C4  
b6-4  
b7c-4, b6-4  
About 0930, 15 Jun 04, SA [redacted] interviewed Mr. [redacted] (formerly SPC assigned to B Co, 1/15<sup>th</sup> Inf Bn, Fort Benning, GA) who related information about the allegations in the article. Mr. [redacted] stated he was present at Midtown/Ambush Alley. He was assigned to SGT [redacted] squad and was involved with the capture of the two EPW's. Mr. [redacted] guarded the two EPW's with SPC [redacted] and SPC [redacted]. He stated he did not see anyone abuse the EPW's while he was present. He stated SPC [redacted] may have spit on one of them, but he was not certain. He was positive he did not see SPC [redacted] put his hand into the injured EPW's wound, as he stated that

Special Agent [redacted]

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Signature: [redacted]

Date: 9 Jun 04 Exhibit: 25

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About 1500, 2 Jun 04, SA [REDACTED] coordinated with Mr. [REDACTED] B Co, 1/15<sup>th</sup> Inf Bn, Fort Benning, GA (currently incarcerated at the Muscogee County Jail, Columbus, GA) who stated his client declined to be interviewed pertaining to this investigation.

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Date: 9 Jun 04      Exhibit:

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DODDOACID 008453

AGENT'S INVESTIGATION REPORT

0147-04-CID013-64389

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PAGE 6 OF 6 PAGES

About 0905, 9 Jun 04, SA *7C661* [redacted] advised SGT *7C661* [redacted] of his rights which he waived and attempted to administer a polygraph report, but was unable to complete the test due to the medical condition of SGT *7C661* [redacted] (See rights waiver and polygraph report for details). ///LAST ENTRY/// *7C661*

*7C661*  
[redacted]  
Special Agent, *b2*

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Signature: [redacted] *7C661*

Date: 9 Jun 04 Exhibit: *25*

CID Form 94

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*5005132*

DODDOACID 008454

# 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

CLD Office Ft. Benning

### 2. DATE (YYYYMMDD)

2004 05 10

### 3. TIME

1540

### 4. FILE NUMBER

047-04 C-003-6438

### 5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED]

### 6. SSN

[REDACTED]

### 7. GRADE/STATUS

SS6/Ret

### 8. ADDRESS OR ADDRESS

[REDACTED]

### 9.

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

At the midtown massacre my squad dismantled B31 and entered a shopping center from which three Iraqis had engaged us with an RPG. My squad secured the far side of the building while SS6 squad went down to the basement which happened to be where the 3 Iraqi's were. One of them squeezed out of a hole in the building where PFC [REDACTED] engaged him with his M249. The other two were escorted upstairs and ordered to ~~their~~ *lay* face down. We then had them to undress for the fear of suicide bombers. One refused so we stripped him completely of his clothes. The EPW's were the escorted to the front of the building by the main street.

### 10. EXHIBIT

### 11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED] *Ruboy*

### PAGE 1 OF

10

### PAGES

10

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

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]

EN AT:

CID Office  
Ft Benning GA

DATED: 2004 05 10 CONTINUED:

At that time I was directed to go inspect a bus that might have explosives on it. I was told later of abuse to the Iraqi EPW's by SPC [REDACTED] he told me of spitting on them, kicking them, and cussing at them. I was later told that he put or burned the Iraqi's with cigarettes.

I personally killed a child. I shot an Iraqi man who was running across the street with an AK-47 in his hands. When he fell the child came out of his house and walked straight toward the weapon. I fired about 5 warning shots trying to scare him back into his house. He picked up the weapon and aimed it at me and I shot him. [REDACTED] rubber

I did not witness anyone have sex with women. I heard from a person that I can't remember that SPC [REDACTED] and PFC [REDACTED] paid for sex from prostitutes.

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 26 PAGES

[REDACTED]

JUN 04 04

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EXHIBIT 26

DODDOACID 008456



704664

STATEMENT OF: [REDACTED]

TAKEN AT:

CID Office  
Ft Benning GA

DATED: 2004-05-10 CONTINUED:

If any looting took place I was unaware of it. I saw some of the picking things up and I would tell them to put it down and get back to the mission at hand.

We never went into a neighborhood and completely leveled it. If someone presented a threat then we would enter a house or building and eliminate the threat. But as far as killing everyone in sight that just didn't happen.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 8 PAGES

FOR OFFICIAL USE ONLY

0000005

EXHIBIT

26

DODDOACID 008457

STATEMENT OF [REDACTED] TAKEN AT BUILDING 108, FBGA, DATED  
10 May 04 CONTINUED:

Q: [REDACTED] 7C1 b6-4

A: [REDACTED] 7C1 b6-4

Q: Were the EPW's at midtown dressed in any type of uniform?

A: No.

Q: Did you believe the men to be part of the Iraqi Army?

A: They were Fedayeen. They were like from Syria and Jordan and other places. They were not organized. I don't think they were part of Sadams Army.

Q: Did you directly see anyone mistreat the EPW's?

A: No.

Q: How long were they in your sight?

A: Not long, we took them from inside the building to outside in the street, once out in the street that is when I went to check out the bus.

Q: Did you see the EPW's at any other time?

A: I saw them when they were getting escorted down to the 1SG's track, that was the last I saw them.

Q: Did you see any burn marks on the EPW's?

A: No. b7c-4, b6-4

Q: What did [REDACTED] tell you he did to the EPW's?

A: He told me he kicked them and spit on them and cussed at them. He didn't tell me he burned them.

Q: Who told you he burned the EPW?

A: I don't remember.

Q: How old was the child you killed?

A: Four or five probably.

Q: Did you see any other women or children killed during the deployment?

A: Not directly. I didn't see any. I saw a school bus that had been shot up and it had women, kids, and men.

Q: Did your company shot up the bus?

A: No, it was already shot up when we passed it.

Q: Did you see any other women and children killed?

A: No.

Q: Did you see any women and children killed at a checkpoint/roadblock?

A: I don't know if they were or not. We only checked a few, if they were way far out there, we didn't go and check.

Q: Do you know of any other soldiers having sex while deployed?

A: No. b7c-4, b6-4

Q: Did you see SPC [REDACTED] with a gold toilet?

A: No. b7c-4, b6-4

Q: Did you see [REDACTED] with a jeweled box?

A: No. b7c-4, b6-4

Q: Would you have known if [REDACTED] had a jeweled box?

INITIALS [REDACTED] 7C1 b6-4

PAGE 4 OF 6

EXHIBIT 26

STATEMENT OF AK6 7C4604, TAKEN AT BUILDING 108, FBGA, DATED  
10 May 04 CONTINUED:

A: Yes, we checked all the bags 3 or 4 times before leaving Iraq and searched the  
Bradley's throughoutly, so if he had it we would have found it, plus the MP's checked us  
before we put our bags in the connex.

Q: Do you know of anyone that killed someone so the didn't have to take them as an  
EPW?

A: No.

Q: How many magazines did you use during the deployment?

A: At the most three.

Q: In the article it stated AK6 7C4604 used 8 magazines and AK6 7C4604 used 11-12, do you  
think that is accurate?

A: No.

Q: Were you present when a young Iraqi who was fighting with a younger Iraqi was  
taken into custody?

A: No, I was not there.

Q: Would AK6 7C4604 had been there?

A: No.

Q: Who was with AK6 7C4604 while guarding the EPW's from midtown?

A: AK6 7C4604

Q: Did you see AK6 7C4604 with a skull?

A: Yes, he got it out of the supply room at the college, he painted it like black and red  
and put a knife through it and wrapped barbed wire around it and put it on a pole.

Q: Was the skull real?

A: No. It makes him sound demented with the skull, but he just made stuff. He made  
lanterns out of coke bottles and kerosene. He was always thinking weird stuff. He was  
resourceful; he also carried a short-wave radio, that is the only way we kept up with what  
was going on from BBC.

