

#### DEPARTMENT OF THE ARMY HEADQUARTERS TASK FORCE IRONHORSE TIKRIT, IRAQ

AFYB-CG

25 August 2003

AR, FOB Warhorse, Baqubah,

MEMORANDUM FOR Iraq

SUBJECT Appointment as a 15-6 Investigating Officer

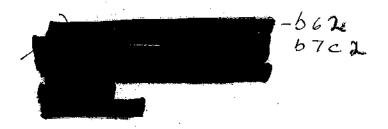
1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the 13 July 2003 accidental discharge, which resulted in the death of an Iraqi detainee. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.

2. All witness statements will be sworn and recorded on a DA Form 2823 if possible. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of his or her rights.

3. Before proceeding with the investigation, contact for an initial légal briefing, will serve as your primary legal advisor. 562

4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than 2 September 2003. Submit any requests for delay to me either orally or in writing.

FOR THE COMMANDER:



R	EPORT OF PROCEED					2.0		
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on 25 AUG 03			. <u>.</u>	<del>-</del>		<u>.                                    </u>		
(Date)	(Attach inclosivre 1: Le	etter of appointment o	r summary of oral ap	pointment data.) (See	para 3-15, AR	<i>15-6</i> .1		
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present: (After each name, indi	icate capacity, e.g., President	t. Recorder Member	I me following pers	ous (members, respo	ondents, counsel	) were		
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he following persons (members	s, respondents, coursel) were	e absent: (Include brid	ef explanation of each	i absence.) (See para	s 5-2 and 5-8a,	AR 15-6.)		
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<del></del> -	Exhibits (para 3-16, AR 15-6)		<del></del>	
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	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	i >	2 Î	Ė
	l		`	
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	$\times$	<u> </u>	ᆜ.
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	$\rightarrow$	< Ī□	
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is	<del>-  -</del>	<del> </del> -	+
	the location of the original evidence indicated?	$\mid \times \mid$		
i	e. Are descriptions of diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		X	
i	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an			
	exhibit or recorded in a verbatim record?			$+\times$
100	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter			
	of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			$ \times$
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?		<del>                                     </del>	X
В.	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)	2,35		1 / 2
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	-	<del> </del>	-
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	_	-	
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?		+	╅━
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?		+	
8	If any members who voted on findings or recommendations were not present when the board received some evidence,	<del></del>	<del>- </del> -	<del> </del>
	does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
_	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)	<del> </del>	+-	+
9	Notice to respondents (para 5-5, AR 15-6):		+	<del> </del>
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?		+	+
	b. Was the date of delivery at least five working days prior to the first session of the board?		+-	+
'	c. Does each letter of notification indicate —			<del>  -</del>
	(1) the date, hour, and place of the first session of the board concerning that respondent?		<del></del> -	+
	(2) the matter to be investigated, including specific allegations against the respondent, if any?		<del>-  </del>	<del></del>
	<u> </u>		↓	<u> </u>
	(3) the respondent's rights with regard to counsel?		<del></del>	1
	(4) the name and address of each witness expected to be called by the recorder?		<del> </del>	
	(5) the respondent's rights to be present evidence, and call witnesses?		<u> </u>	<u> </u>
	d. Was the respondent provided a copy of all unclassified documents in the case file?		<del>                                     </del>	ļ
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			<u> </u>
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was be properly polified (para 5-5, AR 15-6)?			<u> </u>
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6).	,		
11	Counsel (para 5-6, AR 15-6):			_
	a. Was each respondent represented by counsel?	, ge		
. 1	Name and business address of counsel:		1	
İ	(If counsel is a lawyer, check here 🗌 )		1	
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?		-	
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the	_	<u> </u>	
	action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):	( .7.	1 1 1 7	
	a. Was the challenge properly denied and by the appropriate officer?		<del> </del>	<del>  _</del>
	b. Did each member successfully challenged cease to participate in the proceedings?	+-	<del>  -</del>	-
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):	-	<del> </del> -	
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<del></del>	┼	ļ
ł			<del>  -</del>	
ł	b. Examine and object to the introduction of real and documentary evidence, including written statements?		<del>                                     </del>	<b>├</b>
ļ	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?		<b> </b>	<u>                                      </u>
Į,	d. Call wimesses and otherwise introduce evidence?		$oxed{oxed}$	
	e. Testify as a witness?	ļ	<u> </u>	
	f. Make or have his counsel make a final statement or argument {para 5-9, AR 15-6}?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in	<u> </u>		
-	arranging for the presence of witnesses (para 5-8b, AR 15-6)?			DALOU.
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an	HA		
	inclosure or exhibit to it (para 5-11, AR 15-6)?	72	l i	40
FO	TNOTES: W Explain all negative answers on an attached sheet			

SECTION IV - FINDINGS (para 3-10, AR 15-6) The (investigating officer) (board), having carefully considered the evidence finds 6655 On 13 July 03 at approximately 1745 hrs, simple negligence, discharged a 9mm pistol in the Brayo Company, 3-67 AR BN guard shack/detainee holding facinty vic. MC 604736. The errant round struck an Iraqi civilian detainee wounding him in the lower back and resulting in him being medivacd to the nearest medical treatment facility (E/204th Medical Co). 1665 At the time of the accident both soldiers admitted to being in a "Red" Weapon's Safety Posture status (magazine in the weapon, round chambered, weapon on safe). Both said they did not know they were supposed to be at a different status ed his pistol to the pistol was not on safe; a round was other than "Red." It is my belief that when chambered; the hammer was cocked; and touched or squeezed the trigger resulting in an accidental discharge which struck one of the detainnes that was sitting on the floor in the back. In attempting to re-create this accident all discharge as described by handed his pistol to I could not cause the 9 mm pistol to discharge. The fragis in the room were not able to see what happened and were not interviewed. SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6) in view of the above findings, the (investigating officer) (hoard) recommends:

b(5)-3 deliberating process

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THIS REPORT O	F PROCEEDIN	IGS IS COMPLETE	CTION VI - AUTHENTICATE OF	TION (para 3-17, AR 15-6) any voting member or the record		
below, indicate the	e reason in the s	pace where his sign	nature should appear.)	any voting member or the record	er fails to sign here or ii	n Section VII
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To the extent indica		SECT	ION VII - MINORITY REPO	DRT (para 3-13, AR 15-6)	·	
	- OM					
<u> </u>	(Jr2¢	ember)		(Men	iber)	<del></del>
_		·	ACTION BY APPOINTING	·	iber)	
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prrective action, att	commendations of appointing auth tach that corresp	SECTION VIII  of the (investigating hority returns the propondence (or a summ	g officer) (board) are (app oceedings to the investigat mary, if oral) as a number	AUTHORITY (para 2-3, AR 15-6)  proved) (disapproved) (approved ving officer or board for further pred inclosure.)	vith following exception, oceedings or	
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0.9 SEP 2003

RAYMOND T. ODIERNO Major General, USA Commanding

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# INDEX

Exhibit 1-Sworn statement from (b) 6 5
Exhibit 2-Sworn statement from b 65
Exhibit 3-Sworn statement from b 6 4 6764
Exhibit 4-Sworn statement from 664 67c4
Exhibit 5-Sworn statement from

	For use of this	SWORN 57 form, see AR 190-45;	ATEMENT TO THE BOOK STORY	TOP OPPOSE	The state of the s
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ATEMENT OF STATEMENT (Continued) VITIALS OF PERSON MAKING STATEMENT b65 PAGE 2 OF\_ PAGES 67c5 AGE 2, DA FORM 2823, DEC 1998

STATEMENT OF STATEMENT (Continued) , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1 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 PACE 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 WILLAWFUL INDUCEMENT. (Signature of Person Making Statement) WITNESSES: Subscribed and swom to before me, a person authorized by law to ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) (b) 6 <sup>L</sup> dministering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

6656

PAGE 3

OF

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#### MOTTE WARREN PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency 1 PDCSOPS

#### DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section PRINCIPAL PURPOSE: To provide commanders and law enfit Your Social Security Number is used Disclosure of your Social Security Number is used.	orcement officials with means by which information may be accurately identifi
1. LOCATION BAQUEBAN Iraco	2. DATE 3. TIME 4. FILE NO. 12:05
5. NAME 5 655	8. ORGANIZATION OR ADDRESS
6. SSN 7. GRADE/STATE	US
665 67C5 PART I - RIGHTS W	VAIVER/NON-WAIVER CERTIFICATE
Section A. Rights	
The investigator whose name appears below told me that he/she is with the	
suspected/accused: Neg usent disched	and wanted to question me about the following offense(s) of which I am
Before he/she asked me any questions about the offense(s), however, he/sh	ne made it clear to me that I have the following rights:
Anything I say or do can be used as evidence against me in a criminal t	trial
i. Iror personnel subject othe UCMJ   I have the right to talk privately to	The form that the state of the
ouring questioning. This lawyer can be a civilian lawyer I arrange for at or both.	a lawyer before, during, and after questioning and to have a lawyer present with me no expense to the Government or a military lawyer detailed for me at no expense to me,
(For civilians not subject to the UCMJ). I have the right to talk privately	the planning before the
me during questioning. I understand that this lawyer can be one that I awwill be appointed for me before any questioning begins.	arrange for at my own expense, or if I cannot afford a lawyer and want one. a lawyer
If I am now willing to discuss the offense(s) under investigation, with or speak privately with a lawyer before answering further, even if I sign the	r without a lawyer present, I have a right to stop answering questions at any time, or ${}^{\prime}$ waiver below.
COMMENTS (Continue on reverse side)	
·	
ction B. Waiver	
nderstand my rights as stated above. I am now willing to discuss the offens ving a lawyer present with me.	se(s) under investigation and make a statement without talking to a lawyer first and withou
WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
NAME (Type of Direct b) / // F - 7 N //	The state of the s
NAME (Type or Print) 664 5704	564
	b64 b7c4
ORGANIZATION OR ADDRESS AND PRONE	4. SIGNATURE OF INVESTIGATOR  564  564
ORGANIZATION OR ADDRESS AND PLONE 664 67c4	4. SIGNATURE OF INVESTIGATOR 564 57C4 57C4
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ORGANIZATION OR ADDRESS AND PHONE  NAME (Type or Print)  ORGANIZATION OR ADDRESS AND PHONE  tion C. Non-waiver	4. SIGNATURE OF INVESTIGATOR 564 5. TYPED NAME OF INVESTIGATOR 564 6704

#### THE WARNING

WARNING - Inform the suspect/accused of:

- Your official position.
- Nature of offense(s).
- The fact that he/she is a suspect/scoused.

RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."

- a. . "You do not have to answer my questions or say anything."
- b. Anything you say or do can be used as avidence against you in a
- c. [For personnel subject to the UCMJ] "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer gresent with you during questioning. This lawyer

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

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

d. If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate. Make certain the suspect/accused fully understands his/her rights.

#### THE WAIVER

you understand your rights?"

ne suspect/accused says "no," determine what is not understood, and if issary repeat the appropriate rights advisement. If the suspect/accused says ." ask the following question.)

re you ever requested a lawyer after being read your rights?" e suspect/accused says "yes," find out when and where. If the request recent (i.e., fewer than 30 days ago), obtain legal advice whether to nue the interrogation. If the suspect/accused says "no," or if the prior est was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

#### SPECIAL INSTRUCTIONS \

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

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

### INCRIMINATING STATEMENTS:

If the supsect/accused has made spontaneous incriminating statements efore being properly advised of his/her rights he/she should be told that ich statements do not obligate him/her to enswer further questions.

If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

NTS (Continued)

### SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA). YTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately identified 'RINCIPAL Your social security number is used as an additional/alternate means of identification to addition and remeval. COUTINE USES: DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER II Qao 2000 AUG 3 132 LAST NAME, FIRST NAME, MIDDLE NAME 165 5. SSN 7. GRADE/STATUS <u> 165</u> 67c5 ORGANIZATION OR ADDRESS 67c b 7c 5 , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 66-5 67c5 eo lutel myself and were quarding EPW'S. My Shiff Stacker at 04000. We starded latrine, And I said was on safe 565 67c50 soon as Jumped on the Radio there has been an AD on EPW ushed over and medics 0. EXHIBIT B65 PAGE 1 OF

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	For use of this form,	see AR 190-30; the proponent agency	EMBRICATE In ODCSOPS
AUTHORITY:	DATA	REQUIRED BY THE PRIVACY AC.	
PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, Sec To provide commanders and law Your Social Security Number is us Disclosure of your Social Security	enforcement officials with means i	by which information may be accurately ider as of identification to facilitate filing and retri
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565 SSN 07CS.	7. GRADE/ST	b65 67c5	665 67c5
Section A. Rights	FART 1 - RIGHTS	S WAIVER/NON-WAIVER CERTIFIC	ATE
spected/accused: A /Qx	ppears below told me that he/she is with	and wanted to question	n me about the following offense(s) of which i am
Anything I say or do can be	estions about the offense(s), however, he y question or say anything.  a used as evidence against me in a crimin	•	•
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If I am new willing to discus	ore any questioning beat-	/ A service of the	questioning and to have a lawyer present with cannot afford a lawyer and want one, a lawyer . ght to stop answering questions at any time, or
COMMENTS (Continue on r	everse side)		
tion B. Walver derstand my rights as stated at ng a lawyer present with me.	pove. I am now willing to discuss the offe	ense(s) under investigation and make a s	statement without talking to a lawyer first and with
WITNES	SSES (If available)	3. SIGNATURE OF INTERN	
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	564 57c4	4. SIGNATURE OF INVEST	664 6764
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ORGANIZATION OR ADDRESS	S AND PHONE	6. ORGANIZATION OF INV	57c4 664
on C. Non-waiver			67c4

Section C. Non-waiver

I do not want to give up my rights

want a lawyer

. I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED )A FORM 3881, NOV 89

#### THE WARNING

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

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

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

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

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

#### THE WAIVER

"Do you understand your rights?"

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(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
[If the suspect/accused says "yes," find out when and where, if the request was recent "li.e., fewer than 30 days ago!, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(if the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

#### SPECIAL INSTRUCTIONS

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

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

#### PRIOR INCRIMINATING STATEMENTS:

 If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (Continued)

### SWORN STATEMENT

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

AUTHORITY: PRINCIPAL PURPOSE:		PRIVAC'	Y ACT STATEMENT		
	Title 40 USC Section 3 To provide commanders	101: Title 5 Uso s		97 dated November	22, 1943, 75540
ROUTINE USES:	Le provide commanders	s and law enforce	ment officials with m	eans by which inform	22, 1943 <i>(SSN)</i> . nation may be accurately
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During the marine .c				in occounted 2141	TEMENT UNDER OATH:
with the intent of data	13 July 2003, I was dir	recting an observ	vation post north of	the city of Toyleb-	a in the early morning hour.
who had 2 AV 474 and	ting and distrupting ille	gal Iraqi checkp	cint operations. Er	TOUTE to the OD at t	a in the early morning hour, 0300, we detained 4 person
ssembly area. Upon o	on these personnel unti	il we were able	to arrange for trans	portation of the ner	sonnel heats to the OP location
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s gusuosidon of the dea	ad body at the OD lasses	Same Title .		on this are recie	eve additional guidance on
HYCO AL ING MPK COM	DOING I hased a second		-mary to the thirt		KING Dhome call When I
When I aminuted a	3 vehicle convoy from	the MPs at the I	MEK compound to	transport the monda	e of the detainees. I led detainee to E/204th Med
Arrent rattived at i	the location of the accid	lent, the detained	had already been s	stabilized by the RN	Physician A Arists
and we tropped	30 the individual to F/20	04th Med CO.	,	ACCUSATION OF TAX THE BUILD	
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ter I retuned from evaluard. The guards both	cuating the injured deta stated that they realized	ninee, I talked to I that the weapon	the two guards invo	565 b olved in the incident is round chambered	t and the sergeant of the
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t was determined that an exit wound existed in the th uggesting no bone contact. The angle of the exit work b 64 b 764	eunds súppee	ts the weapon	superficially.	The bullet	was not distorted
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### DEPARTMENT OF THE ARMY

HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED) OFFICE OF THE STAFF JUDGE ADVOCATE TIKRIT, IRAQ

REPLY TO ATTENTION OF:

AFYB-JA-AL

08 October 2003

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion

SUBJECT: AR 15-6 Investigation Legal Review

6657c5

- 1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the circumstances surrounding the possible use of excessive force by detainee at the Division Consolidation Collection Point. I make the following determinations:
  - a. The proceedings comply with the legal requirements.
- b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.
  - c. Sufficient evidence supports the findings.
  - d. The recommendations are consistent with the findings.
- 2. The investigation is legally sufficient.

3. The point of contact is the undersigned at (DNVT) 534

0627c2 6627cZ

CPT, JA

Administrative Law Attorney

#### DEPARTMENT OF THE ARMY

104TH MILITARY INTELLIGENCE BATTALION 4th INFANTRY DIVISION (MECHANIZED) TIKRIT, IRAQ 09323-2628

ATTENTION OF

REPLY 10

A NOV 2003 AFYB-MIB-CDR b657c5~ MEMORANDUM FOR Staff Sergeant 104<sup>th</sup> Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628 SUBJECT: Written Reprimand 6657c5 b657c5 1. You are hereby reprimanded for your failure to properly supervise detaines interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). and assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring and were properly trained and that they were aware of and abided by the Geneva Convention and other documents which detail the permissible treatment of detainees. You did not set the proper leadership climate, in that you inadvertently led to believe that you yourself perhaps condoned certain practices that were outside the established regulations. a trained interrogator, yet he was allowed to force a detainee to cause bodily harm to himself, again, while under your tutelage. 2. Your failure to establish a proper leadership climate and failure to properly supervise interrogation activities under your purview are beneath the standards of professionalism I expect from non-commissioned officers. As NCOIC of the DCCP, it is your duty to train and supervise junior interrogators and interpreters as well as supervise their activities to ensure they do not harm detainees. In this case, you assigned a known difficult interrogation task to a very junior and inexperienced interrogator, but you failed to discern what techniques he would use during the interrogation. You are in a very delicate duty position where you or your subordinates could become subject to discharge or criminal prosecution for violating the rights of detainees. These acts could also bring extreme discredit upon the U.S. Army. The incidents where abused the detainee show a lack of supervisory judgment on your part. 65 7 5 3. This reprimand is imposed as an administrative measure and not as punishment pursuant to the Uniform Code of Military Justice. You are advised that in accordance with Army Regulation (AR) 600-37, paragraph 3-4, it is my intention to direct that this reprimand be filed in your local Military Personnel Records Jacket (MPRJ).

You will acknowledge receipt of this reprimand IAW AR 600-37 by completing the first memorandum and returning it through your chain of command no later than ten days from the date of service. Any matters in extenuation, mitigation, or rebuttal must accompany your acknowledgment. You were provided a copy of the documents that form the basis of the written reprimand. I do not intend to file them with this reprimand.

Encl AR 15-6 Investigation

LTC, MI Commanding

13 Nov - mile decision not to f. 16593.

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#### AFYB-MIB-H

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#### MEMORANDUM THRU

Commander, HHOC, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628

FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628

bb57c5

SUBJECT: Written Reprimand — 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09328

have read and understand the unfavorable information presented against me and I elect to submit the enclosed written statement or documents in my behalf. I understand that this reprimand will be filed in my Unit File.

<u>or</u>

I have read and understand the unfavorable information presented against me and elect not to make a statement. I understand that this reprimand will be filed in my Unit File.

