



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF

AFYB-CG

25 August 2003

MEMORANDUM FOR [REDACTED] AR, FOB Warhorse, Baqubah,
Iraq

b-6-2
b-7 C-2

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 [REDACTED] at [REDACTED] for an initial legal briefing. [REDACTED] will serve as your primary legal advisor.
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.

b-6-6 b62

b62

FOR THE COMMANDER:

[REDACTED]

-b62
b7c2

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by [REDACTED] **b62**
 (Appointing authority) **b7c2**

on 25 AUG 03 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB BARBARIAN, IRAQ at 1200
 (Place) (Time)

on 14TH JULY 03 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

[REDACTED] **b62**
[REDACTED] **b7c2**

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1200 on 31 AUGUST 03
 (Time) (Date)
 and completed findings and recommendations at 1500 on 31 AUGUST 03
 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ^{1/}	NA ^{2/}
1 Inclosures (para 3-15, AR 15-6)			<input checked="" type="checkbox"/>
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			<input checked="" type="checkbox"/>
a. The letter of appointment or a summary of oral appointment data?			<input checked="" type="checkbox"/>
b. Copy of notice to respondent, if any? (See item 9, below)	<input checked="" type="checkbox"/>		
c. Other correspondence with respondent or counsel, if any?			<input checked="" type="checkbox"/>
d. All other written communications to or from the appointing authority?			<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?			<input checked="" type="checkbox"/>
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?			<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			<input checked="" type="checkbox"/>

FOOTNOTES: ^{1/} 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.

		YES	NO	NA
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as 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?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		X	
	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?			X
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
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)?			
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, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	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 —			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
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)?			
	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?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	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 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):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	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 arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

6572

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence finds: (b)(5) 67651
On 13 July 03 at approximately 1745 hrs, [redacted] and [redacted] through simple negligence, discharged a 9mm pistol in the Bravo Company, 3-67 AR BN guard shack/detainee holding facility vic. MC 604736. The errant round struck an Iraqi civilian detainee wounding him in the lower back and resulting in him being medivac'd to the nearest medical treatment facility (E/204th Medical Co). b65

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 [redacted] and [redacted] said they did not know they were supposed to be at a different status other than "Red." It is my belief that when [redacted] handed his pistol to [redacted] the pistol was not on safe; a round was chambered; the hammer was cocked; and [redacted] touched or squeezed the trigger resulting in an accidental discharge which struck one of the detainees that was sitting on the floor in the back. In attempting to re-create this accidental discharge as described by [redacted] and [redacted] I could not cause the 9mm pistol to discharge. The Iraqis in the room were not able to see what happened and were not interviewed. b65 b65

b65

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

[redacted]

b(5)-3 deliberative process

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

b62
b7c2

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

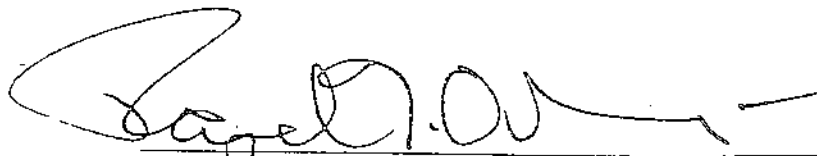
(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Leaders thoroughly brief soldiers
on weapons status procedures and
execute appropriately



RECEIVED

09 SEP 2003

RAYMOND T. ODIERNO
Major General, USA
Commanding

6574

INDEX

Exhibit 1-Sworn statement from [REDACTED] (b)6 5

Exhibit 2-Sworn statement from [REDACTED] b 6 5

Exhibit 3-Sworn statement from [REDACTED] b 6 4 b 7 c 4

Exhibit 4-Sworn statement from [REDACTED] b 6 4 b 7 c 4

Exhibit 5-Sworn statement from [REDACTED] b 6 4 b 7 c 4

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Iraq MC 503 736	2. DATE (YYYYMMDD) 28 Aug 03	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65 b7c5	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED] b65 b7c5	
8. ORGANIZATION OR ADDRESS [REDACTED] b6-5 b7c5			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was conducting gate/detainee on 13 July 03 with [REDACTED] b65 b7c5. It was my 13th hour of duty when [REDACTED] b65 b7c5 handed me his 9mm Pistol. He asked me to hang on to it. I reached for his pistol, took it firmly in my hand, and it discharged. I noticed one of the detainees bleeding and began rendering 1st Aid and [REDACTED] b65 called for the medics. The Medics arrived and the room was cleared.