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

A: No. ///END OF STATEMENT// AK6 7C4604

INITIAL AK6 7C4604

PAGE 5 OF 16

OFFICIAL USE ONLY

DODDOACID 008459

STATEMENT OF

TAKEN AT

CID OFFICE FEGA

DATED

10 May 01

B. STATEMENT (Continued)

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of May 2001 at CID Office, Bldg 106, Fort Benning GA 31905

[REDACTED] (Signature of Person Administering Oath)

SA

(Typed Name of Person Administering Oath)

AKC Article 131e USC 303  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 6 PAGES

USAPA V1 00

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AH 100-30, this 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

Muscogee County Jail, Columbus GA

### 5. NAME (Last, First, MI)

[REDACTED]

### 6. SSN

[REDACTED]

### 7. GRADE/STATUS

PFC

### 2. DATE

20 May 04

### 3. TIME

1535

### 4. FILE NO

0447-04-CID043

### 8. ORGANIZATION OR ADDRESS

B Co, 1/5th Inf  
Fort Benning GA 31905

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

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
- I (or personnel subject to the UCMJ) 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

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)

Currently represented by Mr. [REDACTED] - not present, approved of interview on 20 May 04

### Section B. Waiver

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

### WITNESSES (if available)

#### 1a. NAME (Type or Print)

#### b. ORGANIZATION OR ADDRESS AND PHONE

#### 2a. NAME (Type or Print)

#### b. ORGANIZATION OR ADDRESS AND PHONE

### 3. SIGNATURE OF INTERVIEWEE

[REDACTED]

### 4. SIGNATURE OF INTERVIEWER

[REDACTED]

### 5. TYPED NAME OF INVESTIGATOR

SA [REDACTED]

### 6. ORGANIZATION OF INVESTIGATOR

8th MP Det (CID) 3d MP Group  
Fort Benning GA 31905

### 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

SPECIAL USE ONLY

DODDOACID 008461

# SWORN STATEMENT

For use of this form, see AR 180-45; 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

CID Office, Fort Benning, GA

### 2. DATE (YYYYMMDD)

2004 05 21

### 3. TIME

1040 1138

### 4. FILE NUMBER

CX47 04-CID013 64581

### 5. LAST NAME FIRST NAME MIDDLE NAME

### 6. SSN

### 7. GRADE/STATUS

D3

### 8. ORGANIZATION OR ADDRESS

HHC 3175th Ranger Regiment Fort Benning GA 31905

### 9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I would like to answer the following questions reference B company 1-151N during operation Iraqi Freedom.

Q: Were any prisoners abused during a battle known as "The midtown massacre"?  
A: To my knowledge they were not. I ordered that the prisoners should be stripped because some combatants were acting as suicide bombers. I physically witnessed all prisoners being escorted to 156th MI3 and evacuated to the rear in the proper manner IAW the Geneva Conventions.

Q: Were any young Iraqis shot while running away during a scuffle in Baghdad?

A: no

Q: Did SPC have a skull?

A: while inspecting our company's defensive perimeter with LT I noticed a medical plastic skull with a knife through the top and some wire on it. I asked LT what the hell was that and instructed him to get rid of it immediately. He complied. It was not a human skull.

10 EXHIBIT

11 INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

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

STATEMENT OF: [REDACTED] 704664 TAKEN AT: CID Office FBGA

DATED: 21 May 01 CONTINUED:

Q: What did I know about a Gold toilet or Jeweled box that SP4 [REDACTED] may have had?  
 A: I was not aware of either. I instructed all my leaders to inspect their soldiers several times to ensure that no soldiers carried any contraband and I do not remember a Jeweled box being found.

Q: Did I know of any women being raped?  
 A: NO, To my knowledge my soldiers were not in contact with women at all during the war. [REDACTED] 704664

Q: Were women or children killed during the war. [REDACTED] 704664

A: Yes. There were several cases in which females or children were either suicide bombers or had weapons being used against us. In all cases they were deemed to be hostile.

Q: did we kill [REDACTED] even kill everyone in a 4 block radius? [REDACTED] 704664

A: No, during every battle my platoon leaders reported to me and in most cases asked for clearance to fire after describing the target it was only cleared if I deemed it a hostile threat. [REDACTED] 704664

Q: did we kill people to avoid taking prisoners?  
 A: No. We took prisoners in every battle.

[REDACTED] 704664

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 704664 PAGE 2 OF 4 PAGES

0000441

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EXHIBIT 28

DODDOACID 008463

7C41604  
[REDACTED]  
STATEMENT OF [REDACTED]

7C41604  
[REDACTED]  
DATED 21 May 04 CONTINUED:

Q: [REDACTED]

A: [REDACTED]

Q: Were the individuals you were fighting against Iraqi soldiers?

A: They were not soldiers, they were not in the Iraqi Army, they were just combatants to us.

Q: Were you close enough to the prisoners at Midtown to see any injuries?

A: I saw the half-moon injury to the one mans shoulder, but that is it.

Q: Did you see any burn marks on the EPW's face?

A: No.

Q: Did you have contact with any prisoners while staying at the airborne barracks?

A: Yes.

Q: Were any of those prisoners injured/shot?

A: No.

Q: Did you ever hear of a prisoner that was shot, hog-tied and beaten?

A: No.

Q: Were you present when [REDACTED] found a gold toilet?

A: No.

Q: Did you ever see [REDACTED] with a jeweled box?

A: No.

Q: Were you aware that soldiers had sex while guarding the mall?

A: No.

Q: Were you aware there were prostitutes in Iraqi?

A: No, well a detached platoon leader told me way after we left the shopping mall, that some Iraqi had told them about a whore house. He wasn't in my sector and didn't work for me at the time, so I wasn't too concerned about keeping my guys away from it.

Q: Was there any policy to check vehicles that had been fired upon?

A: No. If we were at a static blocking position and the vehicle was in an area we didn't control we would not go and check it. If we were moving forward into an area that a vehicle was shot at to occupy that area, then we would check it.

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

A: No. ///END OF STATEMENT/// [REDACTED] 7C41604

7C41604  
[REDACTED]  
INITIALS [REDACTED]

PAGE 3 OF 4

JUN 12

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EXHIBIT 28

DODDOACID 008464



STATEMENT OF

TAKEN AT

CID Office, FBSA

DATED

21 May 01

9. STATEMENT (Continued)

7C4604

## AFFIDAVIT

\_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. 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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of May, 2001 at CID Office, Hdq 108, Fort Benning, GA

(Typed Name of Person Administering)

(Authority To Administer Oaths)

PAGE 4 OF 4 PAGES

USAPA V1 00

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**AUTHORITY:  
PRINCIPLE PURPOSE: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 is used as an additional/alternative means of identification  
to facilitate filing and retrieval.

ROUTINE USES:

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

LOCATION: Fort Benning, GA

DATE: 9 Jun 04

TIME: 0905

FILE NUMBER: 0147-04-CID013-64389-5C1

SSAN: [REDACTED]

GRADE / STATUS: SGT

NAME (Last, First MI): [REDACTED]

ORGANIZATION OR ADDRESS: B Co, 1/15<sup>th</sup> Infantry Battalion, Fort Benning, GA**RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: False Swearing regarding Assault and Mistreatment of EPWs///  
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

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

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

**5. COMMENTS:**

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

Witness# 1

Signature of [REDACTED]

Witness# 2

Signature of Witness

Signature of [REDACTED]

Signature of [REDACTED]

86<sup>th</sup> MP Det (CID)  
Ft Benning, GA**NON-WAIVER CERTIFICATE**

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

Signature of Interviewee: \_\_\_\_\_

DA Form 3881-E

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JUN 14 2004

EXHIBIT

DODDOACID 008466

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0147-04-CID013-64389

PAGE 1 OF 1 PAGE

## DETAILS

### BASIS FOR INVESTIGATION:

About 1530, 15 Jun 04, this office received a Request for Assistance (RFA), from the 86th Military Police (MP) Detachment (DET) (CID), Fort Benning, GA (FBGA), requesting this office locate, fully identify, and interview SFC [REDACTED] (NFI). *7C1101*

### DETAILS:

About 0800, 16 Jun 04, SA [REDACTED] *7C1101* interviewed SFC [REDACTED] *7C4104* Security Assistance Training Teams (SATMO), JFK Special Warfare Center and School, FBNC, who provided a sworn statement detailing the events during his deployment to Operation Enduring Freedom, in Iraq. (See sworn statement of SFC [REDACTED] or details) *7C1101*

STATUS: This investigation is being closed within the files of this office. No further investigative activity is anticipated. *7C1101*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE

ORGANIZATION

87<sup>th</sup> MILITARY POLICE DETACHMENT (CID)  
FORT BRAGG, NC 28310-5000

DATE

16 JUN 04

EXHIBIT

31

CID FORM 94

1 FEB 77

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00001451

DODDOACID 008467

# 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 Moon Hall, Fort Bragg NC 28310	DATE 16 Jan 04	TIME 0846	FILE NUMBER 0147-04-013-64389
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-7/SFC	
ORGANIZATION OR ADDRESS Security Assistance Training Teams (SATM), Ft Bragg NC 28310			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was assigned to B<sup>CO</sup> 1-15 INF during the Deployment to Kuwait and Iraq. I Deployed from Aug 02 thru Nov 02 and returned to Ft Benning GA. I Deployed again with B<sup>CO</sup> 1-15 INF from Jan 03 thru July 03 as the platoon Sergeant of 3<sup>rd</sup> PLT B<sup>CO</sup> 1-15 INF.