SSG, USA

6657cs

Respondent

DATE

#### DEPARTMENT OF THE ARMY

104<sup>TH</sup> MILITARY INTELLIGENCE BATTALION 4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED) TIKRIT, IRAQ 09323-2628

AFYB-MIB-CDR 9 NOV 2003 MEMORANDUM FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628 6657c5 SUBJECT: Rebuttal of to Written Reprimand 6657c5 1. I understand that I am being reprimanded for failure to properly supervise during interrogations at the TF IH DCCP. I understand that, as NCOIC of the Interrogation Control Element (ICE), it is ultimately my responsibility to ensure that interrogations are conducted in adherence to guidelines established by the Department of the Army. I accept this responsibility. However, even after a very thorough 15-6 investigation, I feel that the incidents surrounding this reprimand are being oversimplified. b657c5 p657c5. 2. Paragraph one of the written reprimand states that I am responsible for ensuring that were properly trained. I feel this is untrue. My element is conducting realworld interrogation operations; in a very active combat zone during a resistance movement by a well-funded, hostile, armed force in the early stages of a major insurgency; with very few assets. This being my fourth combat tour in twelve years, I can say with confidence that this is not the environment for training. b657c5 has been assigned to the 104th Military Intelligence Battalion for over two years as a member of the Battalion S3. I am assigned to D Co. and has never been under my supervision until approximately one month before the incident occurred. As the de facto senior Human Intelligence Collector (97E) for the 4th Infantry Division, and being aware of duty position in the Battalion S3, I made two attempts, in January 2001 to include in Sergeant's Time training with D Co. at Fort Hood (There was no MOS training in the S3 for a Human Intelligence Collector). Both of these attempts were unsuccessful due to resistance by his supervisors. These two years would have been the proper time to train not during real-world operations. -665705 4. Paragraph one of the reprimand states that I "... inadvertently led that..." I myself "... perhaps condoned certain practices that were outside the established regulations". Given specific phrases that I had said to I recall a conversation that I However, the topic of this conversation was a contingency plan for a separate interrogation facility, in the event alternative interrogation techniques were authorized and ordered into effect at our echelon. At no point did the topic become the techniques themselves. The facility could not be manned by personnel from Mobile Interrogation Team (MIT) 91, as most did not have a sufficient level of competency. At the time, given my extremely limited assets, was a prime candidate for this facility. As I recall, I made

it clear to

case-by-case basis, and then only at certain facilities. If

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that alternative techniques must be authorized by higher echelons, on a

took my statements to

mean anything more than what I said, that was not my intention. I do not feel that I said anything that would lead a reasonable person to believe that I condoned any practices outside regulations.

is a 98G Voice Interceptor, attached to the 104th Military Intelligence Battalion as a linguist. He is neither trained, nor authorized to conduct interrogations. I trained on his duties as an interpreter during interrogation operations and he has always performed admirably and with dedication. There was no reason, whatsoever, to think that would harm the detainee or allow him to be harmed. During the incident in question, was under the immediate supervision of the team leader of MIT 91 and assistant (223<sup>rd</sup> MI BN), who was supposed to be conducting the NCOIC of the ICE, interrogation. My duties are such that I cannot supervise more than a small fraction of the interrogations or screenings carried out by my element. A am forced to delegate supervisory responsibilities during the majority of operations.

6. Paragraph two of the reprimand states that I "...assigned a known difficult interrogation task to a very junior and inexperienced interrogator". While this is true, the truth of it is rather relative. All interrogations at the TF IH CCP are difficult due to several factors that have been brought up, through Tac HUMINT Ops, many times. Suggestions made to rectify these problems have been, and continue to be, ignored. With the exception of myself, all interrogators at the TF IH ICE were, and most remain, inexperienced at actual interrogation. The intelligence exploitation of detainees at the TF IH CCP has been limited, largely, to cursory and in-depth screenings of detainees due to insufficient personnel, time and resources. Relatively speaking, few formal interrogations have been carried out, and all of these have been individuals targeted as being of potentially high intelligence value. After two to three weeks of observation and assessment of performance during joint screenings and interrogations, prior to the incident. was found to have a level of methodological proficiency above most of the other interrogators at the ICE and had, in fact (as I noted to on one occasion), exhibited a preference for "soft" approaches. In short, is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICB 6647c4

7. Paragraph two of the reprimand also states that I "...failed to discern what techniques ! would use during the interrogation". I do not feel that this is entirely accurate. When discussing the pending interrogation with the stated that he planned to use a "harsh approach". This is a term used frequently among interrogators to refer to such hostile approach techniques as "Fear-Up (harsh)" and "Pride and Ego-Down", or a combination thereof. Considering the approaches used previously against MP2496, and their relative ineffectiveness, I felt, and still feel, at that time, a "harsh approach" was in order. Additionally, interrogators are never required to have individual approaches approved by the ICE. An interrogation is an extremely fluid process that requires the interrogator to, in turn, be extremely flexible. While all interrogators must inform me as to the general approach they plan to use, as limiting interrogators to specific, preplanned approaches and techniques is not feasible during a proper interrogation. Some standard interrogation processes, which may be identified in FM 34-52 INTELLIGENCE INTERROGATION, are no longer applicable and may very well be counterproductive, due to this FM's application being Major Theater War operations. In many cases it is not applicable to the modern battlefield. I believe this is one of the reasons that it is no longer printed. To my knowledge, no FM covers counterinsurgency interrogation operations.

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8. I firmly believe that took the actions he did, partially, due to his perception of the command climate of the division as a whole. Comments made by senior leaders regarding

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detainees such as "They are not EPWs. They are terrorists and will be treated as such" have caused a great deal of confusion as to the status of the detainees. Additionally, personnel at the ICE regularly see detainees who are, in essence, hostages. They are normally arrested by Coalition Forces because they are family of individuals who have been targeted by a brigade based on accusations that may or may not be true, to be released, supposedly, when and if the targeted individual surrenders to Coalition Forces. In reality, these detainees are transferred to Abu Ghyraib prison and become lost in the Coalition detention system regardless of whether the targeted individual surrenders himself. I know that has himself witnessed senior leaders at briefings, reporting that they have taken such detainees, with the command giving their tacit approval. In hindsight, it seems clear that, considering the seeming approval of these and other tactics by the senior command, it is a short jump of the imagination that allows actions such as those committed by to become not only tolerated, but encouraged. This situation is made worse with messages from higher echelons soliciting lists of alternative interrogation techniques and the usage of phrases such as "...the gloves are coming off". The theory becomes even more plausible when one considers the facts surrounding a detainee such as MP2496—a known terrorist, insurgent and killer of American soldiers. While I do not condone actions in any way, I am beginning to see how he might arrive at certain erroneous conclusions, despite my warnings that there is no detainee here worth any of my soldiers going to prison. I feel that this is a dangerous situation that should be confronted.

9. I agree that I am in a very delicate and perilous duty position. It is one for which none of my training has prepared me and was not supposed to exist. Additionally, numerous other issues inhibit our effective mission accomplishment. Our unit has never trained for detention facility operations because our unit is neither designed nor intended for this mission. Current detainee handling policies adversely effect operations in ways that eliminate any reasonable chance of successful interrogation. Other factors effecting mission accomplishment are more complicated. I spent over three years, between deployments, training my soldiers to operate in Tactical HUMINT Teams in a combat environment remarkably similar to the one in which our division is currently operating. Instead of allowing our soldiers to execute the mission which exists, for which they have trained, they are assigned a mission for which they have not trained, are not manned, are not equipped, are not supplied and, considering manning and the current policies effecting interrogation operations, cannot effectively accomplish at division level regardless. Unfortunately, the element's low production of IIRs supports this.

665 7c5 10. I agree that I have made some mistakes since being assigned this duty position. However, I feel that I have carried out my duties as well as, and in many cases better than, could be expected. I have been given scant resources, few supplies, and some of the attached collection assets could have only been considered mediocre at best. I have considered, at length, what more I could have while still conducting the element's done to prevent the actions of and assigned operations. Currently, I am still at a loss. was being supervised by a trained SSG Human Intelligence Collector, senior but subordinated to me, attached to the element, and supposedly in charge of his interrogation. is a Human Intelligence Collector whom I was not given the opportunity to properly train. However, due to limited organic assets, he was needed to help conduct operations. I feel I took what measures were available to me within the constraints of my mission and available support. I will continue to execute my assigned mission to the best of my ability.

SSG, USA NCOIC, TF IH ICE

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SIGNATURE OF INTERVIEWEE

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PRINCIPAL PURPOSE: ROUTINE USES:

To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

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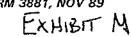
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### RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS DATA REQUIRED BY THE PRIVACY ACT Title 10, United States Code, Section 3012(g) AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately identified. PRINCIPAL PURPOSE: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: Disclosure of your Social Security Number is voluntary. DISCLOSURE: FILE NO. TIME LOCATION 0657c5 PART THRIGHTS WAIVER/NON-WAIVER CERTIFICATE Section A. Rights 665765 The investigator whose name appears below told me that he/she is with the United States Army and wanted to suspected/accused: Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: not have to answer any question or say anything. orthing I say or do can be used as evidence against me in a criminal trial. personnel subject othe UCMJ. I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military fawyer detailed for me at no expense to me, - 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 be appointed for me before any questioning begins. 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. 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. 16657c5 WITNESSES (If available) NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE

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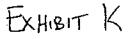
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DA FORM 3881, NOV 89 EXHIBIT I

SIGNATURE OF INTERVIEWEE

6601.

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. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

ROUTINE USES:

Disclosure of your Social Security Number is voluntary.

Disclosure of your occurry	(Author to Author)	
LOCATION TEKRIT MAIN	1Z 2. DATE 03 3. TIME 0	4. FILE NO.
NA)	15657c 8. ORGANIZ	
7 GRADE/SI		Control of the Contro
SSA	Alos	
PART I - RIGHT	S WAIVER/NON-WAIVER CERTIFICATE	
ection A. Rights		
ection A, Ingino		
he investment those name appears below told me that he she is wi	h the United States Army	
	and wanted to question me about the	following offense(s) of which I am
hgate asked me any questions about the offense(s), however,	here made it clear to me that I have the following righ	ts:
do not have to answer any question or say anything.		
louthing Leav or do can be used as evidence against me in a crit	ninal trial.	an kinga a lawaga prasant with me
Ifor personnel subject othe UCMJ I have the right to talk private during questioning. This lawyer can be a civilian lawyer I arrange	ly to a lawyer before, during, and after questioning and	detailed for me at no expense to me.
or both.	to at the expense to the committee of th	
	- or -	No. 10 No
(For civilians not subject to the UCMJ) I have the right to talk pr	vately to a lawyer before, during, and after questioning i	and to have a lawyer present with
me during questioning. I understand that this lawyer can be one will be appointed for me before any questioning begins.	hat I shange for at my own expense, or it i contact and	<b> </b>
of i am now willing to discuss the offense(s) under investigation,	with or without a lawyer present, I have a right to stop e	nswering 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		
understand my rights as stated above, I am now willing to discuss the	e offense(s) under investigation and make a statement	to a lawyer first and withou
WITNESSES (If available)	3. SIGNATUR	bb57c5
1a. NAME (Type or Print)		
ia. HAME 13790 of 7 mily		A CONTRACTOR OF THE PARTY OF TH
DRGANIZATION OR ADDRESS AND PHONE	4. SIGNAT	b6/7c1
•		
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR	
		<u></u>
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGAT	OR
·		
Section C. Non-waiver		
I do not want to give up my rights	_	4.
☐ I want a lawyer	☐ I do not want to be questioned of	or say anything
2. SIGNATURE OF INTERVIEWEE		
•		·
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMEN	(DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE	HE SUSPECT/ACCUSED
	DITION OF NOV 84 IS OBSOLETE	USAPPC V

EXHIBITF

**DA FORM 3881, NOV 89** 

# 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:

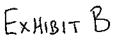
Title 10, United States Code, Section 3012(g)

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 a DISCLOSURE: Disclosure of your Social Security Number is	additional/alternate means of identification to facilitate is voluntary.	ming and tetreval.
1. LOCATION DCCP FOB Ironhorse, Tikely Irag	2. DATE 3. TIME 4. 630 CT 03 1655	FILE NO.
5. NAME (Last, First, MI) -6657c5	8. ORGANIZATION OR ADDRESS	
6. 7. GRADE/STATUS		
·	R/NON-WAIVER CERTIFICATE	
Section A. Rights	<u>·</u>	
The investigator whose name appears below told me that he/she is with the Unite	d States Army and wanted to question me about the following offense	(s) of which I am
suspected/accused:  Before the she asked me any questions about the offense(s), however, he/she made of 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.  It personnel subject othe UCMJ I have the right to talk privately to a law during questioning. This lawyer can be a civilian lawyer I arrange for at no experience.	ver before, during, and after questioning and to have a lawyer (	present with me at no expense to me,
(For civilians not subject to the UCAU). I have the right to talk privately to a me during questioning. I understand that this lawyer can be one that I arrange will be appointed for me before any questioning begins.  am now willing to discuss the offense(s) under investigation, with or will speak privately with a lawyer before answering further, even if I sign the way.	je for at my own expense; or if I cannot afford a lawyer and wa hout a lawyer present, I have a right to stop answering question	int one, a lawyer
5. COMMENTS (Continue on reverse side)		<u></u>
Section B. Waiver	and the state of t	a lawver first and without
I understand my rights as stated above. I am now willing to discuss the offense(s having a lawyer present with me:		
WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE 56	57c5
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE	GATOR	·
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	
Section C. Non-waiver		
1. I do not want to give up my rights	1 do not want to be questioned or say anything	
2. SIGNATURE OF INTERVIEWEE	<u> </u>	
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORI	M 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACC	USED USAPPO V1.0
TA TO DAY GOOD NOV DO	NOV 84 IS OBSOLETE	DOMPLO A 110

DA FORM 3881, NOV 89



REPORT OF F	PROCEEDINGS BY INVESTIGATING OFFICE	FR/BOARD OF OFFICE		·
IF MORE SPACE IS F	REQUIRED IN FILLING OUT ANY PORTION OF THIS F	ORM, ATTACH ADDITIONAL ST	JEPTO	
	SECTION I - APPOINTMENT	TOUR RODITIONAL SE	IEE13	
Appointed by	b627cZ			
Appointed by		· · · · · · · · · · · · · · · · · · ·		
	(Appointing authority)			
on 30 September 2003		·		
(Date)	actosure 1: Letter of appointment or summary of oral appointment or summary of oral appointment.	intment data.) (See para 3-15, AR	15-6.)	
	SECTION II - SESSIONS		<del></del>	
The (investigation) (board) commenced at 4	th Infantry Division Headquarters, FOB Ironho	rea Tilent I		
	(Place)	ise, likiit, iraq at	1400 hours	<u> </u>
on 30 September 2003 (If a formal ended, the place, persons present and absent, as present: (After each name, indicate capacity, e.	nd board met for more than one session, check here In nd explanation of absences, if any.) The following persons	ndicate in an inclosure the time ec s (members, respondents, counse	(Time) ach session begar i) were	n and
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be (investigating officer) (board) finished gather	ring/hearing evidence at16 October 200	12		
	(Time)	on 40	October 2003 (Date)	
nd completed findings and recommendations at _	2100 hours	6 October		
<del></del>	(Time)	Date		
. COMPLETE IN ALL CASES	SECTION III - CHECKLIST FOR PROCEEDINGS	3		
Inclosures (para 3-15, AR 15-6)			YES N	IO <sup>J</sup> NA
Are the following inclosed and numbered consec	entively with Roman numerals: (Attached in order listed)	<del></del>		
a. The letter of appointment or a summary of or	al appointment date?	·		
b. Copy of notice to respondent, if any? (See ite	em 9. belowl		_ XI	
<ul> <li>Other correspondence with respondent or cour</li> </ul>	nsel if any?	· · · - · · - · · · · · · · · · · · · ·		X
<ol> <li>All other written communications to or from t</li> </ol>	the appointing authority?	·		X
e. Privacy Act Statements (Certificate, if statem	tent provided orally)?	<u> </u>	X	
<ol> <li>Explanation by the investigating officer or bost</li> </ol>	ard of any unusual delays difficulties irragulacities and			_ X
The state of material wither	1992	ner problems		X
<ol> <li>Information as to sessions of a formal board no</li> </ol>	Of included on page I of this range \$	<u> </u>		
n. Any other significant papers (other than evide	ence) relating to administrative aspects of the investigation	or hoard?	<del>  -</del>	$\perp \times$
	thed sheet.  It is representation that the circumstances described in the question			ΙX
FORM 1574, MAR 83		out not occur in this investigation	·	
· · · · · · · · · · · · · · · · · · ·	EDITION OF NOV 77 IS OBSOLETE.	Page 1 of 4 pages	- 467	UBA-MI 20

The fact of the second					
	2	Exhibits (para 3-16, AR 15-6)	ive	OLAZ	D <u>I</u> NA
	ı	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as	115	2 MC	) <u>-'</u>  NA
		exhibits and attached to this report?	X	.	
		b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	TX	<del></del> -	<del>-                                    </del>
	1	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	TX		<del>-</del>
		d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is		<del>-</del>	<del>_</del>
	1	the location of the original evidence indicated?			$\perp \times$
1 - 44		f is each written stipulation attached on an arbitist and in each written stipulation attached on an arbitist and in each written stipulation attached on an arbitist and in each written stipulation attached on an arbitist and in each written at a second of the each written at a second	X		1
Aug to the		exhibit or recorded in a verbating record?			X
wayself who stood		g. If official notice of any matter was taken over the objection of a respondent or counsel is a statement of the matter.	$\bot$	<del> </del>	1^
		of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6]?	-	1	$\times$
	3		+	<u> </u>	
15.00	В.			C BESON	$\perp \times$
	4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			Clare St
arter bykve af 177 s	5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<del></del>	┼─-	
	6		+	+	4537
4	7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<del> </del>	<del> </del>	┼
A property being their	8	If any members who voted on findings or recommendations were not present when the board received some evidence,	_	1	<del> </del>
in English ## .	L			ŀ	
- :	C.	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)	2000		
	ľ				
		d. is the method and date of delivery to the respondent indicated on each letter of notification?			
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			<del></del>	<b>├</b> —	
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			<del></del>	<del> </del> —	
• • • • • • • • • • • • • • • • • • • •			-	<del>                                     </del>	
		e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	+	<del>                                     </del>	
	10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
•		a. Was he properly notified (para 5-5, AR 15-6)?	7	<del>2124.44</del>	
		b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	1		
:		<del></del>			
		. ,			
		Name and business address of counsel:			
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.*		action taken on it included in the report (para 5-6b, AR 15-6)?			. 1
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	.		<del>}                                    </del>		
			1	$\dashv$	
			<del> </del>		
	14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in	<del>   </del>		
		arranging for the presence of witnesses (para 5-8b, AR 15-6)?		Ì	
. [	a. Are all items offered [whether or not received] or considered as evidence individually aumbered exhibits and attached to this report?  b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the carbinity.  c. Has the extinuosy/statement of each witness been recorded verbatim or been reduced to written for an exhibit?  d. Are copies, descriptions, or depictions (if submittated for read or documentary evidence) properly the location of the original evidence indicated?  e. Are descriptions or diagrams included of locations visited by the investigating officer or board (p. f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to write exhibit or recorded in a verbatim record?  g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statem of white official notice was taken attached as an exhibit (para 5-16, AR 15-6)?  g. If official notice was taken attached as an exhibit (para 5-16, AR 15-6)?  Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?  Was a quorum present at every session of the board (para 5-2b, AR 15-6)?  Was each absence of any member properly excused (para 5-2b, AR 15-6)?  Was emabers, witnesses, reporter, and interpreter sworm, it required (para 3-1, AR 15-6)?  If any members who voted on findings or recommendations were not present when the board received does the inclosure describe how they finalizated themselves with that evidence (para 5-2a, AR 15-6)?  R. If the members witnesses, reporter, and interpreter sworm, it required (para 3-1, AR 15-6)?  Notice to respondents (para-5-5, AR 15-6):  a. Is the method and distor of delivery to the respondent indicated on each letter of notification?  b. Was the date of delivery at least five working days prior to the first session of the board?  c. Does each letter of notification indicate—  (1) the date, hour, and place of the first session of the board enlating to	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an		一	
ļ		<u>- '                                   </u>			
ł	roo	TNOTES: Y Explain all negative answers on an attached sheet.  2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			