Nothing follows

[REDACTED] b65 b7c5

10. EXHIBIT 1	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65 b7c5	PAGE 1 OF 2 PAGES
------------------	--	-------------------


ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

STATEMENT OF  b65-6705 TAKEN AT 1200 DATED 21 AUG 03

STATEMENT (Continued)

not used

INITIALS OF PERSON MAKING STATEMENT  b65 PAGE 2 OF 3 PAGES

b7c5

b65 b7c 5

STATEMENT OF [REDACTED]

TAKEN AT

2003

DATED

31 AUG 03

STATEMENT (Continued)

not used

b65 AFFIDAVIT

b7c 5

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

b65; b7c 5

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of August, 2003 at Baghdad, IRQA

b64 b6-2
b7c 4

(Signature of Person Administering Oath)

(b)64
b7c 4

(Typed Name of Person Administering Oath)

US Army (P) Co.
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b65
b7c 5

PAGE 3 OF 3 6578

RIGHTS WAIVERING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency: DCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <u>Bagdubah Iraq</u>	2. DATE <u>31 AUG 03</u>	3. TIME <u>12:05</u>	4. FILE NO.
5. NAME [REDACTED] <u>b65</u>	8. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED] <u>b7c5</u>	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] <u>b64</u> <u>b7c4</u>
1a. NAME (Type or Print) [REDACTED] <u>b64 b7c4</u>	4. SIGNATURE OF INVESTIGATOR [REDACTED] <u>b64</u> <u>b7c4</u>	
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED] <u>b64 b7c4</u>	5. FULL NAME OF INVESTIGATOR [REDACTED] <u>b64</u> <u>b7c4</u>	
2a. NAME (Type or Print)	6. ORGANIZATION OF INVESTIGATOR <u>HAC / 3-67 AR</u>	
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

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 suspect/accused.

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 evidence against you in a criminal trial."
- 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 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."

- 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?"

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 is recent (i.e., fewer than 30 days ago), obtain legal advice whether to renew 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

1. 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.

2. 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. If the waiver certificate cannot be completed at once, as in the case of a long interrogation, completion may be temporarily postponed. Notes should be made of the circumstances.

3. INCRIMINATING STATEMENTS:

If the suspect/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.")

END (Continued)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

LOCATION: I RAQ MC 603736
2. DATE (YYYYMMDD): 2003 AUG 31
3. TIME: 1321
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: b65 b7c5
7. GRADE/STATUS: b65 b7c5
8. ORGANIZATION OR ADDRESS: [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 13 Jul 03 myself and [REDACTED] were on gate guard [REDACTED] were guarding EPW's. My shift started at 0200 and [REDACTED] Relieved [REDACTED] at 0400. we guarded the EPW's until the relief was available at 1800 hr. I was getting to use the latrine. And I said "take my weapon for sec." the weapon was on safe and I handed it to my hand off [REDACTED] as soon as i let off my [REDACTED] the weapon, it fired, there was a dust cloud so as soon as it was clear I saw a Red dot at the EPW's lower back. I dumped on the Radio and called 'barbarian Mike' and said 'there has been an AD an EPW has been shot.' [REDACTED] Rushed over to the EPW while I was on the Radio and started searching for the Entrance wound and the medics show up. Nothing Follows

9. EXHIBIT: 2
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED [REDACTED]

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

STATEMENT OF

[REDACTED]

b65 b7c5

TAKEN AT

EOC/2200M

DATED

2003 AUG 31

STATEMENT (Continued)