Q. SA [REDACTED] 7C1664

A. SFC [REDACTED] 7C4660

Q. Did you know of any prostitution occurring in your platoon or around your area of operation?

A. None [REDACTED] 7C4660

Q. Did you know where the mall was?

A. No, just a shopping center [REDACTED]

Q. Were your men assigned to guard that area ever?

A. Yes, to ensure no looting would occur. [REDACTED]

Q. Do you know of any of those soldiers having sex with Iraqi nationals?

A. No [REDACTED] 7C4664

Q. Do you know of an incident where an younger Iraqi struck an older Iraqi?

A. Yes. Drove up on patrol in evening and stopped on a corner talking to the population. Some soldiers were taking pictures with the kids. An older Iraqi came over to ask what was happening. We told him we were making sure no violence was occurring. Then a younger Iraqi came over got in a confrontation with the older male. The younger male punched the older male and took off running. A bunch of soldiers and population ran after the male. We caught him and subdued him.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 7C4660	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.  
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ENCLOSURE 32

DODDOACID 008468

FILE NUMBER: 0147-04-CID013-64389

STATEMENT OF SFC [REDACTED] 704664

TAKEN AT [REDACTED] Hall, FBNK DATED 16 June 04 CONTINUED

Some warning shots were fired around that time into the air to control the crowd. We flex cuffed the male and set him in the Bradley.

Q Did anyone shoot the Iraqi?

A. NO. [REDACTED] 704664

Q Who shot the warning shots?

A. I don't recall. [REDACTED] 704664

Q Did any of the warning shots maybe hit the Iraqi?

A. NO. [REDACTED] 704664

Q Did anyone beat the Iraqi while in custody?

A. Negative. [REDACTED] 704664

Q Was the Iraqi in the same Bradley as you?

A. Yes [REDACTED] 704664

Q Did you see him (the Iraqi) mis-treated?

A. NO [REDACTED] 704664

Q Was the Iraqi given anything while in the Bradley?

A. Some water. [REDACTED]

Q Was the Iraqi injured when you returned to Base and dropped him off?

A. NO, he walked on his own [REDACTED] 704664

Q Did you know of any Iraqi nationals being raped?

A. NO [REDACTED] 704664

Q Did you ever observe any <sup>unarmed</sup> civilian Iraqi's being shot at?

A. NO [REDACTED] 704664

Q Did you ever hear of anyone shooting <sup>unarmed</sup> civilian vehicles?

A. No, unless it opposed a threat like not stopping when instructed.

Q Did you ever hear an order given "to level everything in a four block radius"?

A. Never [REDACTED] 704664

Q Did you ever observe prisoners beat?

A. NO [REDACTED] 704664

Q Did you know of and violations of the Geneva Convention?

A. NO. [REDACTED] 704664

INITIALS OF PERSON MAKING STATEMENT: em

PAGE 2 OF 3 PAGES

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32

DODDOACID 008469

FILE NUMBER: 047-04-CD03-14389

STATEMENT OF SFC [REDACTED]

TAKEN AT Marshall Field (DATED 16 June 04) CONTINUED:

STATEMENT (Continued)

Q Did you [REDACTED] 7C4604

Q Is this statement in your own words as written by SA [REDACTED] 7C1601

A Yes [REDACTED] 7C4604

Q Do you know making a false statement is in violation of UCMJ?

A Correct - [REDACTED] 7C4604

Q Is there anything you wish to add to your statement?

A NO //END OF STATEMENT// [REDACTED] 7C4604

## 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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of June 2004 at [REDACTED] 7C4604

[REDACTED] 7C1601  
(Signature of Person Administering Oath)[REDACTED] SA  
(Typed Name of Person Administering Oath)Art 136 - (UCMJ)  
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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DODDOACID 008470

AGENT'S INVESTIGATION REPORT

0147-04 CID013-64389

CID Regulation 195-1

PAGE 1 OF 1 PAGES

About 1000, 24 Jun 04, SA [REDACTED] Special Agent in Charge, this office, coordinated this investigation with CPT [REDACTED], 3d Military Police Group Staff Judge Advocate, Fort Gillem, GA who related there was insufficient evidence to establish probable cause to believe that SPC [REDACTED] committed any offense. Further, he advised there was insufficient evidence to establish that the other listed offenses occurred as alleged in the article.

About 1400, 7 Jul 04, SA [REDACTED] briefed CPT [REDACTED] on the results of this investigation.

About 1400, 22 Jul 04, SA [REDACTED] briefed LTC [REDACTED], Commander, 1/15<sup>th</sup> Inf Bn, Fort Benning, GA on the outcome of this investigation. ///LAST ENTRY///

Special Agent [REDACTED]

86<sup>th</sup> Military Police Det (CID)  
Ft Benning, GA 31905

Signature: [REDACTED]

Date: 22 Jul 04 Exhibit: 33

CID Form 94

FOR OFFICIAL USE ONLY

DODDOACID 008471

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

DATE 12 JUL 2004

FROM SAC USACIDC 86TH MP DET FT BENNING GA

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//  
CDR USACIDC 3D MP GRP FT GILLEM GA  
CDR USACIDC DIST FT BENNING GA//CIRC-BA//  
CDR, 1/15TH, 3/3D ID  
CDR, 3D BDE, 3D ID  
CHIEF CRIMINAL LAW (SJA)  
CHIEF OF STAFF - USAIC, FORT BENNING, GA  
GARRISON COMMANDER, FORT BENNING, GA  
PMO, (MP OPERATIONS), FT BENNING, GA  
PROVOST MARSHAL, FT BENNING, GA  
SPECIAL AGENT IN CHARGE, 86TH MP DET (CID)  
TEAM CHIEF, GENERAL CRIMES, 86TH MP DET (CID) (SA [REDACTED])  
WPC, 86TH MP DET  
CG USACIDC FT BELVOIR VA //CIOP-ZA//

SUBJECT: CID REPORT OF INVESTIGATION - 2D STATUS/SSI -  
0147-2004-CID013-64389 - 6E1DI / 5C1B / 5C1N / 5Y2B0

DRAFTER: [REDACTED] 701601

RELEASER: [REDACTED]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 12 JUL 2003, 0000; UNKNOWN LOCATIONS, IRAQ

2. DATE/TIME REPORTED: 15 APR 2004, 0900

3. INVESTIGATED BY:

SA [REDACTED]  
SA [REDACTED] 701601  
b2

4. SUBJECT:

1. UNKNOWN SOLDIERS, ; 1/15TH INFANTRY, 3RD INFANTRY BRIGADE,  
FORT BENNING, GA 31905; FC ; RAPE, AGGRAVATED ASSAULT, AGGRAVATED  
ASSAULT (MISTREATMENT OF ENEMY PRISONER OF WAR), VIOLATION OF  
GENERAL ORDERS (RULES OF ENGAGEMENT) (NFI)

5. VICTIM:

1. UNKNOWN IRAQI FEMALE, ; CIV; RAPE (NFI)

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2. UNKNOWN IRAQI MALE, ; CIV; AGGRAVATED ASSAULT (NFI)

3. UNKNOWN IRAQI CITIZENS, ; CIV; VIOLATION OF GENERAL ORDERS (RULES OF ENGAGEMENT) (NFI)

4. UNKNOWN IRAQI SOLDIERS, ; AGGRAVATED ASSAULT (MISTREATMENT OF ENEMY PRISONER OF WAR) (NFI)

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE COMPLETION OF THE INVESTIGATION.

2ND STATUS:

THIS STATUS REPORT WAS GENERATED TO LIFT THE RESTRICTED DISTRIBUTION OF THIS INVESTIGATION TO USACIDC CHANNELS ONLY. FURTHER, TO REPORT INVESTIGATIVE FINDINGS.

A THOROUGH INVESTIGATION OF THE BELOW CITED ALLEGATIONS DID NOT DEVELOP SUFFICIENT EVIDENCE TO PROVE OR DISPROVE THE ALLEGATIONS OCCURRED AS WRITTEN IN THE PLAYBOY ARTICLE. AFTER CONDUCTING NUMEROUS INTERVIEWS OF UNIT PERSONNEL ASSIGNED TO B COMPANY, 1/15TH INF, FORT BENNING, GA, THIS INVESTIGATION COULD NOT DETERMINE THE ALLEGED INCIDENTS ACTUALLY OCCUR OR DID NOT OCCUR. FURTHER COMPLICATING INVESTIGATIVE EFFORTS WAS THE ALLEGED POTENTIAL VICTIMS COULD NOT BE IDENTIFIED, LOCATED OR INTERVIEWED. IN ADDITION, THERE ARE INDICATIONS THE AUTHOR OF THE ARTICLE DID NOT VERIFY OR VALIDATE THE INFORMATION COLLECTED PRIOR TO PUBLISHING THE ARTICLE

THE INDIVIDUALS QUOTED IN THE ARTICLE WERE INTERVIEWED AND THEY INDICATED THEY DID NOT MAKE THE STATEMENTS IN THE ARTICLE, OR THEIR STATEMENTS WERE TAKEN OUT OF CONTEXT AND MISREPRESENTED. FURTHER, OTHER MEMBERS OF B COMPANY, 1/15TH INF, WERE INTERVIEWED AND THEY INDICATED THAT THE ARTICLE WAS GROSSLY UNTRUE.