The (investigating officer) (board), having carefully considered th	ne evidence, finds:	<u> </u>
(See attached memorandum for record)	•	
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	OMMENDATIONS (para 3-11, AR 15-6)	
a view of the above findings, the <i>(investigating officer) (board)</i> re See attached memorandum for record)	ecommends:	
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		OF OWNERS AS INTEREST			
THIS REPORT OF PROCE	CENTRICE IS COMPI	SECTION VI - AUTHENIA	CATION (para 3-17, AR 15-	-6)	
below, indicate the reason is	n the space where his:	signature should appear.)	(If any voting member or	the recorder fails to sign here or in Section	VII
<b>[</b> -					
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			A Company of the Comp		
		•	- Andrews		
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	(Recorder)		(In	westigating Officer) (President)	
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	(Member)			(Member)	<del>, -</del> -
I	•				
	(Member)			(Member)	
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The state of the s		ECTION VII - MINORITY R			_
To the extent indicated in Inc. (In the inclosure, identify by )	number each finding as	<i>Ind/or recommendation in</i> 1	Which the disconting manh	and recommendations of the board. ber(s) do(es) not concur. State the	_
reasons for disagreement. Ad	lditional/substitute find	lings and/or recommendati	ions may be included in th	ver(s) d0(es) not concur. State the ve inclosure.)	
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	(Member)		-	(Member)	
<u> </u>	SECTION V	/III - ACTION BY APPOINT	THE SUTLICUITY (name 2)		
The findings and recommend:	ations of the (investiga	ating officer) (hoard) are	(approved) (disapproved)	Comprayed with following avantional	
σαυσταμαίοτας, με την αρροχημη	ιτικ αιμποτιίν τεπίτης τη	he proceedings to the invest	thooting officer or honed fo	(approvea wiin jouowiig емгериолыг or further proceedings or	
corrective action, attach that i	correspondence (or a s	summary, if oral) as a num	ibered inclosure.)		
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#### DEPARTMENT OF THE ARMY 104th MILITARY INTELLIGENCE BATTALION HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED) TIKRIT, IRAQ

REPLY TO ATTENTION OF:

AFYB-MI-HHOC

6 October 2003

## MEMORANDUM FOR RECORD

SUBJECT: Detainee Abuse Incident - 15-6 Investigation

### 1. REFERENCES

- a. Geneva Convention relative to the Treatment of Prisoners of War, 1949.
- b. Geneva Convention Relative to the Protection of Civilians in a Time of War, 1949.
- c. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954.
  - d. FM 34-52: Interrogation Operations.
  - e. FM 24-10: The Laws of Land Warfare.

### 2. FACTS

6647c4

a. On 14 August 2003, at Combined Joint Task Force 7 (CJTF-7) Joint Human Intelligence Cell (J2X), V (U.S.) Corps, not further identified (NFI), wrote an electronic mail correspondence (e-mail) to V Corps human intelligence 6647c.4 (HUMINT) exploitation elements (see Exhibit A). The e-mail addressed the relatively poor success rate of intelligence collection from detainee interrogations. provided the Judge Advocate General's (JAG) list of definitions of "combatants", "lawfit combatants" and "unprivileged belligerents" or "unlawful combatants" and explained was unaware of any rules of engagement (ROE) governing treatment of unprivileged belligerents, but was researching the requested a creative "wish list" of what interrogators consider more "effective" interrogation techniques, which the Staff Judge Advocate (SJA) would review for compliance with the statutes of the Geneva Convention. et a deadline of 17 August 2003, for "wish list" submission. NFI, had grown frustrated with the lack of interrogation success and wanted detainees "broken". "Broken" is a term interrogators use to describe the interrogator's "successful application of approach techniques eventually induces the source to willingly provide accurate intelligence information to the interrogator" (reference: FM 34-52, Chapter 3: Interrogation Process). wrote, "The gloves are coming off...regarding these detainees"; "[c] asualties are mounting and we need to start gathering info to help protect our fellow soldiers from any further attacks." 6647c4

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1647-4

Armored Cavalry Regiment, NFI, responded to e-mail (see Exhibit A) and stated nterrogation experience in Afghanistan had demonstrated:

. As a result, the current detainee population in Iraq understands the use of physical force more than psychological manipulation or incentives. application of techniques used in Survival, Evasion, Resistance, and Escape (SERE) School and cited examples of "open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches" as examples. 664c7c41

6647c4 664c7c4 501st Military Intelligence Battalion (MI Bn) NFI, rebutted response in a subsequent e-mail (see Exhibit A), stating international law could not be "just put aside when we find it inconvenient" and that, regardless of casualties sustained, no justification exists for dropping standards of ethics. concluded the e-mail stating "American soldiers...[are] heirs of a long tradition of staying on the high ground" and should remain there.

d. Shortly after that e-mail was sent,

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of the Interrogation Control Element (ICE), Division Central Collection Point (DCCP), Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID), Tikrit, Iraq, NFI, mentioned the e-mail to the soldiers assigned to the ICE and requested their suggestions for the interrogation technique "wish list" received no input from his soldiers. understood requested a list of 665 7c5 interrogation techniques, both legal and illegal, which deemed more effective in obtaining intelligence information from detainees. spoke with 864764 of Tactical HUMINT Operations (THOPS), 104th MI Bn, 41D, NFL, about the 647c4

6657c5-6647ct 6657c5

recalls (see Exhibits B and C) asking "Does this mean what I think it compiled a list of own suggestions, means?", to which replied, "I think so." named the document "Alternative Interrogation Techniques" (see Exhibit D), and saved it on computer's Desktop. subordinate soldiers have regular access to and any one of them are likely to have seen the document. It is not unreasonable to think curious soldiers may have opened the document and read the text. submitted "wish list" document on 17 August 2003 (see Exhibit E). Nothing further is known about the "wish list" or what actions were taken with compiled lists at this time. 665 725

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e. In late August 2003, ICE, 104<sup>th</sup> MI Br., 4ID, NFI, a HUMINT Collection Specialist, was reassigned from the Operations Office, 104th MI Bn, to the request for additional interrogators. completed HUMINT Collection Specialist (97E) Advanced Individual Training (AIT) approximately 2 years ago and has been assigned to the Operations Section, 104th MI Bn, in an administrative capacity until recently. Since needed skill refresher training, allowed to view interrogations or another experienced interrogator conducted. Eventually, to conduct own interrogations while supervised by or another

experienced interrogator. When was ready. 66525

AFYB-MI-HHOC ,6647c4 Detainee Abuse Incident - 15-6 Investigation b65.7c5 interrogations without supervision. It is unclear whether discussed the application of force in interrogations following the advent of (see Exhibits F and G) discussion at the FOB Ironhorse dining facility in which asked what sort of "alternate interrogation techniques" was suggesting. allegedly suggested application of force, which did not leave bruises or scars on the detainee. asked whether was "up to it" and if could "handle it". could, though was ansure whether the interpreters could. 5647c4 6.637cs 665765 had conducted the initial interrogation screening of Detainee 664764 665765 much more difficult to "break" than most other detainees. , and deemed 465-7c5 assigned for interrogation. imposing felt greater than any of the other interrogators in the ICE blos 765 physical size would intimidate could and would likely yield results sooner. knew about 1647E4 s statement that "the gloves are coming off", likely encouraged by interpretation that this meant considering interrogation techniques heretofore unauthorized. 165765 identified as an accomplice in an attack against U.S. soldiers and led 164764 American soldiers to vent into the interrogation viewing light of the information that had killed 3 American soldiers and did not deserve all 66575 the rights and privileges he was afforded while at the DCCP. intended to interrogate employing "stress positions" and physical force to elicit a confession and timesensitive information of intelligence value, which could prevent future attacks against American 665725 forces and save lives. "Stress positions" are body positions designed to cause physical 665765 discomfort and fatigue. , ICE, 104th MI Bn, 4ID, NFI requested for his interpreter for the interrogation. It is unclear why selected though I b believe likely told he would hit feet during the course of the -6647ky a Voice Interceptor (98G) Arabic linguist. interrogation. 665765 665765 descent and describes the interpreter in this interrogation as an sworn statement (Exhibit H). likely knows very little about interrogation legal and ethical guidelines, since he has worked at the ICE only since late August 2003. I suspect knew of intentions a young and junior ranking soldier, likely went along with feet and the idea (see Exhibits I and J). 6657c5 g. In mid-afternoon on 23 September 2003, approached 6657c5-4th Military Police (MP) Company, 4ID, and requested presence in interrogation later that day. intended to "turn it up a notch" or "soup up" interrogation (see Exhibits K and L). 665765 he wanted the use of a room with solid walls for 6647c4 interrogation, as the walls would provide for a wider variety of stress position options. An interrogation at the DCCP normally occurs in one of three tents, or "booths", set up outside the east wall of the DCCP high-security area. It ig unclear whether intentions, though I strongly suspect had full knowledge. sworn statement indicates he not only told and l conspired together to assault also states he and agreed fliey would be discreet in their 6657c5 D64/64 b657c5

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5647c4 AFYB-MI-HHOC Detainee Abuse Incident - 15-6 Investigation 665,765 handling of the interrogation, telling only consented to being present at the interrogation and told would request permission from 4th MP Company, for use of one of the rooms in the DCCP high-security holding area. 5657c5 accompanied by went to the ICE Operations Office and told using a "Fear-Up (Harsh)" approach technique. A "Fear-Up" would interrogate approach means the interrogator identifies a stimulus that causes fear in the subject and exploits the stimulus to elicit information. A "Fear-Up (Harsh)" approach involves the added = 665 R5 psychological stress of the threat of physical violence on the subject. intended to use one of the rooms in the DCCP high-security holding area to be able to choose from a variety of stress positions. consented. Interrogators are required to adapt to the changing needs of the interrogation and must remain flexible. As a result, interrogators do not 65 765 usually seek approval for an interrogation plan. left for the MP Headquarters, where was asking permission to use one of the rooms in the DCCP highsecurity area. plan to raise the level of fear in the 76525 interrogation to "break" was not specific about what tactics intended to use Exhibits M and N) recalls told had a "bad feeling" 664764 about the intermedian, though did not mention had said so in swom statement. agreed would remain in the room during the course of the 665705 interrogation and would brief bout the interrogation later. 664704 6657c5 664.7c4 walked to the OCCP high-security area. Once inside, the detained temporary holding 3657c5 moved cell and put cell were two metal folding chairs and bedding. cell and escorted into the room. wore a dishdasha [traditional Arab garment], sandals, and shackles on his wrists and ankles. The a loud, angry voice, which 6647c4 interrogation began immediately? questioned translated, mimicking paced the room as demeanor and tone. 1657c4 stayed near stood against the north wall of the room. (Exhibit O is drawing of how the room was set up and where participants stood.) It is unclear how obtained the MP riot baton, though likely received it from to lie on back and put his legs on the chairs, which arranged such that they faced each other. (Exhibit P is drawing of how the room was set up and where participants stood at this point in the interrogation.) about his involvement in attacks against American soldiers, where received funding and weapons, and associates. When did not receive the answers wanted, hit sandals feet. the soles of individually, for a total of about 10 to 30 times. Neither objected. spent approximately 15 minutes in this position. 0657c5 6657c5 664764 5657c5 rabbed: and pulled him to feet. wrist restraints, though it is unclear to whom suggested the suggested removing idea. unlocked wrist shackles, likely one side remained locked. 4657cs = 5647c4

AFYB-MI-HHOC 16647C4 Detainee Abuse Incident – 15-6 Investigation 26647c4 h657c5 to stand with arms out at sides, knees bent, and head faced the ceiling. stood in that position for approximately 15 to stand a few feet from the wall, forehead pressed to the 6647c4 wall, arms out at his sides and parallel with the floor, such that approximately a 70-degree angle to the floor. At some point, position 065/c5 moved from against the north wall to just inside the door against the south wall, likely to get a better view. . 664 R.F continued to question and maintained innocence. Not 664764 receiving the answer wanted, hit across his buttocks and possibly lower back as well. likely did not intend to hit on his buttocks or lower 664764 back when he began the interrogation. I believe this was a spur-of-the-moment idea 665765 had. Again, neither object<u>ed.</u> approximately 10 6647c4 times. concluded the interrogation and led back to cell. 565 755 walked in and out of the interrogation, as it was time to feed other detainees spent much more time in the interrogation than the 50% states, nor was 1665765 notably absent each time the baton was used against I also believe abaton, but condoned using the baton or only consented to giving was likely even a co-conspirator with foreknowledge when approached him originally 264764 664764 - 6647c4 6657c5 remained in cell while moved then interrogated remaining in the room. Shortly after the interrogation began arrived and joined the interrogation. This interrogation was much quieter than the preceding one. I do not feel anything significant occurred during the interrogation. Later that evening. went to and explained had seen nothing of note during the interrogation and that was only put in stress used (see Exhibit I). 6647c4 positions. demonstrated three stress positions 6657cs 6657657 6647c4 l. Neither said anything about the events of 66525 interrogation to went to dinner later that evening and sat with 104th MI Bn, NFI (see Exhibit Q). nterrogation of "MP I had gone that evening and whether said was thus far unsuccessful and had beaten. been able to "break". with an MP "control stick". "Control stick" refers to the MP riot baton and is the terminology interview and the same terminology quoted in swom used in statement. looked at each other, unknowing whether to believe 6657c5 further about the incident. At approximately 0900 or 1000 hours on Neither questioned 24 September, to restrict access to detainees refused to explain over the telephone and asked until further notice. woke what had happened the previous evening office. and asked did not ask further and told. hitting s feet. office went upstairs to discuss the matter. Following this went to drafted a counseling statement for conversation. c on 25 September and counseled on 26 September. The counseling statement (see Exhibit R) detailed punishment of phours of one-on-one General Convention training with ·bbyTcy h647c4 665765

### AFYB-MI-HHOC

Detainee Abuse Incident - 15-6 Investigation

well as suspended access to detainees at the DCCP. Suffered two days of significant discomfort on his buttocks and lower back as a result of the assault.

. 664724 tatement was mistreated in another interrogation at stated in m. the FOB Ironhorse DCCP. recalls an interrogation (see Exhibit H) conducted on 29 ICE, 104th MI Bn, 4ID, NFI, served as September in which interrogator and served as interpreter. interpreter from the previous interrogation. As was led into Booth I, to kneel and walk around the tent on knees with his hands clasped behind his head. is under the impression ! was in control of the interrogation, as was not very loud, did not say much, and allowed degree of control. crawled around the table in the middle of the tent approximately 15-20 times. Either realized detainees in the juvenile detention cell were able to see the events in Booth 1 (see Exhibit J). moved the interrogation to was 6647c4 Booth 2, where resumed crawling around the table in the tent. dizzy, tired, and his knees hurting and tried to lean back against his calves. On one of these pushed or prodded with the half-filled water bottle carried. recounts (see Exhibit H) once with the water bottle. As a result hitting has open sores on both knees, which precludes of this interrogation, participating in proper Muslim worship practices. I alerted i since been seen by a medic. I am inclined to believe no further abuse occurred during this incident.

n. No further details are known about the events under investigation.

### 2. VARIABLES

a. I am considering six variables in my assessment; that is, six uncorroborated events which will assign, aggravate, or mitigate culpability. First, if did, in fact, request released from administrative duties for skill refresher training and the chain of command denied the request (see Exhibit C). Second, if did hold a conversation with which they discussed whether would be able to "handle" using physical force against detainees (see Exhibit G) and if statements were taken out of context or intended as worded. Third, if agreed to beat with a riot baton and intended not to discuss the incident with anyone besides (see Exhibit G). Fourth, if his riot baton with specific intent to assault (see Exhibit G). did not clearly explain to s role in an interrogation (see Exhibits G Fifth, if was, in fact, not present in the room during the alleged assault (see and J). Sixth, if Exhibit L).

b. The outcome of these unknowns may change culpability of the persons involved.

3. FINDINGS 665 7c5

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Military Policeman with

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is a trained HUMINT Collector and has had instruction on interrogation/procedures, with special emphasis on abiding by the statutes of the Geneva Convention. Since work depends greatly upon adherence to the Geneva Convention should have a sense of the tremendous responsibility has to follow them, if not for ethical reasons, at least to avoid the potential consequences of violations. I find liable for premeditated assault on guilt is exacerbated by use of an MP riot baton, which constitutes "aggravated assault" in criminal court proceedings. bears less guilt as it is clear felt encouraged by and "can you handle it?" were taken out of context. His guilt is mitigated further by his lack of skill training and his short time in service, much of which was spent performing duties other than the work for which he was trained. Moreover, was unclear what definition applies to the majority of the detainee population of the DCCP, as states sees them as unlawful combatants who had murdered 3 of brethren soldiers. 4ID Commanding General Major General Raymond Odierno's memorandum regarding treatment of enemy prisoners of war and detained unlawful combatants was released at about this time and did not reach all soldiers before this incident occurred. According to his statement, would have reconsidered intentions, had he seen the memorandum before going into the interrogation room with on 23 September. 165765 6657c5 \

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of active duty service. Intrinsic to the duties of a Military Policeman is a presponsibility 365 % for the security and welfare of enemy prisoners of war, including adherence to the statutes of the Geneva Convention. I find his liable for abuse of abuse of 665 765 guilt is exacerbated if adid, in fact, partake in planning and not just offer tack consent once in the room. Such a guilt is further exacerbated if about his involvement and knowledge of the incident on his sworn statement. As an of service, knew what was doing was wrong. Such a guilt is mitigated if he was, in fact, absent from the room during assault on assault on the control of the first of the sacerbated in the control of the contro

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an interpreter who has only worked with the ICE for the knowledge of the Geneva Convention and interposation operations is limited to what this experienced while working at the ICE and what has been told by interposators with whom he has worked is most likely a scared junior enlisted soldier // who was convinced knew what was doing. I guilt is mitigated was not informed about intentions prior to entering the interposation room. Guilt is exacerbated by intervention in the interposation, which is outside the scope of his interpreting duties. Intervention in 129 September interposation was also out of line, for which should be held liable, if he authorized it.