THE ARTICLE INDICATED THAT IRAQI WOMEN WERE RAPED BY UNIT MEMBERS. IT WAS DETERMINED THAT APPROXIMATELY FOUR MEMBERS OF B COMPANY, 1/15TH INF, DID HAVE SEX WITH PROSTITUTES; HOWEVER, NEITHER THEY, NOR ANY OTHER SOLDIERS INTERVIEWED ALLEGED ANY WOMEN WERE RAPED. TWO OF THE SOLDIERS ADMITTED TO HAVING SEX WITH WOMEN AND PAYING THEM; HOWEVER, STATED THERE WAS NO FORCE INVOLVED. THIS

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INFORMATION WAS TURNED OVER TO THE UNIT FOR FURTHER INVESTIGATION.

IT WAS DETERMINED THAT THE ALLEGATION THAT AN IRAQI PRISONER WAS SHOT IN THE LEG WHILE TRYING TO FLEE, HOG-TIED AND BEATEN, COULD NOT BE PROVEN OR DISPROVED AS PORTRAYED IN THE ARTICLE. HOWEVER, INTERVIEWS INDICATED THAT THERE WAS A YOUNG IRAQI WHO WAS TAKEN INTO CUSTODY AFTER HE FLED FROM A DISTURBANCE WITH AN OLDER IRAQI, FLEXI-CUFFED BEHIND HIS BACK AND TRANSPORTED IN A BRADLEY FIGHTING VEHICLE. NONE OF THE INTERVIEWS REVEALED THAT HE WAS SHOT, HOG TIED, OR BEATEN.

IT WAS FURTHER DETERMINED THAT WOMEN AND CHILDREN WERE SHOT BY UNIT MEMBERS AS CITED IN THE ARTICLE; HOWEVER, THEY WERE CONSIDERED COMBATANTS. VEHICLES WOULD PENETRATE A ROAD BLOCK AND THE UNIT WOULD FIRE WARNING SHOTS TO GET THE VEHICLE TO TURN AROUND. THERE WERE INSTANCES WHERE VEHICLES WOULD CONTINUE TOWARD THEIR POSITIONS, AND THE UNIT WOULD FIRE INTO THE VEHICLE, KILLING THE OCCUPANTS. IT WAS LATER DETERMINED THAT SOME OF THE VEHICLES CONTAINED WOMEN AND CHILDREN, WHICH WAS UNKNOWN AT THE TIME OF THE ENGAGEMENT.

INTERVIEWS DETERMINED THE UNIT DID NOT "LEVEL EVERYTHING IN A FOUR BLOCK RADIUS", AND DID NOT KILL WOUNDED IRAQI SOLDIERS AS CITED IN THE ARTICLE. THE UNIT TOOK SEVERAL EPW'S FROM EACH ENGAGEMENT THEY WERE INVOLVED IN AND WOULD OBTAIN CLEARANCE FROM THE UNIT COMMANDER TO ENGAGE COMBATANTS. UNIT MEMBERS DID STATE THEY WOULD GO HOUSE TO HOUSE AND LOOK FOR ENEMY SOLDIERS, BUT THEY DID NOT KILL INNOCENT CIVILIANS.

INTERVIEWS ALSO DETERMINED THE ONLY LOOTING THAT OCCURRED INVOLVED WATCHES AND CIGARETTES, BUT THAT WAS QUICKLY RESOLVED BY THE UNIT COMMANDER DURING THE WAR. THERE WERE ALLEGATIONS IN THE ARTICLE THAT A UNIT MEMBER HAD A JEWEL BOX THAT WAS STOLEN, BUT THERE WAS NO ONE THAT COULD SUBSTANTIATE THOSE ALLEGATIONS. FURTHER, THE ARTICLE ALLEGED THE SAME UNIT MEMBER HAD AN IRAQI SKULL POSTED ON A STICK OUTSIDE THEIR ENCAMPMENT. IT WAS DETERMINED THE SKULL WAS A PLASTIC MEDICAL SKULL WHICH WAS DECORATED AND POSTED AS A PRANK.

THERE ARE INDICATIONS THAT THE ALLEGATION OF ABUSE OF AN EPW WHILE IN CUSTODY COULD HAVE OCCURRED; HOWEVER, THERE WERE NO DIRECT WITNESSES AND THE SUSPECT IS DECEASED. THERE WAS NO CREDIBLE

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INFORMATION DEVELOPED SUFFICIENT ENOUGH TO SUBSTANTIATE THE ALLEGATION.

**INITIAL REPORT:**

THIS INVESTIGATION WAS INITIATED SUBSEQUENT REVIEW OF A MAY 2004 PLAYBOY MAGAZINE ARTICLE TITLED DEATH AND DISHONOR, WHEREIN SOLDIERS ASSIGNED TO THE 3RD INFANTRY BRIGADE, FORT BENNING, GA 31905 ALLEGED SOLDIERS OF THE 1/15TH INFANTRY, 3RD INFANTRY BRIGADE, COMMITTED NUMEROUS WAR CRIMES AGAINST IRAQI NATIONALS WHILE DEPLOYED IN SUPPORT OF OPERATION ENDURING FREEDOM, IRAQ; AND SUBSEQUENT A REQUEST FOR INVESTIGATION BY COL [REDACTED] 70363  
COMMANDER, 3RD INFANTRY BRIGADE, FORT BENNING, GA 31905.

PRELIMINARY INVESTIGATION REVEALED THAT THE ABOVE-CITED MAGAZINE ARTICLE REFLECTED SOLDIERS OF THE 3RD INFANTRY BRIGADE ALLEGED THAT WHILE DEPLOYED TO IRAQ, SEVERAL SOLDIERS ASSIGNED TO THE 1/15TH INFANTRY, 3RD INFANTRY BRIGADE, COMMITTED NUMEROUS WAR CRIMES AGAINST IRAQI LOCAL NATIONALS AND SOLDIERS.

SOLDIERS WHO WERE QUOTED IN THE ARTICLE ALLEGED SOLDIERS OF THE 3RD INFANTRY BRIGADE COMMITTED THE BELOW-CITED CRIMES: (EFFORTS TO AUTHENTICATE THE VALIDITY OF THE QUOTES IN THE ARTICLE ARE ONGOING)

RAPED IRAQI FEMALE NATIONALS WHILE ON PATROL AND WHILE GUARDING A MALL IN BAGHDAD.

~~SHOT AN UNARMED IRAQI NATIONAL IN THE LEG WHILE HE WAS FLEEING,~~  
HOG-TIED HIM AND THREW HIM INTO A BRADLEY FIGHTING VEHICLE WHERE SEVERAL SOLDIERS PHYSICALLY ASSAULTED HIM WHILE HOG-TIED.

ASSAULTED SEVERAL EPW'S WHILE IN CUSTODY, AND DUG INSIDE WOUNDS OF EPW'S WHILE THEY WERE INCAPACITATED.

COMMITTED RULES OF ENGAGEMENT VIOLATIONS, BY INDISCRIMINATELY SHOOTING UNARMED CIVILIAN VEHICLES WHILE OPERATED AND OCCUPIED BY LOCAL IRAQI CIVILIAN WOMEN AND CHILDREN. ADDITIONALLY, WOULD "LEVEL EVERYTHING IN A FOUR BLOCK RADIUS" AFTER OTHER UNITS HAD SAFELY PASSED THROUGH THE AREA.

THE ARTICLE ALSO ALLEGED POSSIBLE GENEVA CONVENTION VIOLATIONS, SPECIFICALLY, SHOOTING WOUNDED IRAQI SOLDIERS.

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LASTLY, THE ARTICLE FURTHER ALLEGED LARCENY VIOLATIONS AND OTHER MISCONDUCT VIOLATIONS.

INVESTIGATION CONTINUES BY THE 86TH MP DETACHMENT (CID), FORT BENNING, GA 31905.

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

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

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DODDOACID 008476

DATE 16 APR 2004

FROM SAC USACIDC 86TH MP DET FT BENNING GA

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//  
CG USACIDC FT BELVOIR VA //CIOP-ZA//  
CDR USACIDC 3D MP GRP FT GILLEM GA  
CDR USACIDC DIST FT BENNING GA//CIRC-BA//

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/SSI - 0147-2004-CID013-64389  
- 6E1D1 / 5C1B / 5C1N / 5Y2B0

DRAFTER: [REDACTED]

*701 b61*

RELEASER: [REDACTED]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 12 JUL 2003, 0000; UNKNOWN LOCATIONS, IRAQ

2. DATE/TIME REPORTED: 15 APR 2004, 0900

3. INVESTIGATED BY:

SA [REDACTED]

SA [REDACTED]

SA [REDACTED]

*701 b6 b2*

4. SUBJECT:

1. UNKNOWN SOLDIERS, ; 1/15TH INFANTRY, 3RD INFANTRY BRIGADE,  
FORT BENNING, GA 31905; FC ; RAPE, AGGRAVATED ASSAULT, AGGRAVATED  
ASSAULT (MISTREATMENT OF ENEMY PRISONER OF WAR), VIOLATION OF  
GENERAL ORDERS (RULES OF ENGAGEMENT) (NFI)

5. VICTIM:

1. UNKNOWN IRAQI FEMALE, ; CIV; RAPE (NFI)

2. UNKNOWN IRAQI MALE, ; CIV; AGGRAVATED ASSAULT (NFI)

3. UNKNOWN IRAQI CITIZENS, ; CIV; VIOLATION OF GENERAL ORDERS  
(RULES OF ENGAGEMENT) (NFI)

4. UNKNOWN IRAQI SOLDIERS, ; AGGRAVATED ASSAULT (MISTREATMENT  
OF ENEMY PRISONER OF WAR) (NFI)

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR  
PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE

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DODDOACID 008477

COMPLETION OF THE INVESTIGATION.

~~RESTRICTED DISTRIBUTION: DUE TO THE SENSITIVITY OF THIS INVESTIGATION,~~  
DISTRIBUTION OF THIS REPORT IS RESTRICTED TO USACIDC CHANNELS ONLY.

THIS INVESTIGATION WAS INITIATED SUBSEQUENT REVIEW OF A MAY 2004 PLAYBOY MAGAZINE ARTICLE TITLED DEATH AND DISHONOR, WHEREIN SOLDIERS ASSIGNED TO THE 3RD INFANTRY BRIGADE, FORT BENNING, GA 31905 ALLEGED SOLDIERS OF THE 1/15TH INFANTRY, 3RD INFANTRY BRIGADE, COMMITTED NUMEROUS WAR CRIMES AGAINST IRAQI NATIONALS WHILE DEPLOYED IN SUPPORT OF OPERATION ENDURING FREEDOM, IRAQ; AND SUBSEQUENT A REQUEST FOR INVESTIGATION BY COL [REDACTED] 7c663  
COMMANDER, 3RD INFANTRY BRIGADE, FORT BENNING, GA 31905.

PRELIMINARY INVESTIGATION REVEALED THAT THE ABOVE-CITED MAGAZINE ARTICLE REFLECTED SOLDIERS OF THE 3RD INFANTRY BRIGADE ALLEGED THAT WHILE DEPLOYED TO IRAQ, SEVERAL SOLDIERS ASSIGNED TO THE 1/15TH INFANTRY, 3RD INFANTRY BRIGADE, COMMITTED NUMEROUS WAR CRIMES AGAINST IRAQI LOCAL NATIONALS AND SOLDIERS.

~~SOLDIERS WHO WERE QUOTED IN THE ARTICLE ALLEGED SOLDIERS OF THE 3RD~~  
INFANTRY BRIGADE COMMITTED THE BELOW-CITED CRIMES: (EFFORTS TO  
AUTHENTICATE THE VALIDITY OF THE QUOTES IN THE ARTICLE ARE ONGOING)

RAPED IRAQI FEMALE NATIONALS WHILE ON PATROL AND WHILE GUARDING A  
MALL IN BAGHDAD.

SHOT AN UNARMED IRAQI NATIONAL IN THE LEG WHILE HE WAS FLEEING,  
HOG-TIED HIM AND THREW HIM INTO A BRADLEY FIGHTING VEHICLE WHERE  
~~SEVERAL SOLDIERS PHYSICALLY ASSAULTED HIM WHILE HOG-TIED.~~

ASSAULTED SEVERAL EPW'S WHILE IN CUSTODY, AND DUG INSIDE WOUNDS OF  
EPW'S WHILE THEY WERE INCAPACITATED.

COMMITTED RULES OF ENGAGEMENT VIOLATIONS, BY INDISCRIMINATELY  
SHOOTING UNARMED CIVILIAN VEHICLES WHILE OPERATED AND OCCUPIED BY  
LOCAL IRAQI CIVILIAN WOMEN AND CHILDREN. ADDITIONALLY, WOULD  
"LEVEL EVERYTHING IN A FOUR BLOCK RADIUS" AFTER OTHER UNITS HAD  
SAFELY PASSED THROUGH THE AREA.

THE ARTICLE ALSO ALLEGED POSSIBLE GENEVA CONVENTION VIOLATIONS,  
SPECIFICALLY, SHOOTING WOUNDED IRAQI SOLDIERS.

LASTLY, THE ARTICLE FURTHER ALLEGED LARCENY VIOLATIONS AND OTHER  
MISCONDUCT VIOLATIONS.

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DODDOACID 008478

INVESTIGATION CONTINUES BY THE 86TH MP DETACHMENT (CID), FORT  
BENNING, GA 31905.

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

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

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DODDOACID 008479

INVESTIGATIVE PLAN		SEQUENCE NUMBER 0147-04-CID013	
DATE 16 Apr 04	OFFENSE Rape/EPW Maltreatment	SUBJECT/ Unknown	ASSIGNED TO SA [REDACTED] <i>TC1604</i>
DATE NOTED	PLANNED ACTIVITY	DATE COMPLETED	
16 Apr 04	Interview SPC [REDACTED] (in vehicle with [REDACTED])	19 Apr 04	
16 Apr 04	Interview SGT [REDACTED] ("clear 4 block area", witness to toilet/bax issue)	14 Apr 04	
16 Apr 04	Interview [REDACTED] with [REDACTED] at midtown, head on a stick, rape of women)	16 Apr 04	
16 Apr 04	Interview [REDACTED] on roof with [REDACTED] shoot women, shot guy in leg, saw jewel box, chow hall murder/rapists)	23 Apr	
16 Apr 04	Commander (no toilet, intent of roof shootings, Epw's, 4 block area, head-on-stick)	—	
16 Apr 04	Interview SPC [REDACTED] (information on prostitutes)	16 Apr 04	
16 Apr 04	Interview SPC/SGT [REDACTED] (brought back the prostitutes)	NA	
16 Apr 04	[REDACTED] website, rape issue)	NA	
16 Apr 04	Interview [REDACTED] (48 hours interview)	17 May 04	
16 Apr 04	Interview [REDACTED] girlfriend ([REDACTED])	NA	
16 Apr 04	Interview CPT [REDACTED] CO Commander during the war	21 May	
16 Apr 04	Re-interview [REDACTED] 705 sq, 2 no	—	
16 Apr 04	Interview [REDACTED] (Jail)	10 Jun 04	
16 Apr 04	Interview SSG [REDACTED] in [REDACTED]'s squad, present at mall with women	7 May 04	
16 Apr 04	Interview [REDACTED] (48 hours, in [REDACTED] squad, at mall with women)	26 Apr 04	
16 Apr 04	Interview [REDACTED] (in [REDACTED] squad, at mall with women)	20 Apr 04	
16 Apr 04	Interview LT [REDACTED] (platoon leader, shot car with women/children in it)	3 May 04	
16 Apr 04	Interview [REDACTED] Playboy reporter	20 Apr 04	
MISCELLANEOUS ACTIVITY			
ACTION	COMPLETED	ACTION	COMPLETED
Obtain MP Report		Sources targeted	
NCIC entry on stolen prop		Medical records requested	
Film submitted for contact sheet		Name check dispatched	
Contact sheet submitted for photos		Name check results received	
CONTACTS/PHONE NUMBERS		INVESTIGATIVE STANDARDS	
ACTIVITY/PERSON	PHONE NUMBER	VICTIMS INTERVIEWED	24 hours
CPT [REDACTED] B Co, 1/15 <sup>th</sup>	544- [REDACTED] 100 3021	EYE WITNESSES INTERVIEWED	24 hours
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	EVIDENCE DEPOSITED	1 duty day
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	LAB REQUESTS	5 duty days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	REA'S SENT OUT	5 duty days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	MEANINGFUL INV ACTIVITY	10 duty days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	REA FOLLOW UP	15 duty days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	KNOWN SUBJ FINALS	15 duty days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	UNFOUNDED FINALS	15 duty days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	UNKNOWN SUBJ FINALS	30 cal days
[REDACTED] <i>TC1604</i>	[REDACTED] <i>TC1604</i>	ACTION TAKEN	30 cal days



AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0147-04-CID013
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
16 Apr 04 [REDACTED] <i>7C1b61</i>	Informed by SAC to initiate ROI to look into allegations in Playboy article.  Reviewed Article, see AIR.	
1130, 16 Apr 04 [REDACTED] <i>7C1b61</i> 180	About 1130, 16 Apr 04, SA [REDACTED] <i>7C1b61</i> interviewed SPC [REDACTED] <i>b7c4 b6-4</i> who provided a sworn statement that [REDACTED] stated he had sex with an Iraqi female. He did not know if she was raped or a prostitute and believed other members of [REDACTED] squad also had sex with the women. SPC [REDACTED] stated SGT [REDACTED] also stated he was trying to get prostitutes, but SPC [REDACTED] did not have any further information. SPC [REDACTED] stated he did not witness any mistreatment of EPW's or killing of innocent civilians while he was in Iraq.	
1450, 16 Apr 04 [REDACTED] <i>7C1b61</i> :30	About 1500, 16 Apr 04, SA [REDACTED] <i>7C1b61</i> advised SPC [REDACTED] <i>7C1b61</i> of his rights which he invoked and requested legal counsel.	
1700, 16 Apr 04 [REDACTED] <i>7C1b61</i> 120	Developed IP and assembled case file.	
19 Apr 04 [REDACTED] <i>7C1b61</i>	CIC Review. No info to report.	