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d. I feel is a good soldier and who runs the DCCP with diligence and efficiency. It took necessary steps to ensure soldiers were properly trained and had sufficient experience before conducting interrogations of

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	AFYB-MI-HHOC
·	Detainee Abuse Incident – 15-6 Investigation  6647c4
	6647c4 ,6657c5 ,6677c7
	detainees. de-mail did not explain fully the intent of the "wish list" and, as a
	consequence, implanted ideas neither nor any of his interrogators would have
	considered before. Preferences to "gloves coming off" and desire to have
	detainees "broken" quickly lead one to believe wanted suggestions of less-than-ethical or less-than-legal nature. I believe and and the state had a discussion about the e-mail and
~~ ~ \( \)	likely read statements as an endorsement of more violent interrogation
1510/	methods, based upon opinions in sworn statement. 664724
DD-	e. I do not feel First Lieutenant and is culpable for any part of this incident. A
	e. I do not feel First Lieutenant became a Military Police officer only within the past
115705	month. seems to be learning her duties and understanding DCCP operations quickly.
Ph.	is a diligent officer and has a good understanding of most operations in her purview.
	f. Although account of events differs slightly from the other three in the
1/117.4 <	interrogation room on 23 September, story is highly credible and plausible. I do not feel intentionally altered the events of that interrogation, though staccount of his 29
664764-	Contember interrogation lends itself to mild evaggeration
	6647c4
	-
	4. RECOMMENDATIONS 6657c5
: :	a. At a maximum, I recommend be subject to military court
2.6	martial and be prosecuted for first degree aggravated assault and violation of Geneva Convention articles 13, 17, 20, 42, and 87, which govern the humane treatment of prisoners of war. I
,657cs -	recommend , be subject to military court martial and be
	prosecuted for conspiracy to commit aggravated assault. I recommend
	be given a company grade Article 15, Uniform Code of Military Justice, for his involvement in the aggravated assault of I recommend no charges be proffered
	against 6657c5
	15657c5 5647c4 5657c5
	b. At a minimum, I recommend be given a Field Grade Article  15. I recommend be given a Field Grade Article 15. I
•	15. I recommend be given a letter of reprimand.
•	665 7c5 \ 6657c5
	c. Since 4ID Commanding General Major General Raymond Odierno has already published
	specific guidance about treatment of enemy prisoners of war, no further memoranda or orders need be published. Commanders should ensure all personnel who may have contact with enemy
	priceners of war understand the tenets of the Geneva Convention completely
-	665765
· .	d. Additionally, I recommend be questioned about his
	involvement in the 29 September 2003 interrogation of Although I have no belief and or had any intention of causing physical harm
	to during this interrogation, bear some culpability for explaining his
	expectations in the interrogation. Should have informed about his
	6647c4 X/8
	1157.

V/ 8 3657c5

## AFYB-MI-HHOC

Detainee Abuse Incident – 15-6 Investigation

6657c5

responsibilities in an interrogation and stopped from conducting duties of an interrogator. Further investigation may be required for this incident.

CPT, MI

Investigating Officer

b6-2/1cz

662702

MEMORANDUM FOR:

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed an investigating officer to conduct an informal investigation IAW AR 15-6 surrounding the possible use of excessive force by while block interrogating a internee at the Division Consolidated Collection Point.

2. In your investigation, gather sworn witness statements to the alleged event described in the enclosed statement from Your purpose is to determine the facts of what happened and recommend to me if additional investigation is needed.

- 3. No charges are being preferred at this time. If in the course of your investigation you come to suspect that certain people may be responsible for actions that could be subject to UCMJ or prosecution, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition, you must provide them a Privacy Act statement before you solicit any (further) personal information. You may obtain assistance with these legal matters from the office of the Staff Judge Advocate.
- 4. Submit the statements and your findings IAW AR 15-6 within 10 days.

Commanding

662-7cZ

Encl

664764

1 - Sworn statement,

2 - Counseling statement 26Sep03



## DEPARTMENT OF THE ARMY 104<sup>th</sup> MILITARY INTELLIGENCE BATTALION HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED) TIKRIT, IRAQ

REPLY TO ATTENTION OF:

AFYB-MI-HHOC

6 October 2003

MEMORA	MITCH	FOR	RECORT	1
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SUBJECT: Detainee Sworn Statement

· .		6647c4	No.	
	through a Cate	gory II Civilian interpreter.	worn statement on 1 October 2003 was provided by the ection Point, 4 <sup>th</sup> Mechanized Infantry	7
6647c4 -	2. I transcribed source of the interview. I prese	tatement using most nearly to nted the statement to n interpreter, also provided be perfore signing.	he language bused during the con 2 October and had by the ICE.	ŧ
	3. Point of contact for this men	orandum is the undersigned	at DNVT 8627c	2

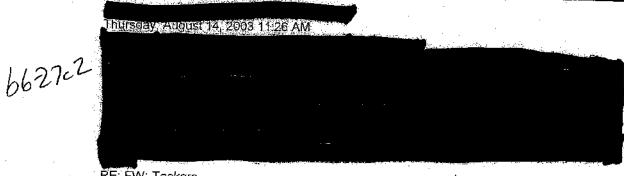
Investigating Officer

## 4ID 104MI ICE

From: Sent:

To:

Cc:



Subject:

RE: FW: Taskers

All:

Regarding the tasking-I am not a legal expert, but seems to me that everyone we are detaining at this point is an unpriviledged belligerent, since we have taken over the country and there is no longer any force opposing us that 1) wears recognizable uniform; and 2) bears arms openly. So I think everyone we detain is in that category.

As for "the gloves need to come off..." we need to take a deep breath and remember who we are. Those gloves are most definitely NOT based on Cold War or WWII enemies-they are based on clearly established standards of international law to which we are signatories and in part the originators. Those in turn derive from practices commonly accepted as morally correct, the so-called "usages of war." It comes down to standards of right and wrong-something we cannot just put aside when we find it inconvenient, any more than we can declare that we will "take no prisoners" and therefore shoot those who surrender to us simply because we find prisoners inconvenient.

"The casualties are mounting..." we have taken casualties in every war we have ever fought--that is part of the very nature of war. We also inflict casualties, generally many more than we take. That in no way justifies letting go of our standards. We have NEVER considered our enemies justified in doing such things to us. Casualties are part of war-if you cannot take casualties then you cannot engage in war. Period.

BOTTOM LINE: We are American soldiers, heirs of a long tradition of staying on the high ground. We need to stay

there.

b62/7c2

Psalm 24: 3-8

662/702 -Original Message From: [mailto]

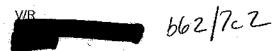
Sent Trursday About 14, 2003 3:56 PM

I sent several months in Afghanistan interrogating the Taliban and al Qaeda. Restrictions on interrogation techniques had a negative impact

EXHIBIT A

on our ability to gather intelligence. Our interrogation doctrine is based on former Cold War amd WWII enemies. Todays enemy, particularly those in SWA, understand force, not psychological mind games or incentives. I would propose a baseline interrogation technique that at a minimum allows for physical contact resembling that used by SERE instructors. This allows open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches. Again, this is open handed. I will not comment on the effectiveness of these techniques as both a control measure and an ability to send a clear message. I also believe that this should be a minimum baseline.

Other techniques would include close confinement quarters, sleep deprivation, white noise, and a litnary of harsher fear-up approaches...fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off.



— Original Message — From: \*
Date: Thursday, August 14, 2003 2:51 pm Subject: FW: Taskers

> Sounds crazy, but we're just passing this on.

> ---Original Message > From: > [mailto > Sent Tanksday, August 14, 2003 1 51 AM 662/7cZ 6627cZ

662/762

> Subject: Taskers

> ALCON

- > Just wanted to make sure we are all clear on the taskers at hand
- > 1- A list identifying individuals who we have in detention that
- > fall under
- > the category of "unlawful combatants" I've included a definition
- > form the
- > SJA folks:
- In order to properly address your request for a legal definition of
- > the term "unlawful combatant," I must first provide you with a
- > framework of definitions with which to work. According to the Law
- > of Land Warfare,
- > the term "combatant" is defined as anyone engaging in hostilities
- > in an
- > armed conflict on behalf of a party to the conflict. Combatants are
- > lawful targets, unless out of combat. With that said, "lawful
- > combatants" receive protections of the Geneva Conventions and
- > gain combat
- > immunity for their warlike acts, as well as become prisoners of
- > war if
- > captured. In comparison, "unprivileged belligerents," commonly
- > referred to as "unlawful combatants," may be treated as criminals
- > under the
- > domestic law of the captor. Unprivileged belligerents may
- > include spies,

> saboteurs, or civilians who are participating in the hostilities. > The > term "unlawful combatant" is not referenced, nor is it defined. > The term > that properly described these type of individuals is "unprivileged > belligerents," and as stated before they may be treated as > criminals under > domestic law. As far as an ROE that addresses the treatment of enemy combatants, > specifically, unprivileged belligerents, we are unaware of any > continue to research the issue for you. I hope this information > has been > helpful. > 2- An additional list identifying who we have detained who are > "Islamicextremist" > 3- Immediately seek input from interrogation elements (Division/Corps) > concerning what their special interrogation knowledge base is importantly, what techniques would they feel would be effective > techniques that SJA could review (basically provide a list). Provide interrogation techniques "wish list" by 17 AUG 03. 6627c.Z > The gloves are coming off gentleman regarding these detainees, > made it clear that we want these individuals broken. Casualties > are mounting > and we need to start gathering info to help protect our fellow > soldiers from > any further attacks. I thank you for your hard work and your > dedication. > MI ALWAYS OUT FRONT! > V/r6627c2

		<u> </u>	SWOR	N STATEMENT		!
L.		For use of thi		0-45; the proponent	agency is ODCSOPS	
-	<u></u>				<del></del>	
			PRIVACY	ACT STATEMENT	37 diaed Nevember 9	2 1943 (SSA)
1	AUTHORITY:	Title 10 USC Section 30	01; Title 5 USC Se	ection 2951; E.O. 939	/ dated November 2	2, 1945 (30/V).
- L	PRINCIPAL PURPOSE:	To provide commanders	s and law enforcer	nent officials with me	ans by which inform	ation may be accurately
1	ROUTINE USES:	Your social security nur	mber is used as an	additional/alternate n	neans of identification	n to facilitate filing and retrieval.
	DISCLOSURE:	Disclosure of your socia	al security number	is voluntary.		
	1. LOCATION		2. 🛭	ATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
1	DCCP, FOB Ironho	rse, Tikrit, Iraq		2003/10/03	1700	
F	C LACT NAME EIDE	T NAME, MIDDLE NAME		6. SSN		7. GRADE/STATUS
L	6. LAST NAME, PINS	665/7				
		ADEOD AND		<u> </u>		
	8. ORGANIZATION U	igenee Battalion, 4th Me	echanized Infanta	v Division, Fort Ho	od, TX 76544	
- 1	104th Military Intell	igence Ballation, 9th 140		) D11121011, F	<u> </u>	
	9.	/				
- 1				_, WANT TO MAKE T	HE FOLLOWING STA	TEMENT UNDER OATH:
_ da	1/1/2		-			
	Compations in soid As	and 2003. I received at	n electronic mail	correspondence [he	reinafter referred to	o as e-mail] from a captain at
1	c-man, with subsequ	tion techniques that will	prove more succ	essful than current:	methods. I underst	and "wish list" to mean the
- 1	ngorial aviation	ow what other interroga	ation techniques	I might want to try i	f the techniques we	are authorized. I interpreted the
اہ	request to mean the					
102	was upset int	errogations were not mo	ore successful an	d the captain used th	ne phrase "the glove	es are coming off". I recall the
· .	e-mail also mention	ed techniques used in SE	ERE [Survival, E	vasion, Resistance,	and Escape   Schoo	I may be effective. I mentioned e Division Central Collection
t	the request for sugg					
722	Point (DCCP) [here	inafter referred to as the	e Cage], Forward	l Operating Base (F	OB) Ironnorse, 4th	Mechanized Infantry Division,
177	Tikrit, Iraq. I spok	e to		Officer in	Charge of Tactical	Human Interrigence Operations
I	(THOPS), 104th M	llitary Intelligence Batta	lion, 4 <u>ID, about</u>	the e-mail.	old me he had recei	Human Intelligence Operations yed the same e-mail. I asked her correspondences addressing
						her correspondences addressing who stated his
7	this e-mail sent to a	If the recipients of the pr	revious e-mail.	The first response w	as from	The second response
						nation. The second response
- 1	was from a major v	hose name I do not reca	all. The major o	bjected to	S suggestions on a	noral and ethical grounds. I uptain wanted all ideas-legal and on as a file called "Alternative
- 1	received no suggest	ions from my soldiers ar	nd complied a lis	Or my own ideas.	ter's Deskton scre	en as a file called "Alternative
						y of the files at any time. I
			A make seen me c		migrations so, moses	
		some of my soldiers may	mitting it Leubn	nitted my "wish list"	by the due date. w	
	know it is possible document to any of	my soldiers before subn	nitting it. I subn	nned my wish list	by the due date, w	soldiers who have attended
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272	know it is possible document to any of later, and have not Advanced Individual Ironhorse ICE has from my higher contraining, to be assisted AIT, and Cocupational Specimos-specific training training to be specific training.	my soldiers before subniheard anything about the il Training (AIT) for Hubeen undermanned with nmand and arrangment to the ICE in late A has been assigned to admalty (MOS) since. On sing, all of which have being, all of which have be	mitting it. I submeter wish lists" singular intelligence personnel necessinged for angust. In the positive positive positive personnel necessions, everal occasions, even denied. I first avantaged in a province of its personnel in the personnel	ce. I currently have Collection. For mary to conduct propons only and has no I have requested the requested operators such as	uch of the current of the interrogation open a Human line duty soldier for about practiced any of the supervisor erational interrogational interrogation in the inter	soldiers who have attended lepfoyment, however, the FOB erations. I requested personnel littgence (HUMINT) Collector bout 2 years. Since completion of the skills for his Military respectively. For experience in observing an When I felt
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DA FORM 2823, DEC 1998

MUST BE BE INDICATED.

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FIN .365 7e5 \_\_\_\_\_\_\_ b65 7e5 STATEMENT OF X665705 interrogation. Such the pseudonym "during the course of his interrogations for security reasons. I passed by the MP headquarters office a few minutes later and noticed to and standing outside. I asked what he was foing. The replied he was receiving approval for the interrogation. I told him interrogators do not need approval from Military Police soldiers (MPs) for their interrogations. The said he requested use of a detention room for his interrogation of Military Police soldiers (MPs) for their interrogations. The said he requested use of a detention room for his interrogation of Military Police soldiers (MPs) for their interrogations. The said he requested the Cage high-security holding area, I told Since interrogations usually occur in interrogation tents, or "booths," just outside the Cage high-security holding area, I told MP approval would be necessary for use of the room. The also said he had requested the presence of an MP for security during the interrogation. By doctrine, interrogations should always include the presence of an MP for security, but manning restrictions has not allowed for a guard to be present for most interrogations. I left and went back to my office. I man and interrogated for approximately 60 to 90 minutes. I walked to the DCCP high-security holding area later that and interrogating in the interrogating of the man man interrogation of the MPs, was present. I am not sure where was present, as the DCCP high-security holding area.

The provided of the MPs have not seen an interrogation before, was present, as the interrogation out of interest. I joined to assist in the interrogation, which went quietly and smoothly. I do not recall any additional contributions of the manning of the MPs have not seen an interrogation, which went quietly and smoothly. I do not recall any additional contributions the second of the manning of the manning of the mean of the interrogation, which went quietly and smoothly. I do not recall any additional contributions and the manning of the manning of the mann interrogation out of interest. I joined to assist in the interrogation, which went quietly and smoothly. I do not recall any additional significant details about the events of this day. The following morning, I received a telephone call from the at approximately open or 1000 hours and instructed me to suspend a saccess to detainees at the Cage. I asked why I should restrict a saccess are replied he would not discuss the matter over the telephone and asked me to come see him at the restrict as access. I work a saccess the matter over the telephone and asked me to come see him at the during interrogations. In a half-awake state, a explained asked him what had happened the previous night course of an interrogation. Since I did not have contact with the previous evening before. I did not tell me about course of an interrogation. Since I did not have contact with the previous evening before, the incident I do not believe intended to hide any information from me and have the impression course of an interrogation. Since I did not have contact with the previous evening before did not tell me about the incident. I do not believe intended to hide any information from me and have the impression was surprised incident. I do not doubted might have been scared, though. Was surprised soldier who has only recently been assigned as an interpreter for interrogations. Within an hour of my conversation with a soldier who has only recently been assigned as an interpreter for interrogations. Within an hour of my conversation with a lade on the third floor for a discreet conversation. Suplained under the lade of the had used and MP baton to hit is feet and buttocks during the course of the interrogation. I do not know when baton how his interrogation had gone that evening. Explained to do not know when baton had used and MP baton to hit is feet and buttocks during the course of the interrogation. I do not know when baton had used and to hough I assume the baton I see most MPs at the Cage carrying, which I describe as a "natural wood" color, about I- to 1.5-inches in diameter, and about 3- to 4-feet in length. The loaton also has a rubber ring embedded in a groove about 4 to 6" from one end. I restricted to administrative details immediately and put counseling in writing. I suppose the convention statutes. All refresher Geneva Convention training is conducted within the unit and, though there is no official requiremently how often to conduct training, my soldiers receive refresher training approximately once every 6 months. Geneva Convention training is very casy to conduct and much of it is "hip pocket" training, or training conducted by soldiers individually with manual; they would keep in their hip bockets. I do not like "coercive" interrogation techniques, as I have read several convention training as they have proven largely unreliable because the source will say anything to end the interrogation. I prefer to use mental and enotional techniques due their proven effectiveness in numerous studies. There is ¥665765 6647c4 6625 INITIALS OF PERSON MAKING STATEMENT <sub>ያ</sub>ቸoF PAGES PAGE

9. STATEMENT (Continued)	6657c5	TAKEN AT	DATED 2003/10/03
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# Alternative Interrogation Techniques (Wish List) 4<sup>Th</sup> Infantry Division, ICE.

Open Hand Strikes (face and midsection) (no distance greater than 24 inches)

Fairly self-explanatory.

# Pressure Point Manipulation

Manipulation of specific points on the human body can cause acute temporary pain but cause no long term effects or damage.

## Close Quarter Confinement

Confinement of subject in extremely close quarters. Discomfort induces compliance and cooperation.

## White Noise Exposure

Overexposure of subject to noise found to be meaningless and many times monotonous to subject. Often used in conjunction with Sleep Deprivation.

## Sleep Deprivation

An initial period of total deprivation (usually 12 to 24 hours) followed by regular and irregular sleep patterns over several days.

### Stimulus Deprivation

The human mind requires stimulation, however small, to maintain resistance to suggestion, mental and emotional manipulation and self will. Subject is deprived of this stimulation for 12 to 24 hours during initial stages. Effects on subject's resistance are monitored with short intense interrogations (15-60 minutes at most). Subject's resistance will usually rapidly decay after 36 to 48 hours. This technique requires no physical pressure to be applied. However, subject must be carefully monitored.

\*There are a number of "coercive" techniques that may be employed that cause no permanent harm to the subject. These techniques, however, often call for medical personnel to be on call for unforeseen complications. They include but are not limited to the following:

Phone Book Strikes Low Voltage Electrocution Closed-Fist Strikes Muscle Fatigue Inducement

EXHIBIT D

From:

Sent:

To: Subject:

62-2 Monday, August 18, 2003 2:16 AM

RE: Taskers



Alternative interrogation Tech..

The attached document is the 4th Infantry Division's ICE suggestions if alternative interrogation techniques are authorized. All techniques not listed as "coercive" cause no lasting effects on the subject.

I apologize for tardiness, but my SIPRNET has been down for the last few

365-7c5

TF IH CCP, Tikrit, IZ

--O<u>riginal Message</u>--

Thursday, August 14, 2003 3:51 AM

562

ubject: FW: Taskers

Sounds crazy, but we're just passing this on.

----Original Message From:

b6-2

[mailto

Sent: Thursday, August 14, 2003 1:51 AM

To:

Subject: Taskers

ALCON

Just wanted to make sure we are all clear on the taskers at hand

1- A list identifying individuals who we have in detention that fall

the category of "unlawful combatants" I've included a definition form the

SJA folks:

In order to properly address your request for a legal definition of the term "unlawful combatant," I must first provide you with a framework

of definitions with which to work. According to the Law of Land Warfare,

the term "combatant" is defined as anyone engaging in hostilities in an armed conflict on behalf of a party to the conflict. Combatants are

EXHIBIT E

lawful targets, unless out of combat. With that said, "lawful combatants" receive protections of the Geneva Conventions and gain combat

immunity for their warlike acts, as well as become prisoners of war if captured. In comparison, "unprivileged belligerents," commonly referred

to as "unlawful combatants," may be treated as criminals under the domestic law of the captor. Unprivileged belligerents may include spies,

saboteurs, or civilians who are participating in the hostilities. The term "unlawful combatant" is not referenced, nor is it defined. The term

that properly described these type of individuals is "unprivileged belligerents," and as stated before they may be treated as criminals under

domestic law.

445,600

1. M. C. T. 1.

As far as an ROE that addresses the treatment of enemy combatants, specifically, unprivileged belligerents, we are unaware of any but we will

continue to research the issue for you. I hope this information has been helpful.

- 2- An additional list identifying who we have detained who are "Islamic extremist"
- 3- Immediately seek input from interrogation elements (Division/Corps) concerning what their special interrogation knowledge base is and more

importantly, what techniques would they feel would be effective techniques

that SJA could review (basically provide a list).

Provide interrogation techniques "wish list" by 17 AUG 03.

The gloves are coming off gentleman regarding these detainees, has

made it clear that we want these individuals broken. Casualties are mounting

and we need to start gathering info to help protect our fellow soldiers from

any further attacks. I thank you for your hard work and your dedication.

MI ALWAYS OUT FRONT!

V/r

662

2

	N STATEMENT	annow in Onceons	
For use of this form, see AR 1: LOCATION	DATE	TIME	FILE NUMBER
DCCP, FOB Ironhorse, Tikrit, Iraq	01 October 2003	1430 hours	
AST NAME, FIRST NAME, MIDDLE NAME  644/764	SOCIAL SECURITY I	NUMBER	GRADE/STATUS
ORGANIZATION OF ADDRESS			
			···· -··· ···
I,	, WANT TO MAKE	THE FOLLOWING :	STATEMENT UNDER OATH:
During the evening hours on approximately 23 or 24 Sepinterview. This was my fourth interview during my detentiquestioned for approximately 15 to 20 minutes by an Americanside for approximately 15 to 20 minutes by an American model of the provided of the soldier Affiant He was accompanied by two of "white skin" and "not too tall or short" [Affiant indicated a fatigue pants and a brown tee-shirt; a large tattoo on his up this was likely the soldier Affiant meant], and an interprete when he spoke. The Tall American led me inside the intera nightshirt], my sandals, handcuffs, and ankle shackles. Tany hands behind my head, my feet planted several feet from the Tall American was in control and was very angry. The killed Americans. The Egyptian Interpreter was also very anything about any weapons. The Tall American had in his 3 feet in length and I inch in diameter. When I did not give baton on my lower back and buttocks "about 10 times". The skin. I do not know how long I was in that position. The Ton a chair. I did as I was told and the Tall American quest Americans. I said I did not know anything about it. When baton "almost 15 times". Again, the baton hurt me, though long I was in that position. During the entire interview, the nothing, and did nothing but observe. I have had no proble evening hours of about 2 or 3 days ago [Affiant indicated 2 another interview. During the interview, the Egyptian Interpreter was questioning me. I cannot recall any details about his ag [Affiant indicated Booth 2], the Egyptian Interpreter moved Egyptian Interpreter ordered me to get on my knees, put my the tent, during which the Egyptian Interpreter yelled at me what kind of weapons I had. I said I did not know anything Egyptian Interpreter and the Unidentified American Interview the interpreter was in control during the course of this intervier asked questions only once in a while. I was in the first tent minutes. There was no MP guard or anyone else present in a man dressed in yellow in the 'Invenile detention cell']. A Unident	ion at this facility. I vican soldier whom I defer soldiers, a Militar soldier outside approper left arm was export whom I describe as view room. I was were the Tall American mann the wall, such that real thanks a yellow wood ethe answer the Tall American then to a soldier whom I describe at the total American then to a soldier whom I describe a the total American then to a soldier was perfect and the total American did it did not leave any be Military Police officens with him before considered was present agreement of the total and sked me who we had a soldier was present agreement of the total of about 10 military and asked me who we had I crawled around the twee moved me to the the table. I told the Edd I could not go around going and hit me on two been an orange-color, as he did all the year to the tent, though there a total of about 10 military pen sores, which are constained in the first-mayen sores, which are sustained in the first-mayen sores, which are the total of about 10 military pen sores, which are sustained in the first-mayen sores, which are the tent, though there are the tent of the told in the first-mayen sores, which are the sustained in the first-mayer difficult. In the content was pen sores of the told in the tent, though there are the told in the first-mayer difficult. In the content was pen sores of the p	vas taken to an in escribe as a tall, so a tall, so police (MP) of climately 5'7" to 5 sed. Though they darker skinned an aring a dishdashate me stand with my body was posited at me, asking at I said I was not len MP baton I de American wanted gh it did not leaved my alleged involved in the like my respresses or break if a state of the table about 10 other tent (Affian and move aronas shooting American the table about 10 other tent (Affian and move aronas shooting American my lower blored juice. It appliant Interprete and the table anymore on my lower blored juice. It applies to the table and in the semanterview did the attentioned interview did the attentioned in the second in the sec	terview room, where I was skinny male with a light facisificer whom I describe as 5'9" tall, wearing military e were other soldiers present dhaving an Egyptian accent [an Arab garment much like my forehead against the waltioned at a 45-degree angle, if I was the person who had at involved and did not know escribe as approximately 2 to to hear, he hit me with the e any bruises or break the on my back with my legs upvement in an attack against sonse, he hit my feet with the skin. I do not know how mer of the room, said interview was during the ed from my detention cell for a different American who as soon as I entered the tent g my interviews. The und the table in the middle or indicated Booth 3]. There er and the Unidentified ore. When I told the back with a water bottle. The peared to me the Egyptian intified American Interviewer second for a total of about 15 a witness. [Affiant indicated Egyptian Interpreter or the As a result of crawling on I have not been given the wid not produce any and interview are confined to y left knee has 2 open wound I have had, I have not been further to add to this
EXHIBIT . INTITALS C	N PENSONAMINANINA ST	E LEIAIGIA I	PAGE 1 OF $2$ PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATE	MENT OF TAKEN	AT DATED	CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE IT AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF	VITIALS OF THE PERSON S ARE UTILIZED, THE BA	N MAKING THE ST ACK OF PAGE 1 W	'ATEMENT AND BE INITIALED

DA FORM 2823, JUL 72

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

USAPPC V2.00

		STATEMENT			7
	For use of this form, see AR 190			Course succession	╣.
	LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	01 October 2003	ME 1750 hours	FILE NUMBER	
	LAST NAME, FIRST NAME, MIDDLE NAME 665/765	SOCIAL SECURITY NUM	MBER 665/75	GRADE/STATUS	
;	ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence Battalion, Fort Hoo	d. Texas 76544	, ,,,,,,		
;	D65-7c5	·	1 664/764		_
	On 23 September 2003, I interrogated	L., WANT TO MAKE TH	E FOLLOWING ST	ATEMENT UNDER OATH: (DCCP) Detained	4/704
	[hereinafter referred to as [1]. I interrogated 4th Mechanized Infants Division (4ID) Tikrit, Iraq. This in	at the DUCP at	Forward Operat	ing Base (PUB) frommorse,	i
	believe was account or events, and tell the truth about his invol has taught me how to identify when a Source, the person being	is interrogations,	did not "b	preak", meaning he did not	1
	has taught me how to identify when a Source, the person being probability was lying to me, so I intended to pre-	ng interrogated, is lying	g to me. I could	tell with about an 80%	64,
/	probability was lying to me, so I intended to pre hereinafter referred to as ratted him out, meaning bragged about killing American soldiers.	told his interrogat	ors sed explosive de	was lying and had secretly vices (IEDs), though I	764
•	believe is innocent. My intent during this interrogation was superiors are. Interrogation training teaches application of for	is to "put pressure on 🖁		to learn who	364
	detainee because if enough force is used, the detainee will ad with a technique I normally do not use. In the	mit to anything. I inter	nded to use a "Fo	ear-Up (Harsh)" approach	7 <b>e</b> 4
	verbal language-such as offensive language-and body language interrogator cannot use physical violence, though forcible has	ge-such as slamming a f adling or "manhandling	fist on a table-to	obtain a confession. The We are trained to "walk	
	the line" of legality and to recognize there are plenty of techn Convention statutes. I saw an e-mail in mid- to late August 2	niques not taught in the 2003 from [V] Corps di	classroom still v	vithin limits of the Geneval	
	e-mail explained American solders were being killed and "we	need to start saving li	ves". L'helieue t	he e-mail used the phrase,	-66
_	and was not an official policy or order. When the e-mail had	I first come out, I asked	(C)E))/		- 66-
>	DCCP, FOB fronhorse, 41D said this meant we we scars. Implied rough handling and stressful position.	ere not allowed to injure s. said they m	e detainces such ay do something	that they had bruises of like "punch (the detainee)	-965
	through a phonebook. The phonebook would be used to spr much. I understood meant hitting the detainee in the	chest or stomach, but	not the face.	asked me if I was	7
	"up to it" and if I could "handle it". I said I could, though I coming up with ideas for what "the gloves need to come off"	might mean. The list	was not intended	to become policy, but was	;
	a means of brainstorming other means of extracting informaticateful not to leave bruises or scars. I work with several Miles of the Market of	litary Police (MP) soldi	iers at the DCCF	o including/	64
	DCCP, 4th MP Brigade, 4ID. I approache some detainees have been making knives recently. I said to explained about the e-mail I had seen and said the people wor	"I have an id	ea. We have to	start saving lives. I	
	I said, "[The detainees] are criminals and they have the same	e rights as us."	agreed. I sai	d I intended to beat	
	feet during the interrogation.  I would take responsibility for mine. We agreed we would k	eep the interrogation "c	discreet" and I w	ould tell only griv	1
	104th MI Bn. 4ID. I decided I would tell of what had happened.	only at	fter the fact and	only to keen them informed	1 705
	When and I approached about the interrogal forceful with approached gave approval, thous	tion, we explained about I do not believe	ut the e-mail and the conve	anar we wanted to be ersation with the idea we	
	intended to hit The interlogation occurred in the my interpreter Tchose	e evening hours of 23.8 can soldier of	eptember at abou	nt 1700 or 1800 hours. Fo	66
۱	because	I felt he was "suitable ion room, which was	rane ==ear-U cell	Jp (Harsh)" approach.  I chose this room	FES
4	because it had solid walls which would make many "stress p cause discomfort and fatigue. I was was wearing a dis	ositions" easier. A "st. hdasha [an Arab garme	ent much like a n	ughtshirt], sandals,	)
	handcuffs, and ankle shackles I asked for for about 1 inch in diameter, and beige or yellow in color.	atrol stick", a wooden it gave me	MP baton approx ol stick without	imately 2 to 3 feet long, word and without question. 64/764	
	EXHIBIT INITIALS OF	PERSON MAKING STAT	5/25 PA	GE 1 OF 2 PAGES	
	ADDITIONAL PAGES MUSTICONTAIN THE HEADING "STATEM THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INF	TIALS OF THE PERSON N	MAKING THE STA	TEMENT AND BE INITIALED	
	AS "PAGEOFPAGES." WHEN ADDITIONAL PAGES A STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF A	ARE UTILIZED, THE BACK	K OF PAGE 1 WILI	L BE LINED OUT, AND THE	<u>]</u> .
	DA FORM 2823, JUL 72 SUPERSEDES DA FORM 28:	23, 1 JAN 68, WHICH W	ILL BE USED.	USAPPC V2.0	0

1665/705

EXHIBIT. G

	SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS						
	LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	j Dz	ATE 1 October 2003	TIME 1600 hours	FILE NUMBER		
<i>:</i> -	LAST NAME, FIRST NAME, MIDDLE NAME		OCIAL SECURITY	NUMBER	GRADE/STATUS		
	ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence B		Гехаs 76544		B64/7c4		
				65/7c5			
Suspensión de Seguina	l,		WANT TO MAKE		TATEMENT UNDER OATH:		
1/11/201	At approximately 1500 hours on 23 or 24 (ICE), 104th Military Intelligence Battalor an interrogation of Detained	on (MI Bn), 4th Mecha	mzed infantry D	ivision (41D), ask	ogation Control Element ed the to interpret for the on		
064/164	veterided to "five it up a potch" with		411/	ac "full of chit" an	d that buddy		
	had "ratted him out", meaning the buddy h	had told interrogators: [arsh]" interrogation te	was consique. I do no	oragging he had k of remember if	had said whether he		
D65/765/X	told me. wanted to use the "Fear-Un (Hawould hat would hat a Military Police	ce (MP) soldiër assign	ed to the Division	n Central Collectio	m Point (DCCr), and		
	had requested to sit in on the inte	terrogation, as 🦱 had i	never witnessed a	an interrogation be	fore.		
364/764	and I went to the during the conversation, as my attention w	vas distracted, though	I believe they we	re getting permiss	ion to use the cell of Ze		
	Detained hereinafter referred to as "booths", outside the DCCP holding area.	as the location fo	or the interrogation and I went into	cell, the sec	cond cell on the right as you		
ob5/765	"booths", outside the DCCP holding area, enter the 'high security' compound of the baton, or "control stick", in hands. I d	do notimow when he d	ontsmen the nato	יש ביינות מ	a not object of say anymms. 1 🔑		
664/764	[Affiant obtained a baton to demonstrate we diameter, and yellow or beige in color.]	was weari	ng a dishdasha la to lie on	in Arab garment n i the ground on his	back and put his legs up on		
165/765	2 chairs set up facing each other.	feet hung over	the edge of the clenades. Where	hair. During the i	eapons used to kill		
b65/765>	Americans, and who the leaders of his gro	oup were. I translated ratted him out" and if	for and war	mimicked ted to see	angry demeanor.  ly again would tell > 6		
664/24	what wanted to know feet on the soles of too hard, and hit	maintained w	vas innocent and swing the bat	was taken from hi on with one hand,	s house. hit feet "not		
	too hard", and hit was "sitting in the corn	t 30 times. Each time	hit	position I sugge	groaned in pain. During		
165 -	handeitts and ity a stress i	DOSHIDAE AVAIDSUUG W	MIII. AL BUIGGS DO	Jaiuon 19 a douy i	JUSTICION designed to oddeo		
٠	discomfort and fatigue. This was the fixet off. handcuffs. Occasionally	v an interrogator will	take off a detains	ee's handcufts and	/or ankle shackles. After 1 🛵		
664	took off handcuffs few feet from the wall, arms spread out to	s, I told	stand with his f	orehead against th	e wall, his feet together a		
565	from the floor. continued to que not receive the response he wanted, he hit	stion about	ut involvemen	it attacking Am	ericans. When		
	4 times, during which	on the bu	ittocks with the trised hit	oaton. Bu	did not want to get in		
111	4 times, during which groaned semeone else's business, so I said nothing think any of the other detainess heard anything	do not know	reaction, a	as he sat off to the	28 or 29 September 2003		
603							
b64	I tent to be kneed with the bands behind his	ok into Bo s head. I remembered	i anomer mienov	ator wome insult	to crawl around the		
001	remember he was named "; he is no	o longer assigned to the	e 4HD ICE and U	do not remember	full name. d the table about 6 to 10		
165	times. asked question	about	involvement in a	attacking America	as which I interpreted.		
337	Since is not a very loud person, I invenile detainees might see the interrogation	translated much loude	r than ha m Booth 2l to Boo	oth 3 to move out	of sight. Once inside Booth		
	iold-	continue to craw <u>i arour</u>	<u>ար</u> ը թարել 1 ա	HOU TETHICIPATED HON	etimes would try		
_	crawled around the tent this time. I conting to rest his buttocks against ankles, say	"couldn't go th	translating and anymore and	was "tired". On o	C. U.S. Transport		
L14	prodded with my water bottle	on his backside and to	old him, "gat mo	ving" At no time	e did I strike		
b64	EXHIBIT	INITIALS OF PE	RSON MAKING S	TATEMENT	AGE 1 OF 2 PAGES		
	ADDITIONAL PAGES MUST CONTAIN THE	E HEADING "STATEMEN	VI OF TAKE	N AT DATED.	CONTINUED."		
	THE BOTTOM OF EACH ADDITIONAL PAGE I AS "PAGEOF PAGES." WHEN A	MUST REAR THE INITIA	uls of the Perso	ON MAKING THE ST	ATEMENT AND BE INITIALED		
	STATEMENT WILL BE CONCLUDED ON THE	REVERSE SIDE OF ANO	THER COPY OF T	HIS FORM.			
	DA FORM 2823, JUL 72 SUPERS	SEDES DA FORM 2823	1 JAN 68, WHIC	H WILL BE USED.	USAPPC V2.00		
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	T T		565/165				
	EXHIBIT J		·		6632		

	SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS								
	LOCATION	i or use of th	is ioini, see AR 190	DATE	gency is ODCSOP I TIME	FILE NUMBER			
:	DCCP, FOB Ironh	orse, Tikrit, Iraq		02 October 2003	1740 hours	FICE NOWINER			
· , •	·	NAME_MIDDLE NAME		SOCIAL SECURITY					
		- h/a	4704 -	COCIAL SECONTT	NO MERCIN	BRADE/STATUS			
	ORGANIZATION OR		1 16 1		e green				
· ·	4th Military Police	Company, 4th Mechani	zed Infantry Divis	ion Fort Hood TX	76544				
	741 17111WH J 1 01100	Company, -tor incomin	200 Intality Divis	101, 101111000, 12	. 70544				
ि अस्ति । इस्	I,			, WANT TO MAKE	THE FOLLOWING	STATEMENT UNDER OATH:			
	Sometime last week	[21 to 27 September 20	003] at about 1500	or 1530 hours, I w	as approached b	y two of the soldiers from the			
	CI [Counterintellige	ence, hereinafter referre	d to as CIJ elemen	nt here at the Division	on Central Colle	ction Point (DCCP), Forward			
14 - 14 - 14 - 14 - 14 - 14 - 14 - 14 -	Operating Base (FC	B) fronhorse, 4th Mech	anized Infantry D	ivision (4ID), Tikri	t, Iraq. I do not	know the members of this ur			
	well and since they	do not wear nametags o	n their uniforms,	I do not know their	names well. I d	o know the CI guys are 36			
ō5	interrogators and in	terpreters. I describe o	describe the	male with black ha	ir. I believe he	is Serbian,			
0,5	inches tall often we	earing dark ganglasses	describe the	the name	nodie Easiem-R	ooking male, about 5 foot 10 d me had received an e "soup up" interrogations.			
	informal request fro	om "higher" meaning hi	is higher beadonar	ters or higher comp	and elements t	a "soup up" interrogations			
A THE PARTY OF THE	wanted to	interrogate a particular (	detainee Thereinaft	er referred to as De	taineel and wan	ted to have an MP [Military			
265	Police soldier pres	ent. did not sp	ecify which MP h	e wanted present. I	was not sure wi	nat meant by "souph			
	up" interrogations,	though I did not see any	problem. I unde	rstood mea	nt "stressful pos	itions". I do nor know any			
سر د	other time when an	MP was present for an	interrogation. I to	old would	have to ask the	itions". I do nor know any			
65 -		for permis	sion to use the roo	om and be present for	or the interrogati	on.			
	went to their compa	ny operations center wh	ere they spoke wi	th their commander	, a soldier they r	eferred to as Since I			
./	was not present, I d	o not know the subject of	on their conversati	on. I walked towar	o my neadquarte	rs building and met			
65	about?"	wanted to	oup up incir mici	of interrogating de	asked me. wha	t exactly are we talking			
	"stress on the detair	wanted to	ell of von grave ac	or microganing act	I told	wanted to put more			
165	what had bappened	requested a re	nom in the DCCP	opi iesponstonity. bolding area instea	d of an internal	wanted to put more would tell her later that day ation tent, or "booth", as			
	interrogators norma	lly would. I am not sur	e why	anted that room. Il	e room	requested is the room my			
65	unit, 4th Platoon, 4	th MP Company, 4ID, c	alls the "U.S. Sol	dier Room" because	American soldi	requested is the room my ers stay in the room on			
ره	occasion. Since a d	letainee [hereinafter refe	rred to as Detaine	e occupied that r	oom, I moved D	etainee to the "temporary			
	holding" cell. The	U.S. Soldier Room cont	ained metal fold	ling chairs and bedd	ing for Detainee	I have worked at the			
	DCCP for only 21 of	lays [as of date statemer	it given] and, thou	igh I deal with the p	risoners daily, I	do not know them by name of			
	number, but only as	"the guy in the white re	obe" or similar ph	ysical description.	i went to get De	tainee, as per			
	request. Detamee v	vas wearing what I call a	a "man dress" [dis	hdasha, a traditiona	l Arab garment	much like a night shirt],			
112.	thancofter	is on his ankies and wri	sis.	went into	the room mrst, I	I brought Detainee shortly tails of the interrogation, as I			
DON -	walked out of the ro	oom 6 to 8 times to feed	other detainees ar	incuracity. Tuo noi id was only present	for about 50% o	tails of the interrogation, as I f the interrogation. As I have			
•	never witnessed an	interrogation before. I d	id not know what	to expect or what w	as occurring. It	appeared to me was			
1100	in control and askin	g the questions, which	translate	d into Arabic.	asked	appeared to me was was was what knew about RPG			
b65	[rocket-propelled gr	enades] and how to fire	them. Detainee s	tood against the eas	t wall of the roo	m at the start of the			
·	interrogation. I rec	all 🌑 was in this positio	n for about 10 to	15 minutes. At this	time, I stood ag	ainst the north wall of the			
b64	room. Helt the roo	m and when I returned,	Detainee was layi	ing on his back. De	tainee's legs we	re still shackled and were			
DOL	resting on the seats	of the 2 chairs that had	been in the room.	Detainee may have	had his hands it	I HIC AIT ACCITC HIS CHOOL			
	paced the r	oom as he yelled at Det	ainee;	noved around, thoug	th not as much a	s did. held			
h63	an MP not baton	in his nanos. [Amiant d	emonstrated a yell	low or beige woode;	n baton approxin	nately 3 feet long and econd or third time I entered			
•	approximately 1 mc	loon bow	med the betor, the	iau the batons are	often found lean	ing against the wall in the			
-	archway of the dete	ntion area. Lastrine	nicked up the	he baton on 🕮 oum	Thelieve	intended to use the baton			
	as some sort of "MI	[Military Intelligence]	scare tactic" Rio	t batons are controll	ed items and	are required to have one			
	I with them while esc	orting prisoners. Since	many of them hav	re been broken recer	nt}v. no one in π	iv unit would give up our			
	weapon of force.	twirled the bator	around and point	ed at Detainee with	the baton. I left	the room again and when I			
16	returned. Detainee	stolod against the east wa	II. In every subse	equent time I re-ente	red the room, I	stood on the south wall.			
b)	asked me	to unlock Detainee's the	ackles Which I die	d without ouestion.	as it is not an un	usual request. I unshackled			
65 rd	one of Detainee's w	rists told Deta	ainee to stand with	his arms out to the	sides, parallel to	o the floor. I left the room			
. /	again. When I re-en	ntered the poom, Defaire	ee was in the same	e position, but this t	ime his knees we	ere bent. It appeared to me			
	had ordere	d Detained to stand/that	way. Detainee wa	as in this position fo	r about 15 to 20	minutes, though I cannot be			
		\/\ <b>/</b>	1565						
	EXHIBIT	X,レン	INITIALS OF	PERSON MAKING ST		2 1000			
		865		- 56	استسدد	PAGE 1 OF PAGES			
	ADDITIONAL PAGE	ES MUST CONTAIN THE F	HEADING "STATEM	ENT OFTAKEN	AT DATED	CONTINUED."			
•						TATEMENT AND BE INITIALED			
	AS "PAGEOF_	PAGES." WHEN ADI	DITIONAL PAGES A	RE UTILIZED, THE BA	ICK OF PAGE 1 V	VILL BE LINED OUT, AND THE			
		CONCLUDED ON THE RE	VERSE SIDE OF AN	IOTHER COPY OF TH	IS FORM.	•			
	DA FORM 2823,				WILL BE USED.	USAPPC V2.0			

EXHIBIT L

Interrogator wanted to see. Interrogator said he had authorization from his commander to be more forceful in an interrogation though still staying within regulations. I had the impression finerrogator intended to use intimidation factics" more than actual application of force. I told Interrogator I would need to see the commander's authorization in writing. Interrogator assured me he would show me the authorization in writing. Since finerrogator wanted to conduct the interrogation assured me he would show me the authorization in writing. Since finerrogator wanted to conduct the interrogation assured me he would show me the authorization in writing. Since finerrogator wanted to conduct he interrogation to use one of the detainer rooms for the interrogation instead of the interrogation. Once the conversation was completed, and also use the room for the interrogation. Once the conversation was completed. Interpretation to the interrogation to use a room for an interrogation was completed. I trust a subject to the interrogation after the interrogation was completed. I trust a subject to the interrogation after the interrogation was completed. I trust a subject to the interrogation after the interrogation was completed. I trust a subject to the time. Some time later that evening, I walked down to the DCCP high-priority detainer holding area, an area I call, "Cell Block A.". I heard a great deal of yelling coming from one of the detainer was being interrogation and the interrogation was taking place. I do not know how long the interrogation was taking place. I do not know how long the "uncompositions" of the subject is a position of degradation, as it is a position was taking place. I do not know why this position was several feet from the wall, such that Detainee is body was at an angle of approximately 60 degrees from the floor, explained Detainee's forchead against the wall with his feet "uncompositions". The first position of degradation, as it is a position of programments of the control of the programment of th		SWORN STATEMENT							
DCCP, FOB Incohores, Tikern, Iraq  DCCP, FOB Incohores, Tikern, Iraq  SIGAL SCHIPT HUMBER  SIGAL SCHIPT HUMBER  SIGAL SCHIPT HUMBER  BEAGATING OR HUMBERS  WANT TO MAKE THE FOLDWING STATEMEN HUMBER  AND A approximately 1300 on an afternoon early last week [21 to 24 September 2003].  At approximately 1300 on an afternoon early last week [21 to 24 September 2003].  At approximately 1300 on an afternoon early last week [21 to 24 September 2003].  Mechanized Infantry Division (44D), of which I am the Platoon Leader. Two other individuals accompanied recognized them, as I have seen them working at the Division Central Collection Point (50 CCP) where I work. I identify one as a young looking, 5-foot 9-inch or 5-foot 10-inch Micdle Eastern-looking made who respect believes may be ugely under the interrogator in the property of the program of the property of the program of			For use of	<del></del>			) CHE NUMPER		
STREAM ROTT ALLES AND ADDRESS			t Trao				LITE MOMINEU		
Desanzation of additions.  deb Military Police Company. An Mechanized Infantry Division, Fort Hood, TX 76544  As approximately 1300 on an afternoon early last week [21 to 24 September 2003].  Mechanized Infantry Division (40D), of which I am the Plascon Leader. Two deth Military Police (MP) Colpapay, 4th Mechanized Infantry Division (4DD), of which I am the Plascon Leader. Two detrinative was a programment of the programment of		· · ·	, 11 0.4				CDARCISTATUS		
Signaturation or agrees to the Military Police Company. Ath Mechanized Infantry Division, Fort Bood, TX 76544  1		LAST NAME, FIRST NAME, MIDDLE NAME	15/2/	30	JIAC SECONT I NOMBE		BIAULISTATUS		
th Military Police Company. In Mechanized Infantry Division, Fort Hood, TX 76544  At approximately 1300 on an afternoon early last week [21 to 24 September 2003], Many TOMAR THE FOLLOWING SYSTEMBRY WHOLE ALTER AND			1,103						
At approximately 1300 on an afternoon early last week (21 to 24 September 2003), and the standard of the company of the standard provided and the standard provided provided		Ath Military Police Company	4th Mechanized	Infantry Division	Fort Hood T	X 76544			
At approximately 1300 on an afternoon early last week [21 to 24 September 2003], Mechanized Infantry Division (4D,0) of which I am the Platoon Leader. Two other individuals accompanied in approached me, as I have seen them working at the Division Central Collection Print (DCCP) where two. I I I interest the program of the Division Central Collection Print (DCCP) where two. I I identify one as a young-looking, 3-foct 9 inch or 5-foot 10-inch Middle Eastern-looking male who responds to the name control of the print of the		4th Minary Tones Company	7.41.11.100.141.12.00		-,, -		4	111	
At approximately 1300 on an afternoon early last week (21 to 24 September 2003), 8. Many Company, 4th Mechanized Infantry Division (4D), of which i am the Platon Leader. Two other individuals accompanied incognized them, as I have seen them working at the Division Central Collection Proit (DCCP) where two I tidentify one as a young-looking, 5-foot 9-inch or 5-foot 10 mch Middle Eastern-looking male who responds to the name as young-looking, 5-foot 9-inch or 5-foot 10 mch Middle Eastern-looking male who responds to the name incompanied them there as a tall. It is made with dark hair. It is made the them there is a special to the them the them there is a special to the them the them there is a special to the them the them there is the them the them the them the them them						<del></del>		ده.ه	
Mechanized Infantry Division (4ID), of which I am the Platon Leader. Two other individuals accompanied in recognized them, as I have seen them working at the Division Central Collection Point (DCCP) where I work I identify one as a young-looking, 35-foot 9-inch or 5-foot 10-inch Middle Eastern-looking made who responds to the name as a geals of the property of the	_	J						1	
quite clear because they are based in common sense rules of humanity. My unit also has Rules of Engagement, to which we are directed to adhere. My soldiers are given Geneva Convention refresher training at least once per week, even if it is just a quick checklist for about 5 minutes before going on guard shift. My unit has other regulations on file, which govern treatment of prisoners. My unit also has an order signed by the 4ID Commanding General Major General Ray Odierno and the 4ID  EXHIBIT    ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUEO."  THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE	4-4	recognized them, as I have se as a young-looking, 5-foot 9-in a speaks fluent Arabi identify the other as a tall interrogator) wanted to interrogator wanted to see. In though still staying within regactual application of force. I assured me he would show me day, I did not see the authorize one of the detainee rooms for interrogator, and stayed back and confided to me had asked permission to use a so stay in the room about the interrogation after the understand had to let most of the time. Some time call, "Cell Block A". I heard in the room said interrogation lasted, though I lot of yelling, Detainee was in "uncomfortable positions". To several feet from the wall, suc explained Detainee's arms we Detainee was laying on his bachosen, though I have reasone remember the third position was pushing Detaine boundaries. On 30 September the DCCP and told me an investigation. In answer this, as I have not known about assignment only recent operations has come from reactions bas come from reactions has come from reactions by minarily from on-the-	en them working inch or 5-foot 10-c, smokes cigaret male with ogate one of the chan their assigned the interrogator said hulations. I had titted Interrogator attention memorando the interrogation to use the authorization memorando the interrogation where the had "a bad room for an inteduring the entire during the entire vave the room on later that evening a great deal of y me and explain where the some uncomfort he first position on the first position of the	at the Division Co-inch Middle East ttes, and often we dark hair. Item detainees hereina idetainees hereina is the impression Into I would need to in in writing. Sin impression Into I would need to in in writing. Sin impression instead of the into instead of the interrogation instead interrogation instead interrogation to east of the impression instead interrogation instead interrogation instead interrogation instead interrogation instead interrogation to east of the interrogation instead in the industrial in the investigation and though I believed in the investigation any mistreatmen we in meaning he in the investigation any mistreatmen we in the DCCP fall in the DCCP fall in the DCCP fall in the investigation and the DCCP fall in the DCCP fall in the investigation and the i	central Collecticern-looking master referred to general collection are gold wire general told me the first referred to general confrom his conferrogator intendesee the commander interrogation occurrence and a booth, and the course to the DCCP him one of the degree explainterrogation was to the floor. In some of a position to the floor. In some of the floor. In some of the seats of 2 so it is a position to the floor. 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I in the room as, an area I he MPs, sing interrogated ow long the difference was a ted a few of the his feet or. escribed, position was a cannot interrogator or epped any legal y, 4ID, visited the nature of the prised to hear stigation. Though changed my g and detainee in Leader, vention statutes	
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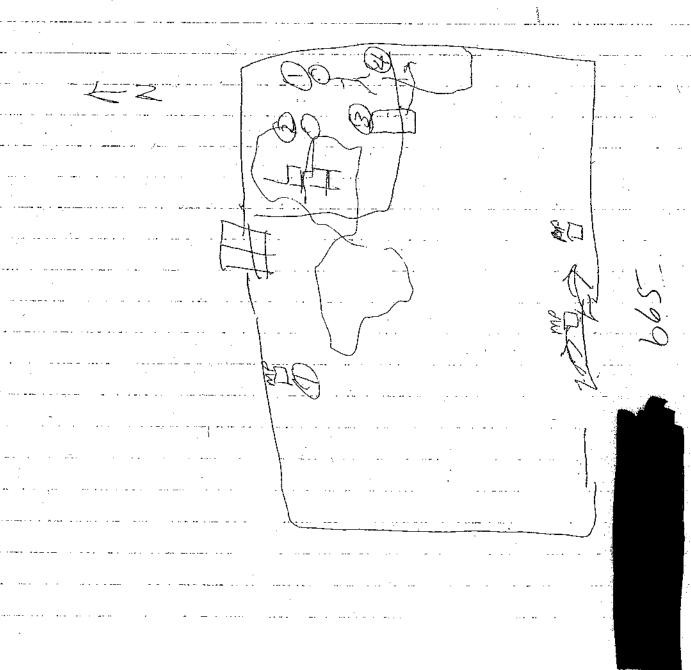
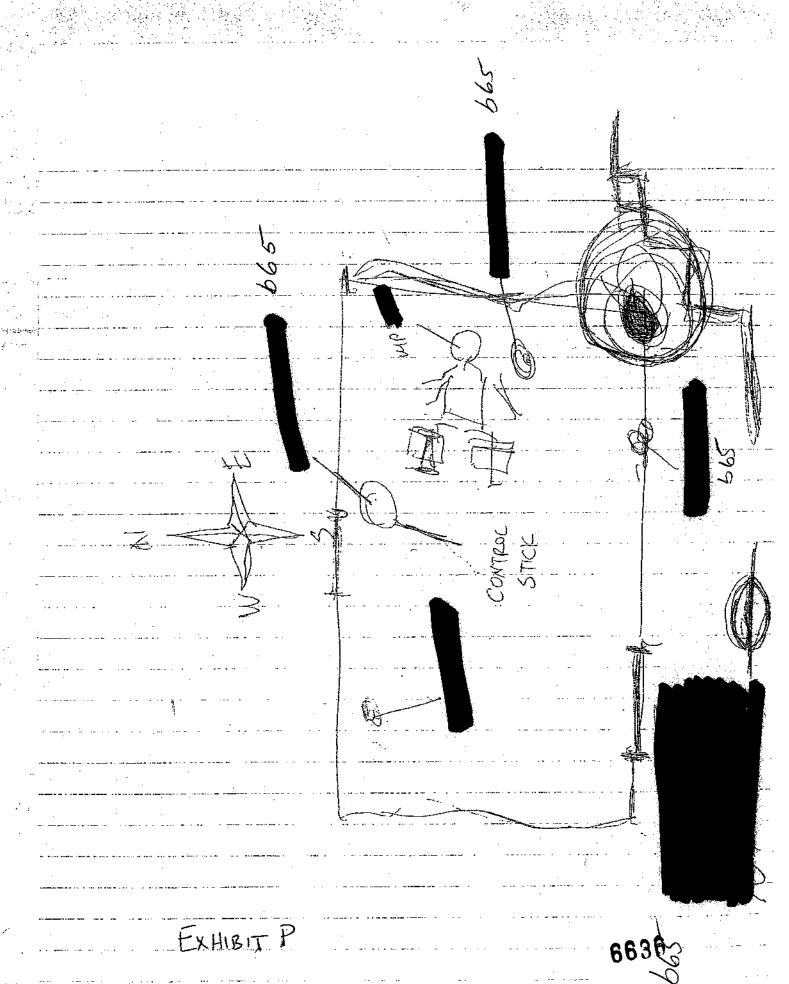


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	7 564		, WANT TO MAKE	THE FOLLOWING	TATEMENT UNDER O	ATV
At approximately 19:	30 hours, 23 September	r 2003, at the FO	B Ironhorse Dimir	ig Facility.		1049
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to DMAIN to see me	3: IVS CATHEST INCORVE	mience " at c <del>o</del> n	roximately 1030 b	iours, 24 Septemb	er 2003 (	CAMO !
to see the and I hade	him aware of	heliavior acces	s during our conv table and if it was	ersation the previous	ous evening. I then i	
actived me t	hat sbess bess	avior was cut of	lice and that ever	y 97E (luierrogato	r) was provided mor	T LESTE
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some type of correcti	ve training correspondi	ng to the inciden	i, and to ensure	did re	ensore de magremen A have recess to del	Ruyess.
Since that time, I have	e reviewed the counseling	ing statement pre	pared by	and the com	selving should be con	epteren d
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## DEVELOPMENTAL COUNSELING FORM

For use of this form see FM 22-100.

### DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations: 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN) PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates. ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary. DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI) Rank / Grade SPC/E4

Date of Counseling 26 September 03

Organization

665 11 ICE, TFIH, Tikrit, IZ

Name and Title of Counselor

Social Security No.

### PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leaders facts and observations prior to the counseling); Corrective Counseling

### PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

665

Key Points of Discussion:

on 23 September 2003, without provocation, you struck a detainee with a control stick on the soles of his shoes and the buttocks during interrogation. Even though this particular prisoner is a known killer of U.S. soldiers, your actions were uncalled for and could be construed as a violation of the Geneva Conventions, to which you are under orders to adhere. These actions will not be tolerated. Your actions may result in disciplinary actions, which could include criminal proceedings at a tria by court-martial.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

DA FORM 4856-E, JUN 99

EDITION OF JUN 85 IS OBSOLETE

EXHIBIT R

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actions must be specific eno	ugh to modify or maintain the	Il do after the counselin subordinate's behavio	ng session to reach the agreed upon goal(s) or and include a specific time line for	). The
implementation and assessment per our conve	Acception concerning this issue.	on 24 September 2003	, you are prohibited from contact of any ki	nd with
detainees. This restriction v	vill remain in place until you h	lave completed a ten-h	our course, administered by me, on the Gei iques for a Human Intelligence Collector in	neva n the
Conventions and what are an	nd are not considered acceptating is complete, I will reassess	your suitability to wor	k in the interrogation facility.	
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Session Closing: (The lead	der summarizes the key points	of the session and che	cks if the subordinate understands the plan	of action.
The subordinate agrees/disa	agrees and provides remarks if	t appropriate):		
Individual counseled:	I agree / disagree with the in	formation above		
Individual counseled rema	arbon 7	. Fall and gales together		
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Signature of Individual Co	unseled:		Date: 26 SEP 0	کِ
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Leader Despensibilities	(Leader's responsibilities in m	nplementing the plan o	of action):	
				_
I will be available to you a	t all times to answer any quest	ions regarding accepta	ble interrogation techniques and for further	r
clarification of the articles	of the Geneva Conventions.		•	
		665	-	
· .			7656263	
Signature of Counselor:			Date: 26 56 P 63	<del></del>
	PART IV - ASSESS	SMENT OF THE PL	AN OF ACTION	المدانية المدان
Assessment: (Did the pla	n of action achieve the desired	results? This section	is completed by both the leader and the inc	lividuai
counseled and provides us	eful information for follow-up	counseling):		* .
		•		
	•		3	
Counselor:	Individual Couns	seled:	Date of Assessment:	<del>-</del> .
				<del></del>
Note: Bot	th the counselor and the indi	vidual counseled show	uld retain a record of the counseling.	

DA FORM 4856-E (Reverse)

For use of this for		STATEMENT	agency is ODCSOPS	·	
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	500 All 130	DATE 15 October 2003	TIME	FILE NUMBER	
LAST NAME FIRST NAME MIDDLE NAME	-	SOCIAL SECURITY	NUMBER	- GRADE/STATUS	
ORGANIZATION OR ADDRESS			565		565
ACE Company, 104th Military Intelligence Batt	alion, 4th Infa	ntry Division (Me	chanized), Fort H	ood, Texas 76544	
			665		
563		_, WANT TO MAK	L	STATEMENT UNDER	
Q. You were present during Detained in	the need to fi variety of top and suggest th agust. I cann of Taction Te interpreting What instru the actions and consible for la during interr action MPs ar action MPs ar action on o you rememb I believe th the interposa	nd alternative interaction are Military tone of the interrogations. I have a regiven is that the call about that interaction are military tone of the interrogations. I have a regiven is that the call about that interaction are military tone of the interrogation. I have a regiven is that the call about that intermediate interrogation watton recent.	infantry Division (combined Joint Task progration technique) did discuss the ed in the "Alternatials about the convergence Operations, ion? Have you es Police (MP) solding the company of	e-mail. I probably of the interrogation has know the Geneva that instruction MPs and in case somethin atterrogation of Deta as present? What we duration and I was the interrogation.	entified Joint more did talk to NFII and niques are are given ag aince vas the present The ne point a time. I
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DA FORM 2823, JUL 72

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

USAPPC V2.00

	SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS					
- ' ;	LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 15 Octob	er 2003	IME 1530 hours	FILE NUMBER	
	LAST NAME FIRST NAME, MIDDLE NAME 66	SOCIAL S	ECURITY NU	IMBER	GRADE/STATUS	
	ORGANIZATION OR ADDRESS HHOC, 104th Military Intelligence Battalion, 4t					
and the second of the second o	1,				STATEMENT UNDER OATH:  [I Bn)] to come to the	
1	Q. How did you come to change duties from On Interrogation Control Element (ICE) 3 6 6	CT Noncommissioned	) <del></del>	or Edition (17)	665 7. 104 MI Bn. 4th	
	Collection Specialist at the ICE and requested a	nother 97E to serve as	nort of 9/E an interroga	s 1976 - Huma ator. Since I w	n Intelligence (HUMINT) as 97E-qualified and working	
	outside my skill training, 104 Ml Bn, NFI, requested I mo skill training at the ICE since mid-June.	ve to the ICE. I moved	to the ICE		- '	
The Market of State of the State of Sta	Q. How much training did you receive prior to A. I have served on active duty since 15 Januar	beginning your duties a	s an interro	Z *****	665 664	
	through Advanced Individual Training (AIT) and 5 or 6 interrogations done by another interrogate	the "apprenticeship" I	had since n	nid-June 2003.	During that time, I sat in on	
	Q. How did you learn about the e-mail sent from (CJTF-7), Joint Human Intelligence Cell (J2X), would prove more effective than current method	NFL addressing the nee	ed to find al	ternative intern	mbined Joint Task Force 7 ogation techniques, which	
	A. I heard about the e-mail shortly after it was:	sent. discussed	l the e-mail	with me while	walking away from Task	
1/5 -	Force Ironhorse (TF IH) Division Main Headqu	arters (DMAIN) buildir at CJTF-7 J2X wanted t	ig to the TF o know oth	IH dining facil er interrogation	lity. I asked what what is techniques not endorsed by	
b60	97E school, to include techniques such as "punch which would bruise, scar, or cause the detained	any permanent harm.	recall	saying the	se techniques "would be bad	
665	if they got out to the press" and I agre detainee, nor could any interpreter handle witness	ssing it. asked	me if I wor	uld be able to h	andle it; I said I was.	
4.5	tid not mention the e-mail to other men techniques saved the ideas in a file on	the ICE administrative	computer's	deskton screen	as "Alternative Interrogation	
	Techniques", so it was not easy to miss seeing the else may have seen in the seeing the	ie me. Trememodi ope	Platoon 4	th Military Pol	ice (MP) Company Division	
b64 —	Q. What did you tell Central Collection Point (DCCP), 4ID, NFI, who on 23 September 2000  A. I told  about  about  e-mail and my	en you originally appro	ached him	with your plan	to interrogate Detainee	
	l being treated foe-well as murderers of American	soldiers that Lassesses	i neld	time-sensitive	intelligence, and that l	
665	intended to "break" in the next interrogation that detainees were being treated too well. I told	n using a "Fear Up (Ha I Intended to	rsh)" appro hit z	ech. feet, such that	told me he agreed with me it would scare but not	
664	seriously injure him. agreed and said went to obtain permission from his Old intended only to tell and and fifthe events.	he would take responsit	ility for his	actions if I too Because o	ok responsibility for mine.  of potential repercussions, I	
00 1	O. How much did State of the Control	interpreter, IC	E, 104 MI.	Bn, know abou	t the interrogation before it	
665	A. 1 told I would him is feet.	## did not question me	and I did n	iot give him an	y instructions before the	
	interrogation occurred. Interpreters are told to "Q. At what time did the interrogation occur on A. I believe it occurred at some time between 1"	23 September 2003? Di	d the interr	ogation take pl	ace during meal hours?	
	Q. How much involvement did limit have in A. Caralland translated what I said and mimicked	the interrogation?	565	4	665 5 <u>6</u> 7	
	in 2 of the "stress positions": the standing position. Where did the MP riot baton come from?	n and the position in w	hich 25 s	forehead was:	against the wall.	
	A. I believe tremember picking it up when I we to me about the baton and I do not believe anyon	ent into the DCCP inner	compound	l [high-security	area). No one said anything y hands when I entered the	
	EXHIBIT 565	INITIALS OF PERSON M	Sking staj		PAGE 1 OF PAGES	
	ADDITIONAL PAGES MUST CONTAIN THE HEAD. THE BOTTOM OF EACH ADDITIONAL PAGE MUST E AS "PAGE OF PAGES." WHEN ADDITIO STATEMENT WILL BE CONCLUDED ON THE REVERS	BEAR THE INITIALS OF TH NAL PAGES ARE UTILIZE	HE PERSON I D, THE BAC	MAKING THE ST K OF PAGE 1 W	ATEMENT AND BE INITIALED	

DA FORM 2823, JUL 72

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

USAPPC V2.00

		ORN STATEMENT R 190-45; the proponent ager	sov is ODCSOPS	
	LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq		ME 1830 hours	FILE NUMBER
	LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NU	<u> </u>	GRADE/STATUS
	ORGANIZATION OR ADDRESS 4th Military Police Company, 4th Infantry Division (Me	chanized), Fort Hood, Tex		
			······································	
	56)	, WANT TO MAKE TH		TATEMENT UNDER OATH:
	Q. What duties did you have as (DCCP)? What duties were you required to perform at a September 2003? How many soldiers were you in charge		h the interrogat	=
	A. When I was and there Military Police (MP) soldiers on a linterrors.  O. What did.	ince accountability, ensuringuard. I was in charge of 9	g'detainees are soldiers beside	fed and have enough water s myself.
	Banahon (MI Bn), 4th Mechanized Infantry Division (4I September 2003 when he requested your assistance in co	tor, Interrogation Control )  D)] say to you when he app	roached vorãon	104th Military Intelligence the afternoon of 23
	What did you offer with the proposed actions? What was	sistance in the interrogation of	i? Did you ques	notives or
	question the legality of the proposed actions? What was A. told me he had an order from higher headque	agreed about discretion sur	rounding the ev	ents of the interrogation?
$\subset$	wanted to use one of the rooms in the DCCP for his inter-	regation, so I told him I we	ould ask my	the state of the state of
	interrogation. I did not question motives or q	IP Company, 4ID]. I offer uestion the legality of his pa	ed no consent or roposed actions.	r assistance in the as I had no reason to
<u>_</u>	suspect he would do anything illegal or immoral and I do about discretion, as was the purpose of talking to	665	_	665
5/-	Q. When you spoke with did she instruct you to had a "bad feeling" about the interrogation? If so, why?	in the room during the	e interrogation?	Did you tell you
5	A. I do not recall instructing me to stay in the roabout the interrogation.	om during the interrogation	n. I did not tell	I had a "bad feeling
	Q. At what time did the interrogation occur and how lon meals to detainees?	•		
	A. The interrogation began at around 1530 or 1600 hour for the detainees, it is difficult to say when meals were se	s and lasted for approximat rved on 23 September 2003	ely 90 minutes. 3. I did leave th	Since meal hours fluctuate interrogation room to
•	Q. Where did the riot baton come from? Could anyone of the pot know when	else have seen where the ba	ton came from?	B 65
_	A. I do not know when acquired the baton. I do not know anyone of Q. Did you leave the room during the course of the inter-	else who might have seen	accuire	the baton?
	were you present for the interrogation? Did any other gu	ards witness you entering o	r leaving the ro	om during the
	interrogation? If so, whom? Were other guards busy that A. I left the room at least six times during the course of	the interrogation. I was pre-	esent for about ?	0% of the interrogation. I
<i>~</i>	do not know if other guards witnessed me entering or leav	ring the interrogation room	. I do not reme	mber if other guards were
	too busy to feed other detainees. Bb5 bb4  O: Did you witness hit Detainee on his feed his buttocks with a riot baton? What physical contact did	t with a riot baton? Did yo	ou witness	hit Detainee on
	his buttocks with a riot baton? What physical contact did	have with Detained		665 76
	A: I did not witness hit Detainee on his fee his buttocks with a riot baton. The only physical contact with the riot baton.	had with Detainee	was when	Detained on was poking
	Q. Following the interrogation of Detainee on 23 Sopresent for this interrogation? What was the tone of this is	eptember 2003 was an inter	Togation of Det	nince Who was
j	significant details do you remember about this interrogation	ы? ССС	. –	the state of the s
	A. I was present for less than half of this interrogation, winterrogation.	/hich I believe lasted for ab h MI Bn, 4ID] served as in	out an hour.   terpreter At so	me point in the
	interrogation	ICE 10/4b	MÎ Do AIDLA	rived and stayed through
	the duration of the interrogation. I do not recall any other	r significant details about the NG_FOLLOWS//////////////////////////////////	e interrogation. ////////////////////////////////////	//////////////////////////////////////
	EXHIBIT INITIALS	OF PERSON MAKING STATE	MENT	2665
- 1		66		GE 1 OF AGES

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

## 4ID 104MI CDR

To:

4ID 104MI DCO (E-mail); 4ID 104MI HHOC CDR (E-mail) 4ID SJA SENIOR TC CPT (E-mail) 66 Z

Cc: Subject:

15-6 Investigation complete - UCMJ to follow

has concluded his investigation of incidents which occurred at the DCCP where a internee was abused. Here is how I want to proceed:

- FG Art 15 by BC

665/705

Summarized Art 15 665/765

TBD, but I will probably issue a locally filed Letter of Reprimand

665/7c5

**OUTRIDER SIX** 

56-2 LŢC (

CDR, 104 MI BN, 4ID Tikrit, Iraq

DNVT (302) 534-1



## DEPARTMENT OF THE ARMY HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED) OFFICE OF THE STAFF JUDGE ADVOCATE FORT HOOD, TX 76544-5000

REPLY TO ATTENTION OF:

AFYB-JA-AL

05 September 2003

MEMORANDUM FOR COMMANDER, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544 SUBJECT: AR 15-6 Investigation – Legal Review

- 1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into allegations of soldier misconduct contained in a sworn statement by August 2003. I make the following determinations:
  - a. The proceedings comply with the legal requirements.
- b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.
  - c. Sufficient evidence supports the findings.
  - d. The recommendations are consistent with the findings.
- 2. The investigation is legally sufficient.
- 3. The point of contact is the undersigned, (DNVT) 534- b6-2/7c Z

CPT, JA
Administrative Law Attorney

4-5.		Fo	r tise of this form	SWORN	STATEMENT		·····		
	LOCATION		, 400 01 11113 16111	1, see AH 190	0-45; the proponent DATE	TIME	FILEN	UMBER	·
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	FORM 2823, J	22			ER COPY OF THIS F JAN 68, WHICH WI	Univi.		·	]
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STATEMENT (Continued)	
guy with an AK-47. A section was patrolin	a north and upon
the contact report headed South in suppe	ort. Upon arrival to
B' sections location we (A section) were	informed that they
had fired and wounded the goy w/ shot with a MK-19 round that had blown o	the AK-47 He was
shot with a MK19 round that had blown o	I his arm so said
by me soldiers in Bsection. A section	searched the surround-
- Ine area to find no injured people mor	any signs of imparts
of the MK-19 rounds. A section returned	to the same
sight the following day during day light a impacts of the 40mm gernades. Talking to la no one in the area had been injured.	gain to tild no
no one in the area had been in in	cals use gathered .
The the sac sact wat myorea,	·

## 664-764

	AFFIDAVIT
I CONTAINING THE STATEMENT THANK MAGE TO	
ORGANIZATION OR ADDRESS	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of August 192003 at  Asignature of Person Administering Oath)  (Typed Name of Person Administering Oath)  AR 15-C  (Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT	7c4 PAGE 2 OF 2 PAGES