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)	CONTROL NUMBER 047-04(CID01) 147-04-C1J013-6438
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
<p>18 APR 2004</p> <p>[REDACTED]</p> <p>7C1 001</p>	<p><b>SAC REVIEW</b></p> <p>① Briefed Dps on 16 April, how Briefed ADONS @ Group who advised to open R&amp;I.</p> <p>② Coordination w/ SA [REDACTED] at CTRF, who advised they only work foreign subject War Crime Cases.</p> <p>③ Sent SSI 7C3663</p> <p>④ Briefed Col [REDACTED] 3rd BDE CDR who requested a CID investigation 7C3663</p> <p>⑤ Briefed Col [REDACTED] SSA - who advised he would brief 3 ID, Col [REDACTED], SSA.</p> <p>⑥ Continue w/ ID as we discussed.</p> <p>⑦ Keep me briefed on each significant item. - I'll assign an agent to assist you; however, we have limited resources due to leaves (post/pre deployment).</p> <p style="text-align: right;">03</p>

[illegible]

Schofield Barracks Form 1, 25 Oct 98

**AGENT ACTIVITY SUMMARY**  
(CID Regulation 195-1)

**CONTROL NUMBER**  
0147-04-010013

**TIME, DATE, AND AGENT**

**SUMMARY OF INVESTIGATIVE ACTIVITY**

T: 0930

D: 199001

**CRIMINAL INTELLIGENCE REVIEW -  
INITIAL REVIEW**

Cintel Actions accomplished based on initial review of action:

- A. Personnel data of entities entered into ACIRS/Cintel. YIN
- B. Cintel coding for entities, property, locations, and categories provided in database. YIN
- C. Database reveals previous incidents/reports applicable to this action. YIN  
Remarks:
- D. Previous incidents/reports matching modus operandi or location. YIN  
Remarks:
- E. Source Control Officer review results: YIN
  - \* Sources available within the location/unit/category of action. YIN
  - \* Lead Sheet forwarded to handler or case agent. YIN/A
- F. Property entries completed in Cintel module, identified to owners, entered into NCIC, and coded as appropriate to action. YIN
- G. AAS entries reflect additional details, queries, and developments. YIN
- H. 2701 issued to victim/witness, coded and linked to collection folder. YIN

**I. COMMENTS:**

CID FORM 28

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

DODDOACID 008484

AGENTS ACTIVITY SUMMARY  
(CID Regulation 195-1)

CONTROL NUMBER

0147-07-C10013

TIME, DATE, AND AGENT

7041664 INVESTIGATIVE ACTIVITY

4. Re-interview [REDACTED] (assigned TDS at RUCKER, needed to give him time to meet with him) b7c-4, b6-4
5. RFA sent to interview [REDACTED] and [REDACTED]
6. [REDACTED] ETS'd but lives at Warner Robbins, currently on vacation, will be back 17 May 04.
7. [REDACTED] interview postponed to this week, attorney agreed to let us interview him.
8. Contacted [REDACTED] attorney has not called back with response for interview. b7c-4, b6-4
9. Still need to contact [REDACTED] attorney, and locate [REDACTED] attorney. b7c-4, b6-4
10. May need to send RFA to interview [REDACTED] he was present but so far no significant activity on his part, just another witness. Will discuss with SAC the need, or possible telephonic interview.
11. SFC [REDACTED] was the plt sgt, he is deployed, unknown what unit he deployed with. This would be for thoroughness, I don't believe he has significant information to add, just confirm what has already been said. b7c-4, b6-4
12. On IP to interview [REDACTED] (cousin with website) and [REDACTED] (s girlfriend), and [REDACTED] who allegedly was aware of prostitutes, will discuss need for interviews with SAC b7c-4, b6-4
13. Coordinate with SJA/
14. Need to discuss prostitute issue with SAC.

To SAC for review.

10 MAY 2004

701661

**SAC REVIEW**


① Good work! Concur w/ IP!!

② Continue, give me a End of week up date via email for the last one until 14 May.

③ I still see no CI to put anyone in subject block.

④ Keep SJA up dated!

06

<b>AGENTS ACTIVITY SUMMARY</b> (CID Regulation 195-1)		<b>CONTROL NUMBER</b> 0147-04-C10012
<b>TIME, DATE, AND AGENT</b>  10 MAY 2004  R1661	<b>SUMMARY OF INVESTIGATIVE ACTIVITY</b>  <b>SAC REVIEW</b> (5) be prepared for a brief of 3rd Group Opns & Cdr.	

07

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0147-04-CID013
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY <span style="float: right;">b7c-4/b6-4</span>	
1300, 10 May 04 [redacted] <i>7C1601</i> 3:00  <i>7C4604</i>	SA [redacted] interviewed Mr (formerly SSG [redacted]) who provided a sworn statement detailing his knowledge of the Playboy article. Mr [redacted] stated he did not see any EPW's mistreated, but [redacted] told him what he did (cuss, spit, push, etc). Mr [redacted] further stated he shot a little boy that was aiming a weapon at him, but he did not see any other women/children killed. Mr [redacted] stated he was not present when the young Iraqi was taken into custody and did not see the jeweled box, or have any direct knowledge of soldiers having sex (see AIR and statement for details)	
1645, 10 May 04 [redacted] <i>7C1601</i> :20	Contacted Mr [redacted] to set up interview of [redacted] not, in left message for him to contact this office. <i>7C4604</i> <i>7C1601</i> Looked up Mr [redacted] in Atlanta on internet, several listings.	
0900, 11 May 04 [redacted] <i>7C1601</i> :20	Coordinated with Mr [redacted] who stated [redacted] could be interviewed at 1400, 14 May 04. <i>7C4604</i> <i>7C1601</i>	
1100, 11 May 04 [redacted] <i>7C1601</i> :15	Contacted CPT [redacted] who stated he was in planning meetings and could not get free for 2-3 hours for the CID interview. Stated he would contact SA [redacted] later in the week to set up a time. <i>7C4604</i> <i>7C1601</i>	
1400, 11 May 04 [redacted] <i>7C1601</i>  <i>7C4</i> <i>blat</i>	Contacted CPT [redacted] to brief him on status, discussed prostitution issue. He asked if the chain of command was aware of it, stated squad leader was, but 1SG was not. Verified [redacted] is no longer in the Army. <i>b7c-4/b6-4</i> [redacted] was already out when arrested, and [redacted] and [redacted] were interpost transferred to USAIC, so he did not know their status. <i>7C4604</i> <i>7C1601</i>	
	Located [redacted] in NY (in squad, unit stated first name [redacted]. Contacted [redacted] who stated he was in 1st Platoon, not 3rd platoon. [redacted] was in 3rd Platoon. <i>7C4604</i> <i>7C1601</i>	
	Contacted 1SG [redacted] who stated [redacted] was still at EIB site testing, so he would not be available until next week. Set up interview for Monday. Determined [redacted] was part of HHC. 1SG [redacted] stated [redacted] was pending medical discharge for mental health <i>b7c-4/b6-4</i> issues. He was pretty bad, in that when he was not at appointments, the unit has him on convalescent leave. Discussed with SAC to write off interview of [redacted] as final C. He was never named specifically for any issues, just in the squad and could verify information	



AGENTS ACTIVITY SUMMARY  
(CID Regulation 195-1)

CONTROL NUMBER

014709-CID013

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

provided by others.

b7c-3, b6-3

Contacted Mr [REDACTED] (attorney) who stated he did not have a chance to talk to his client about the interview, but he would get back to this office by next week. Mr [REDACTED] provided a POC # for Mr [REDACTED] as

1C4  
b64

b7c-3, b6-3

b7c-3, b6-3

Contacted Mr [REDACTED] (attorney) and explained request for interview an investigation. Mr [REDACTED] stated he was aware of the article but had not read it. Mr [REDACTED] stated he would talk to his client and get back to this office.

7C4  
b64

b7c-3, b6-3

Contacted Mr [REDACTED] office, not in, left message for him to contact this office.

Received information report from Ft LEWIS with statement of [REDACTED] Posted to file.

b7c-4, b6-4

Contacted by Mr [REDACTED] (attorney) and explained request for interview. Mr [REDACTED] stated he was familiar with the article. Mr [REDACTED] explained the mental status of [REDACTED] and wanted to get guidance prior to allowing the interview. Mr [REDACTED] did not decline, but stated he would get back to this office next week.

7C4  
b64

Provided e-mail to SAC with update of activity.

IP:

7C4  
b64

[REDACTED] (75th Rgr)  
[REDACTED] (out of Army, on vacation, returns on 17 May to Warren Robbins)  
[REDACTED] (was out at EIB)  
[REDACTED] (pending TDS issue)

b7c-4, b6-4

SJA

TO SAC.

14 MAY 2004

[REDACTED]

21601

**SAC REVIEW**

b7c-3, b6-3

- ① Provided b6 [REDACTED] b7c-3, b6-3
- ② Continue as discussed.

09



AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0147-04-CID013
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
14 May 04, 0900 ██████████ <i>TC/bbl</i> :20	Contacted by Ft Bragg CID, informed interview with SGT ██████████ as completed, nothing new or different from other interviews. <i>TC/bbl</i> <i>TC/bbl</i>	
14 May 04, 1400 ██████████ <i>TC/bbl</i> 2:00	About 1400, 14 May 04, SA ██████████ interviewed ██████████ in the presence of his attorney pertaining to the article. ██████████ stated he was present at Ambush Alley/Midtown, but he did not see anyone abuse the EPW's. ██████████ later told him what that he stepped on the guys testicles and put his hand in the wound. (See AIR for details) <i>TC/bbl</i>	
17 May 04, 0900 ██████████ <i>TC/bbl</i> :15	Send E-mail to CPT ██████████ to set up interview this week. <i>TC/bbl</i>	
17 May 04, 0915 ██████████ <i>TC/bbl</i> :15	Attempted to contact 1SG ██████████ to interview ██████████ no answer, sent e-mail to have him come in at 1400, 17 May 04. <i>TC/bbl</i> <i>b7c-4/bbl</i>	
17 May 04, 0945 ██████████ <i>TC/bbl</i> :10	Attempted to contact SPC ██████████ not in. <i>TC/bbl</i>	
17 May 04, 1250 ██████████ <i>TC/bbl</i> :10	Contacted 1SG ██████████ informed ██████████ was not available today. Scheduled him for 0900, 18 May 04. <i>TC/bbl</i> <i>TC/bbl</i>	
17 May 04, 1545 ██████████ <i>TC/bbl</i> :10	Contacted ██████████ residence, ██████████ still not back from vacation, should be back today. <i>TC/bbl</i>	
17 May 04, 1550 ██████████ <i>TC/bbl</i> 5	Attempted to contact CPT ██████████, not in, left message for him to contact this office. <i>TC/bbl</i>	
17 May 04, 1550 ██████████ <i>TC/bbl</i> :5	Attempted to contact CPT ██████████ to determine status of ██████████ no in, sent e-mail to check on status. <i>TC/bbl</i>	
17 May 04, 1600 ██████████ <i>TC/bbl</i> :5	Attempted to contact Mr ██████████ (██████████ attorney), not in, left message for him to contact this office. <i>TC/bbl</i>	
17 May 04, 1610 ██████████ <i>TC/bbl</i> :10	Attempted to contact SJA, in court-martial today.	
18 May 04, 1000 ██████████ <i>TC/bbl</i> 30	Attempted to contact Mr ██████████ Mr ██████████ Mr ██████████ and CPT ██████████ no answers. Left messages for them to contact this office. <i>TC/bbl</i>	
18 May 04, 1020 ██████████ <i>TC/bbl</i> 1:00	Interviewed ██████████ who stated he was at midtown, but did not see the EPW's abused. He further stated he was present with the young Iraqi, but he was not shot. <i>TC/bbl</i>	

10

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0147-04-C(001)
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACITIVITY	
18 May 04, 1130 [REDACTED] 7C1 b61 :15	<p>or hog-tied prior to being put in the Bradley. PV2 [REDACTED] stated he was told directly by [REDACTED] and [REDACTED] that they had sex with prostitutes while at the mall. [REDACTED] stated he did not see the skull, toilet or jeweled box. He did not see any women or children killed (See AIR)</p> <p>7C4 b64</p> <p>Contacted by Mr. [REDACTED] office (attorney for [REDACTED]) and informed [REDACTED] would not be available for in interview until after the trial.</p>	
18 May 04, 1400 [REDACTED] 7C1 b61 :30	<p>7C4 b64</p> <p>Briefed CPT [REDACTED] on file. Stated he would like copies of statement due to the possible visibility of the case.</p>	
19 May 04, 1000 [REDACTED] 7C1 b61 1:20	<p>7C4 b64</p> <p>Reviewed and corrected AIR's to provide to SJA. Contacted Mr. [REDACTED] who stated he had not met with [REDACTED] about the interview but would try and talk to him this week. Attempted to contact Mr. [REDACTED] in court, left message. Attempted to contact [REDACTED] no answer. Made copies of statements for SJA.</p>	
19 May 04, 1230 [REDACTED] 7C1 b61 :30	<p>7C4 b64</p> <p>Spoke to Mr. [REDACTED] t CLEC luncheon, stated [REDACTED] was scared. Explained the only information I had that related to [REDACTED] as the fact that he solicited a prostitute, the rest of the allegations have not been substantiated. Mr. [REDACTED] stated he didn't have a problem with this office interviewing him, but to call first before the interview takes place.</p>	
19 May 04, 1600 [REDACTED] 7C1 b61 :15	<p>7C4 b64</p> <p>Contacted by Mr. [REDACTED] who stated his son had to take his girlfriend back to VA and would not be back until next week 24-25 May 04. Mr. [REDACTED] stated his son would contact this office upon his return.</p>	
19 May 04, 1630 [REDACTED] 7C1 b61 1:00	<p>7C4 b64</p> <p>Provided copies of AIR's and statements to CPT [REDACTED] SJA.</p>	
20 May 04, 0800 [REDACTED] 7C1 b61 :10	<p>7C4 b64</p> <p>Forwarded e-mail copy of article to Mr. [REDACTED]. Attempted to call, on other line, will try later.</p>	
20 May 04 [REDACTED] 7C1 b61	<p>7C4 b64</p> <p>Have attempted numerous times to contact CPT [REDACTED] XO or 1SG, no answer at unit. Need to get orders for [REDACTED] and status of [REDACTED]. Attempted to contact HHQ to locate B Co, no answer there either.-----</p>	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0147-04-C1003
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY <i>7C4b64</i>	
20 May 04, 1000 [REDACTED] <i>7C4b64</i> :10	Contacted by Mr [REDACTED] who stated [REDACTED] could be interviewed, but he did not discuss it with [REDACTED]. he stated if there was a problem to have [REDACTED] call him prior to the interview. <i>7C4b64</i> <i>b7c-4, b64</i>	
20 May 04, 1000 [REDACTED] <i>7C4b64</i> :10	CPT [REDACTED] stated he would be at the CID office about 0900, 21 May 04. <i>7C4b64</i> <i>7C4b64</i>	
20 May 04, 1100 [REDACTED] <i>7C4b64</i> :10	Contacted by Mr [REDACTED] office [REDACTED] attorney) who declined to allow [REDACTED] to be interviewed. <i>7C4b64</i> <i>7C4b64</i>	
20 May 04, 1130 [REDACTED] <i>7C4b64</i> :30	Contacted by CPT [REDACTED] who had [REDACTED] with him in the office. [REDACTED] stated he was informed by his attorney not to talk to anyone until he had a chance to come to FBGA and talk to him, but [REDACTED] has not heard from him since. Requested [REDACTED] contact the attorney to determine when he will be here. Later called back and informed [REDACTED] was unable to contact his attorney. Unit training holiday for 21 May 04. <i>7C4b64</i>	
20 May 04, 1400 [REDACTED] <i>7C4b64</i> 2:30	Interviewed [REDACTED] who stated he heard about the article but had not read it, what he heard the article said was inaccurate. [REDACTED] stated he did see toilet and jeweled box, that he was present when the young Iraqi ran, but he was not shot or hog tied. He did see the naked and injured EPW briefly, and [REDACTED] later told him he put his hand in the wound, but [REDACTED] did not witness that. [REDACTED] was advised of his rights, which he waived and admitted he had sex with a prostitute, but there was no force involved. He stated a few days later SSG [REDACTED] shook his head, but never directly confronted him about it. He assumed SSG [REDACTED] found out about, but did not think the plt sgt, 1SG or CO knew about it. (See AIR) <i>7C4</i> <i>b64</i> <i>b7c-3, b6-3</i>	
20 May 04, 1630 [REDACTED] <i>7C4b64</i> :20	Briefed the DA, Ms [REDACTED] on interview of [REDACTED] E-mailed her copy of the Playboy article. <i>7C4b64</i> <i>7C4b64</i>	
21 May 04, 0915 [REDACTED] <i>7C4b64</i> 2:00	About 0915, 21 May 04, SA [REDACTED] interviewed CPT [REDACTED] who provided a sworn statement detailing <i>b7c-3</i> his knowledge of the Playboy article. CPT [REDACTED] stated he knew about the prisoners at Midtown, but did not have any interaction with them. He further stated he was aware of a car that was shot up (coming at road block) and later determined to contain a young child. CPT [REDACTED] stated he was not aware of any soldiers having sex while deployed. (see AIR and statement). <i>7C3, b6-3</i>	