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ά u.	the platoon	reaget? of	iven for 157	Platoan	
T CK LIDÓR	long have you a years.	been in 4	he platoun?		
Q Do A. Yes	gou know	> (3)	)64/7c4		
Q who A. B. S. Hier who of	Individual of my vehicle at happened of Section was level to mas level the weapon. It didn't fine the house	the vicinity a was the fire you beside the unted and beal Fled. We also I any, we	of FOB N N AK-47? 1st one on arrived? road wait conducted a we didn't looked for p also search	sife from ting for u a search fincl th MK-19 in heel the	s. When we got of the field re individual
A No	d you speak, we didn't	to any civi	lians that aterpreter	night?	
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DATE 29 AUG O  ST NAME FIRST NAME MIDDLE NAME  OCIAL SECU  RGANIZATION OR ADDRESS  BLT, 28CT 4ID  D647c4	T nent agency is ODCSOR	PS
GANIZATION OR ADDRESS BRT, 2Bet, 4ID  What section are you'n?  A.A. Section  Q How long have you been in the platon  A about 14 months  Q Did you know b64/7c  A Yes  Q Are you aware of an incident when  carrying an AK-47 along a canal in  during the May-June time from  A I'm aware of it but I did not  Vehicle was broken down.  Q Have you everseen a detainee to  the brush guard and the hood of  A No, not between the brush gu  Cid transport them on the ho  O'How far and how fast did you transport sure the speed was about  O'How for sure the speed was about  O'How you ever seen members of the  NO  104/7c4	TIME	FILE NUMBER
BRT, 2Bet, 4ID  Whost section are you in?  A. A. Section  Q How long have you been in the platon  A about 14 months  Q Did you know b64/7c  A Yes  Q Are you aware of an incident when carrying an AK-47 along a canal in during the May-June time fram A I'm aware of it but I did not Vehicle was broken down.  Q Have you ever seen a detainee the brush guard and the hood of A No, not between the brush guard of them for and how fast did you transport them on the hood?  A Jim not sure the speed was about the hood?  A Jim not sure the speed was about the hood?  A Jim not sure the pred was about the hood?  A Have you ever seen members of the NO  B Have you ever seen members of the NO	RITY NUMBER	GRADE/STATUS
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T	•	664/7c4	A Company of the Comp	Statement)	_
WITNESSES:			Subscribed and sworn to	before me, a person authorized by law	/ to
	; 		administer oaths, this 25	day of August , 18 20x	
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ORGANIZATI	ON OR ADDRESS		Signature of	Person Administering Oath)	_
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LOCATION For use of this	forma see AR 19	0-45; the proponent		· · · · · · · · · · · · · · · · · · ·
		28 AUG 03		FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY	NUMBER	GRADE/STATUS
ORGANIZATION OR ADDRESS	8641-	704/		
BRT, 28CT, 4ID	007/	1642		·
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@ what is your posit!	on >	, man to make	- THE FOLLOWING S	STATEMENT UNDER OATH:
- Squad leader				
Q How long have you bee	en in this	s platuon?		
A One year.			,	
A yes	? 66	4/764		
Q Do you know anything an individual carrying FOB Normandy dur	an AK-4"	7 along acar Maj-Junzs	ralin the v	ricinity of.
A. I was on emerge	ncy lear	e at the tim	ne of the in	cident
Phave you ever seen Brushguard and the	detainee	s hoine tran	sported bet	
A. No, but we did				ransport then
Q How far and how-hood?				
A No more than 5				
Q Do you know of a	ing detai	inees that b	were heat	e- he man ha
.l —— ^ `				vi og members
A NO				
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	SWORN STATEMENT		
LOCATION FOR USE OF THIS FORM,	see AR 190-45; the proponent DATE	TIME	PS FILE NUMBER
LAST VENS FIRST NAME, MIDDLE NAME	28 A44 03 social securit		00100
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ORGANIZATION OR ADDRÉSS BRT, 28CT, 4ID	b647c4-		
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l,			IG STATEMENT UNDER OATH:
Q What position did you	a fill during the	e MAY and	y June time frame?
Gunner in A Section	n, 1st Platoon		
Q Do you Know	B 6647c4		
A. yes			•
Q Have you ever seen a	dataines Olaren	1 hetween	the brush guard
and the hood of a d	letainee?		
A NO, we have transp	ported them o	n the hoc	d,
Q What was the maxs			
detainees on the h			·
A About 10 Km and	no faster than	about 30	mph.
Q Have you ever seen	amember of H	le BRT b	eat a detainer?
Q & Do you know if	any member a	f the BR	Thas stolen
Valuable property			
_ Citizens on deta	kinges?		
ANO	••		
Q Aire you aware of a	n incident where	B section	nengaged an
individual carrying a	in AK-47 along a	canal in	the vicinity
Q Are you aware of a individual carrying a of FOB Normandy, duri	ng the May to Ju	ne time t	rane?
H We (A Sec) Arrive	don scene	after 15	sec engaged.
We dione down the path	Bsec was on	to a c	lossing to the
ofthe side of the dikes :	I was behind	en Le	A5 and
the Blangs structuralle	y sound (well to	For this co	suntry) and no
INIT	TALS OF PERSON MAKING ST	ATEMENT 7C 4	PAGE 1 OF 2 PAGES
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	STATEMENT (Continued)	
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rs.	observed is as we passed.	Went to another house
	and there was no damage to	1/2 6
i	also came out, like we had just	he se occupant
	7232	worken the
	travelled farther down the dike	- and care -
-	travelled farther down the dike	and tield
-	But there was no damage then	= either - No Knocked down
	trees, no fices - North in Til	11 / 3/2 1
	trees, no fires - Northing. I'd sa	y we mavelled IN Area
ľ	and there was nothing to indica	e there was a fireful
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B)	BY ME. THE STATEMENT IS TRUE I HAVE INITIAL TO	AND THE CONTENTS OF THE ENTIRE STATEMENT MADE
Ti	CONTAINING THE STATEMENT: I HAVE MADE THIS STATEMENT FREELY WITHOUT COERCION, UNLAWFUL INFLUEN	WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
	664764	ICE, OR ONLAWFUL INDUCEMENT:
		Signature of Person Making Statement
w	WITNESSES:	
	Subsc	ribed and sworn to before me, a person authorized by law to
_	adminis at	ter paths, this 28+4 day of Aug , 19203
-		
ö	ORGANIZATION OR ADDRESS	
		(Signature of Person Administering Oath)
_		3627cZ
		(Typed Name of Person Administering Oath)
OF	ORGANIZATION OR ADDRESS	(Authority To Administration
MIT	MITTAL G OF STREET	(Authority To Administer Oaths)
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OCATION	,	DATE	TIME	FILE NUMBER
AST NAME, FIRST NAME, MIDDLE,N	AME	38.446.03 SOCIAL SECURITY	NUMBER	GRADE/STATUS
RGANIZATION OR ADDRESS	Share Share	647c4-		
BRT, 2BCT, 4I/	100	77/64 -		
Cal de day		, WANT TO MAK	E THE FOLLOWIN	G STATEMENT UNDER OATH:
Swhood is your p	osition?			
A. I'm a gunner:		cond's		
A. All the time ex	jou been in the	1 Section		- Lust' Sometima
June	cept for a perm	ad troin, the i	niddk od ir	nay an ar som rese
Q Did you know	· A	64704		
A Yes				
Carrying an A	1K-47 along a	canal in the	Vicinits	of FOB Normand
a sometime in t	WE MAY-JUL	E timetral	sav ?	
A Yes, I was ' Q what happe A We searched anything that	the MAY-JUM IN A section ned when yo the areas ou a would indic	at the time at the time arrived? dside the t	ne? vouse, We fire fic	ht went on
A Yes, I was 'A Yes, I was 'A Yes, I was 'A Whoa happe A We searched anything, that we went to Offare you even the detainers by brush guard	the MAY-JUM  IN A section  ned when you  the areas ou  awould indicate  ack the next  er seen a m  placing the  of a HUMI	at the time at the time arrived? dside that a morning keep to from between between between between the control of the control	ne?  rouse. We fire fig  roud didn't  the BRT  en the h	ht went on find anything transport ood and the
A Yes, I was 'A Yes, I was 'A Yes, I was 'A Whoa happe A We searched anything, that we went 'b A Have you ever detainers by brush guard A No, but we behind the	the MAY-JULL IN A section ned when yo the areas ou a would indic ack the next er seen a m placing the of a HUML e have tran	at the time at the time arrived? dside that a morning keep the twee left.	ne?  nouse, we fire fig  oud didn't  the BRT  en the h  en on th	ht went on find anything transport cod and the e hood and
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A Now far and how fast h	sould you travel with detringes in the
TI NA AMILION A	
25-30 mph.	stance of 10 km and a may speed of
Q Are you aware of any i	incident where a member of the BRI
A Taranta	
A No, I'm not aware a	of any
Hre you aware of any in	dividuals in the BRT who stal makes it
1+ems or "bricks" of me	oney from IRAQI civilians or detaines?
H NO .	
	any incident where members of your which to a "Nice" house so that they rould
fled from them?	under the pretext that the behild had
A.NO.	
Q Can you add anything e	Isa to this investigation?
A NO	234 10 min ministry auton ;
	•
	AFFIDAVIT
WHICH BEGINS ON PAGE TAND ENDS ON PAGE I FUL BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CO CONTAINING THE STATEMENT. I HAVE MADE THIS STATEME THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW	HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT LY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE PRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE NT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT FUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
b647c4	Signature of Person Making Statement)
WITNESSES:	Subscribed and swom to before me, a person authorized by law to
<u> </u>	administer oaths, this 28 <sup>AL</sup> day of August 182003
	at
ORGANIZATION OR ADDRESS	VSP-TYM-
· · · · · · · · · · · · · · · · · · ·	blo 217 C Z
	ITyped Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	A R (5-C
ORGANIZATION OR ADDRESS  NITIALS OF PERSON MAKING STATEMENT 50-17 C	(Authority To Administer Oaths)

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4.		I STATEMENT		
For use of the	his form, see AR 19	0-45; the proponent a		<del></del>
2007,101	•	27AU603	1632	FILE NUMBER
LAST NAME FIRST NAME MUDBLE NAME		SOCIAL SECURITY		GRADE/STATUS
BRT, 2BCT, HID	<u></u>	64704		· ·
				<u> </u>
	<del></del> .		THE FOLLOWING	STATEMENT UNDER OATH:
A 1 1/2 years		_		
	, <u>b</u>	<u>657c5</u>		,
Q Were you on a par	tral w/	lo	ng a canal	When the Patrol
engaged an Individ	dual carry	ng an AK4	77 6647	74
in that was \$ sect	an I'm	1 \$ Contina	110 hanna	and Harma Pine
and went to hel	p. Itwas	all over our	th by the	time warring
A No	did you se	e any wound	ded civilian	s?'
Q Do you know when	n this has	7 00000	•	
A. I have no clue	. 1-42	period;		
Q Have you eversed the brush guard	CHACK THE D	$M \cap M \cap$	10 10 P E 1	
1. 100 ( between the	he hood and	d brush gui	ard but or	n the hood itself.
Q Do you know who way?	no made th	e decesion .	to transpo	rt thoughthat
Q Have you ever so	en ar hea	rd of member	ers of the	BRI beating
A Once we had a	1	. 1 1		
A Once we had to	o get phy resistin	sical during	g an arrest	t because the
O Are you aware	^	J	an i beat	nim.
QAre you aware. Items from Ira	ot any time	's when men	nber of the	BRT Stole
of Money, Picture.	g. Civilia	s and deta	inces includ	line "bricks"
Items from Ira of money, Picture; ANO	2 OF SHOUN	miand 1 RHQ	I sorvice n	rodols
EXHIBIT 14	INITIALS OF F	PERSON MAKING STA	TEMENT	GE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE H	EADING "STATEME	NT OF TAKEN	47 DATCD	2017111472
THE BOTTOM OF EACH ADDITIONAL PAGE MU AS "PAGE OF PAGES." WHEN ADD STATEMENT WILL BE CONCURRED ON THE BE	IST REAR THE INITI	ALS OF THE DEDSON	BAAVING THE OTA	TC4 4C4 4C4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
STATEMENT WILL BE CONCLUDED ON THE RE	VERSE SIDE OF AN	IL OTHER COPY OF THIS	SK OF PAGE 1 WIL.	L BE LINED OUT, AND THE

	STATEMENT (Continued)		
	Q-Did member of its 207	Con Pale at 1	
	Q-Did member of the BR?	. ever tollow a "nice" can	home
	and then say they had - vehicle tried to avoid	to search the nous, because	the.
/.	A- NO	An leave,	
641			•
7c4	1 6 Do you have anything	else that micha hala	V/1: <
	a Do you have anything	in was visigent need	TVII
a	A. No		
-1-1 ga			,
			•
	·		
	AFFID	AVIT	·
			FAJEAIT
1	BY ME. THE STATEMENT IS TOUCH A MANY HOURS AND AND AND AND AND AND AND AND AND AND	NUCKSTAND THE CONTENTS OF THE ENTIRE STATES	MENT MADE
e ge	CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL I	REELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT HERE	rpage Thout
	664764	TOURSE, ON ONLAWFOL INCOCEMENT.	
.	<u> </u>	(Signature of Person Making Statement)	<del>                                     </del>
	WITNESSES:	Subscribed and sworn to before me, a person author.	izad by law to
1		administer oaths, this 27 day of August	_ , 19 <u>2023</u>
		at .	<del>`</del>
	ORGANIZATION OR ADDRESS		· .
		Asignature of Person Administering Oath)	
1		Typed Name of Person Administering Oath	
	ORGANIZATION OR ADDRESS	AR 15-6	"
- 1	- WILL WIND OU WORKERS	(Authority To Administer Oathol	

INITIALS OF PERSON MAKING STATEMENT

PAGES USAPPC V2.00

PAGE 2 OF

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For use o	SWORN f this form, see AR 19	STATEMENT 0-45; the proponent a	gency is ODCSC	)PS
LOCATION		DATE 27AULO3	TIME	FILE NUMBER
LAST NAME, FIRST NAME MIDDLE NAME		SOCIAL SECURITY	<del></del>	GRADE/STATUS
BRT, 2BCT, 4IL	b647	c 4		· · ·
Q - How long have y	ou been in	_, WANT TO MAKE	S THE FOLLOWIN	G STATEMENT UNDER OATH:
- Since OCT ZOOD	_		•	
Q - Did you know ! A - Yes	-66	547c4 h	657c5	
Q- Are you aware	of any tim			ordered soldiers?
to fine upon un	armed civil	ians?	,	
A- No. We only f	fired when	we were	ambushe	ed or hit by R.P.G.
Me never tir				nto open a reas.
Q Were you on a	Patrol alo	ng a canal	7	1 - 100 - 00 0 10
A There were see	renal times	we conduc	ted tax	think that
065 C5-	would giv	e an order	, to fin	e about civilians
164764 and	would no	t have he	and ver	bal commands
because he u				
Q Have you ever	seen detour	nees placed	betwee	en the grill
and the brush brigade hold:	ng area?	a HUMVE	E and d	riven to the
A we sometime	es would pla	ace them c	in the roo	of bohinal the
we didn't have	TANG NOON	next to the	he winds	shield because
	THEN DE	imeen the	anill an	Darlish RAMShound
1 de living 2000 CARI	seen and b	10000 TH 460	C+ Nom	200
No-we would would always welfare inspe	+MN H IN	we've had	several	hings but we health and
overtare inspe	chions and	nothing h	has been	found,
EXHIBIT 15	INITIALS OF PE	RSON MAKING STA	TEMENT	
ADDITIONAL PAGES MUST CONTAIN THE	HEADING "STATEMEN	<u> 5647c4</u>	F	PAGE 1 OF PAGES
AS "PAGE OF PAGES." WHEN AL	DOST BEAR THE INITIA DOTTIONAL PAGES ARE	LS OF THE PERSON /	MAKING THE ST	
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	EDES DA FORM 2823,	TUAN OF, WHICH M	ALL BE USED.	USAPPC V2.00

STATEMENT (Continued)  O Have you ever seen or	
I JOW GOO, SEEN UN	1 - 0 1
a Nice con male un	heard of members of BRT follow;
	CMW ROUT AT POST TO THE POST OF THE POST O
Vacio	(a01e5/
The only time we	e would search a house was on a planta
Raid on it a vehicle +	sayor person ran from us.
Q Have you ever seen on	heard of BR7 soldiers beating detaines
A Nor Sometimes we a	that of the same o
beatings went as	et physical during an arrest but no
told us we would for	Out chain of Command has always
a whom were	out chain of Command has always to UCMJ action if we did
A In the vicinity of	trols along two canal
to June timetramo	Camp Normandy sometime in the May
Q Do you have anything to	ald to this investigation,
Was always So	aying that wanted to get shot in the arm
14470 He was dissily at the	aying that wanted to get shot in the arm I go home would fake being sick, the would often say that wanted to is hard on us but icts like a drill sergeant. Also,
Kill Kill	te would often say that wanted to
fair Sometime	13 hard on as but
would point	apon at children and threatenes to
Kill than If they d	
	11.17.11 bb47c4
665765	- 6647c4
<b>5</b>	
	AFFIDAVIT
1, _	AFFIDAVIT
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLA	HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT ULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE. MENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT WFUL INFLUENCE, OR UNLAWFUL INDUCEMENT
11/11700	
1 569 169	
· 6647c4	(Sighature of Person Making Statement)
WITNESSES:	(Sighature of Person Making Statement)
	Subscribed and sworn to before me, a person authorized by law to
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer paths, this 274 day of Ansast , 49203
	Subscribed and sworn to before me, a person authorized by law to administer paths, this 274 day of August , 19203
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer paths, this 274 day of Ansast , 49203
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 274 day of Angust , 19203 at  (Signature of Person Administering Oath)
WITNESSES: ORGANIZATION OR ADDRESS	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 274 day of Angust , 19203 at  (Signature of Person Administering Oath)  (Typed Name of Person Administering Oath)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 274 day of August , 19203 at  [Signature of Person Administering Oath]

	<u> </u>		TATEMENT		
LOCATION	For use of this f		5; the proponent ATE	agency is ODCSOPS	FILE NUMBER
ļ 	19. ÷		7AUG 03	1745	
LAST NAME, FIRST NAM	ME, MIDDLE NAME	S	OCIAL SECUR <u>ITY</u>	NUMBER.	GRADE/STATUS
ORGANIZATION OR ADI	RESS	Yn/117 18			
	· · · · · · · · · · · · · · · · · · ·	20647c4			
			NAM OT TIVAW	E THE FOLLOWING	STATEMENT UNDER OATH:
Q How long A Since &	have you been the end of M	in the pleanth 2003	extaon?	THE VOLESTING	STATEMENT ONDER OATH:
Q Pid you	u Know	3? bb	+764		÷
an Ak	ou aware of a KH7 along Lwas in A	a canal 1	n the vi	cinity of FC	ividual corraging  B Normandy?
Q Have	you ever seen en the brush	anyone fr	on the B	RT transpor	r a detainer MVEE?
- A	you ever seev a Top behin	I the gui	nners po	sition	
d'ista	, on the ho	oud. We	would o	aly carry t	hem for short
O Do yo	ou know wh inees on t	o made the hood?	he decis	ion to tra	nsport the
A No					,
0 00	you eversee tainee?			,	
A I've  ocat  durin	neimer Speals	everyone e	Ise Social		at 1907 physical sting but
EXHIBIT 110	<u> </u>	INITIALS OF PER	SON MAKING ST.	ATEMENT	
ADDITIONAL BASSS			<u> 5647c</u>	Y PA	GE 1 OF PAGES
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	R 190-45; the proponent a		<del></del>
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LAST NAME, FIRST NAME, MIDDLÉ NAME	SOCIAL SECURITY	<del></del>	GRADE/STATUS
ORGANIZATION OR ADDRESS			
BRT, 2BCT, 4ID 664	/c4		·
	MANT TO MAKE	THE FOLLOWING	OT A TEMENT
Q'What, is your position?		THE FOLLOWING	STATEMENT UNDER OATH:
A. Im a gunner for A Spotion			
A Since the end of June	the platoons		
Q Are you aware of an incid carrying on AK 47 in the JUNE time frame?	ent where BSe pulcinity of F	ction enga OBNDIMA	agad an individual ady during the MAY-
A. No, I don't think I wa;	in the platan	at the ti	mo
Are you aware of any in detainees between the brown. No, Sometimes we wo them because them because them	ush guard and	the hood	of a Humpee?
The state of the s	010 1000 INS	ide the v	rehido.
O How far and how fas			
No move than 5 kms. Th	-	•	• • •
This manner?	ide the decision	in to trai	1sport them in
A. I'm not sure			J.
A. Not to my knowledge	<b>₽ ₽</b> .		
Q Are you aware of a valuable items or " or deterinees?	ng member o bricks" of m	f the Bloomey fro	RT who stole om civilians
A, I'm not aware of co or detainers. If we con	nyone who sta <u>Piscated</u> if w	ole someta e always	hing from civilian
EXHIBIT	OF PERSON MAKING STAT		AGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STAT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE I AS "PAGE OF PAGES." WHEN ADDITIONAL PAGE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF	NITIALS OF THE PERSON A	T DATED MAKING THE STA	CONTINUED."
DA FORM SCOOL III	2823, 1 JAN 68, WHICH W		

STATEMENT (Continued) there anything else thou you can add to this Not that I could think of **AFFIDAVIT** WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_ 2 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. 5647c4 WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer paths, this 28th day of Augus r ORGANIZATION OR ADDRESS (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT 664 Te4

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PAGES



## DEPARTMENT OF THE ARMY HEADQUARTERS 2BCT, TASK FORCE IRONHORSE FOB WARHORSE BAQUBAH, IRAQ

AFYB-CO-S6

3 September 2003

MEMORANDUM FOR Chief of Staff, Headquarters, Task Force Ironhorse

SUBJECT: Findings and Recommendations of the investigation into alleged violations of the Law of Land Warfare

1 Findings.

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Allegation number one. The allegation of unlawful use of force on 8 June 2003 s unsubstantiated. There is no credible evidence that civilians were fired upon by members of the 2nd BCT BRT. All of the 16 individuals interviewed stated that no unarmed civilians were attacked that night. (Exhibit 2) stated that says that 5 40mm rounds were fired. individual fled into a field (Exhibit 3) puts the number of 40 mm rounds at 15. ated that 2 round apparently hit some Palm trees next to a house. (Exhibit 4) stated that saw 2 men through LRAS and one of them had hot spots in the shoulder area. This could indicate that an individual was bleeding but it is inconclusive. The wounded individual in question was the purported individual that fled into the field. Exhibit 5) from A section, 1st platoon arrived on site approximately 5-10 minutes after the incident started. He stated that a thorough search of the area was conducted and they did not find any weapons, impact points, blood trails, or damage to vehicles or buildings. (Exhibit 6), (Exhibit 7), and all stated that another search of the area the next morning failed to reveal anything either. also said that after talking to the locals they gathered that no one had been injured. There is no evidence to suggest that civilians were fired/upon on that night.

b. Allegation number two. There is no proof that the allegation of maltreatment of detainees is true. Every member of the platoon (Exhibits 2-17) did admit to transporting detainees on the hoods of the vehicles. No one admitted to stuffing detainees between the brush guard and the hood of the vehicle. It is physically impossible to put a person in between the brush guard and the hood. There is only 3 inches of clearance behind brush guard. The distance and speed traveled varied among those individuals interviewed. The shortest distance reported at 1-11/2 kilometers. estimated the distance to be 10-15 kilometers. The speed varied from 15 mph by (Exhibit 8), and Exhibit 9) to 30 mph by Exhibit 10), (Exhibit 11) Exhibit 12), and . Exhibit 13). Although members of the BRT did not mistreat the detainees, placing them on the hood is not a safe method of transportation. There is also no evidence that any detainee was ever severely beaten by members of A section, 1st Platoon. Four individuals, (Exhibit 14), (Exhibit 15), did admit that they had to get physical with one detainee who

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