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AGENTS ACTIVITY SUMMARY  
(CID Regulation 195-1)

CONTROL NUMBER

0147-01-CID013

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

PENDING ACTIVITY

1. Determine status of [REDACTED] TDS, re-interview and possible poly [REDACTED]
2. Interview of [REDACTED] (should be back this week)
3. Locate [REDACTED] supposedly deployed, need to locate unit at Fort Bragg to determine where he is. Will send RFA once located.
4. Pending info report for interview of [REDACTED] (BRAGG)
5. Determine if [REDACTED] can be interviewed, attorney had not made decision.
6. SJA (provided statements/AIR's last week)

TO SAC

24 MAY 2004

[REDACTED]  
RUBBER

SAC REVIEW

① We need to get SJA's legal opinion re [REDACTED]. Seems a lot of people are saying they heard or [REDACTED] told them he abused POW's. We had one witness, right? if so, need to poly - was it [REDACTED] RUBBER

- ② Answer w/IR; remaining leads.
- ③ Lets try to wrap up soon.
- ④ We may be close to confirming some of the allegations, which will require a status - See me to discuss.

13 24

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0147-04-CID013
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY <i>7C4664</i>	
24 May 04, 1045 [REDACTED] <i>7C1661</i>	Contacted Ft Bragg CID to locate SFC [REDACTED] informed they do not show him as signed into Fort Bragg. Will try again at the end of the week to see if he has signed in by then. EDAS has report date of 20 May 04, computers may not be updated to show his status.	
24 May 04, 1220 [REDACTED] <i>7C1661</i> :10	Contacted Mr [REDACTED] <i>7C4664</i> <i>b7c-4, b6-4</i> attorney) who stated he talked to [REDACTED] mother, but was unable to see [REDACTED] due to issue at jail (meal time). Stated he should see him today and to call back on Wednesday. He anticipated that the interview would be okay, but needed to talk to [REDACTED] first.	
25 May 04, 1500 [REDACTED] <i>7C1661</i> :40	Contacted by SPC [REDACTED] <i>7C4664</i> <i>b7c-3, b6-3</i> TDA, CPT [REDACTED], Fort Rucker, [REDACTED] who was concerned about [REDACTED] getting in trouble for not telling anyone about the abuse. Explained that the team leader and squad leader were informed by [REDACTED] upon their return so [REDACTED] would not have been obligated to tell anyone, they already knew about it.	
26 May 04, 0830 [REDACTED] <i>7C1661</i> :15	Contacted CPT [REDACTED] <i>7C4664</i> who stated he did not intend to take any action against [REDACTED] for not telling anyone. <i>7C4664</i> <i>b7c-4, b6-4</i>	
26 May 04, 0850 [REDACTED] <i>7C1661</i> :25	Contacted CPT [REDACTED] <i>7C4664</i> SJA who stated he read the statements but needed to confer with supervisor prior to giving an opinion. CPT [REDACTED] stated they were not interested in prosecution of [REDACTED] for not telling therefore there would be no need for any type of immunity. <i>7C4664</i>	
26 May 04, 1115 [REDACTED] <i>7C1661</i> :30	Contacted CPT [REDACTED] <i>7C4664</i> who still declined to have [REDACTED] interviewed stating concerns that he may have been obligated to stop the abuse. CPT [REDACTED] <i>7C4664</i> stated [REDACTED] was not in any trouble at this point and the only way he could get in trouble was by talking to CID. Requested to have Trial Counsel call him to discuss.	
26 May 04, 1230 [REDACTED] <i>7C1661</i> :10	Attempted to contact CPT [REDACTED] <i>7C4664</i> , not in, left message for him to contact this office.	
26 May 04, 1245 [REDACTED] <i>7C1661</i> :15	Contacted Mr [REDACTED] <i>7C4664</i> who stated he had not talked to his client, and he was out of town, but he would have an answer by Monday or go to the jail to get an answer.	
26 May 04, 1300 [REDACTED] <i>7C1661</i> :15	Attempted to contact [REDACTED] <i>7C4664</i> no answer, left message for him to contact this office.	

AGENTS ACTIVITY SUMMARY  
(CID Regulation 195-1)

CONTROL NUMBER

0147-04-010013

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

26 May 04, 1445

:15

b7c-1, b6-1

Coordinated with SJA who declined to provide an opine since SPC [REDACTED] was dead.

b7c-4, b6-4

26 May 04, 1500

:15

b7c-1, b6-1

Discussed with SAC who stated to coordinate with Group SJA.

26 May 04, 1515

:15

b7c-1, b6-1

Attempted to contact Group SJA (DSN 797-[REDACTED]), no answer, left message for them to contact this office.

b7c-3, b6-3

26 May 04, 1645

:10

b7c-1, b6-1

Contacted by [REDACTED], set up interview for Tue or Wed of next week.

7C3/b63

27 May 04, 0930

:10

b7c-1, b6-1

Attempted to contact Group SJA, no answer, left message for them to contact this office.

27 May 04, 1110

1:00

b7c-1, b6-1

It appears unlikely that TDS will allow any interview with [REDACTED] but if they do I highly doubt they will allow a polygraph. Discussed with SAC poly of [REDACTED] who stated to determine if we could poly him on if [REDACTED] in fact told him he abused the prisoner and if he in fact saw the burns on the guys face. Discussed poly with SA [REDACTED] who stated he would submit the request through CRC. Contacted SPG [REDACTED] who agreed to take the poly. Forwarded e-mail version of the article to SA [REDACTED] and [REDACTED] provided with case file with statement and 44 on [REDACTED]

7C4/b64

7C4/b64

7C4/b64

7C1/b61

7C1/b61

27 May 04, 1330

:40

b7c-1, b6-1

Called Fort Bragg Post Locator, informed it takes 20+ days to be updated, provided #'s to 19<sup>th</sup> and 82<sup>nd</sup> Replacement. Called both replacement detachments and was informed by both they would check their records and contact this office.

1 Jun 04, 1330

:20

b7c-1, b6-1

Contacted Group to locate SJA, on leave, provided POC at Command.

7C3/b63

1 Jun 04, 1345

:20

b7c-1, b6-1

Contacted MAJ [REDACTED] Command SJA, and briefed her on the case. She stated she would discuss the cases with the other SJA's and get back to SA [REDACTED]. E-mailed her a copy of the article.

7C1/b61

7C4/b64

1 Jun 04, 1400

:5

b7c-1, b6-1

Attempted to contact [REDACTED] not in, left message for him to contact this office.

15

AGENTS ACTIVITY SUMMARY  
(CID Regulation 195-1)

CONTROL NUMBER

0147-04-04017

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

1 Jun 04, 1410  
[REDACTED] 7C1 b61  
:45

Contacted Ft Bragg Replacements again. 1SG [REDACTED] (19<sup>th</sup>) stated they were busy and he did not look it up yet. Contacted 1SG for 82<sup>nd</sup> who stated based upon line numbers he is going to 19<sup>th</sup> not 82<sup>nd</sup>. Waiting for 1sg [REDACTED] to call back. 7C4 b64

1 Jun 04, 1530  
[REDACTED] 7C1 b61  
:10

Attempted to contact Mr [REDACTED] attorney, no answer, left message for him to contact this office. 7C4 b64

1 Jun 04, 1700  
[REDACTED] 7C1 b61  
:10

Attempted to contact the [REDACTED] residence again, no answer. 7C4 b64

Planned on going to [REDACTED] on 2 Jun 04 (backup duty on 1 Jun), to interview [REDACTED], unable to contact to set up location and time. Case agent on leave 3-8 Jun 04, will contact [REDACTED] and conduct interview upon return. 7C4 b61

REMAINING LEADS

1. Interview [REDACTED] 7C4 b64
2. Interview [REDACTED] (pending attorney approval)
3. Reinterview [REDACTED] (unlikely, pending TDS)
4. Locate [REDACTED] and send RFA to BRAGG or UZBECKISTAN, was informed by command here he was deployed, had report date to BRAGG of 20 May 04 according to EDAS. 7C4 b64
5. Polygraph of [REDACTED] (9 Jun 04), pending approval.
6. Command SJA opine.

TO SAC.

02 JUN 2004

SAC REVIEW

① Please provide me an Email, latest HR's for last update for the 1305 CDR. further, coordinate with LTC [REDACTED] the new 1305 CDR. 7C4 b63

③ Answer all remaining leads.

③ Let's discuss final SIA for offenses.