Nothing follows

Nothing follows

Nothing follows

Nothing follows

STATEMENTS OF PERSON MAKING STATEMENT

[REDACTED]

b65 b7c5

PAGE 2 OF 3 PAGES

STATEMENT OF

[Redacted]

b65 b7c5

TAKEN AT

for/room

DATED

2007 AUG 31

9. STATEMENT (Continued)

Nothing Follows

Nothing Follows

Nothing Follows

Nothing Follows

1. [Redacted] b65 AFFIDAVIT b7c5

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

b65
b7c5

[Redacted Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of August, 2007 at Baghdad, Iraq

ORGANIZATION OR ADDRESS

[Redacted Signature] b64 b7c4 b6-2 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name] b64 b7c4 (Typed Name of Person Administering Oath)
US Army [Redacted] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

b65 b7c5

PAGE 3 OF 3 PAGES

DATA REQUIRED BY THE PRIVACY AC.

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

1. LOCATION Baqubah, IRAQ	2. DATE 31 AUG 03	3. TIME 1300	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. SSN b65 b7c5	7. GRADE/STATUS b65 b7c5	8. ORGANIZATION OR ADDRESS b65 b7c5

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print) [REDACTED]	3. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]	5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	6. ORGANIZATION OF INVESTIGATOR [REDACTED]

Section C. Non-waiver

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

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

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. 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 evidence against you in a criminal trial."
 - 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 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."

- 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

"Do you understand your rights?"

(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 *(i.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:

1. If the suspect/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

PRIVACY ACT STATEMENT

AUTHORITY: Title 40 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Iraq MC 603736
2. DATE (YYYYMMDD): 13 JUL 03
3. TIME: 1800
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] b64 b7c4
6. SSN: [redacted] b64 b7c4
7. GRADE/STATUS: [redacted] b64 b7c4
8. ORGANIZATION OR ADDRESS: [redacted] b64 b7c4
9. [redacted] b64 b7c4

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the morning of 13 July 2003, I was directing an observation post north of the city of Jaykhana in the early morning hours with the intent of detecting and disrupting illegal Iraqi checkpoint operations. Enroute to the OP at 0300, we detained 4 personnel who had 2 AK-47s and 180 rounds of ammunition in their vehicle. We secured these personnel and continued to the OP location. We maintained a guard on these personnel until we were able to arrange for transportation of the personnel back to the company assembly area. Upon occupation of the OP, some of my soldiers found the body of a person that had apparently been robbed and then executed. As the person did not appear to be Iraqi, I radioed back through my company CP to the Battalion TOC requesting MPI personnel to investigate the crime scene. The last message I recieved from the BN TOC (at 0700) was that MPI personnel were notified and that we were to remain on-site until their investigators arrived after that time. Shortly after 0700, communications with the company CP and the BN TOC were disrupted due to daytime interference and distance between communications stations. Following the last recieved instructions, my assets remained on-site and established a traffic control point on HWY 2 near the crime scene. Around 1500, MPs arrived to transport the detainees to the company assembly area. The personnel were loaded onto the MP vehicles and left for the company assembly area. Shortly after that, I returned to the company assembly area with the tank section conducting the OP. Upon return to the assembly area, the 4 personnel detained earlier in the day had been consolidated with another 10 personnel detained the evening before. All 14 detainees were awaiting transportation to take them to Baqubah detention facility. When I arrived, the assigned guards were [redacted] and [redacted] and the situation appeared to be stable. I recieved word over FM that I needed to call the BN TOC on DNET and recieve additional guidance on the disposition of the dead body at the OP location. I left immediately to the MEK compound to make the phone call. When I arrived at the MEK compound, I heard a report of an accidental discharge resulting in the injury of one of the detainees. I immediately requested a 3 vehicle convoy from the MPs at the MEK compound to transport the wounded detainee to E/204th Med CO. When I arrived at the location of the accident, the detainee had already been stabilized by the BN Physician's Assistant, [redacted] and we transported the individual to E/204th Med CO.

After I returned from evacuating the injured detainee, I talked to the two guards involved in the incident and the sergeant of the guard. The guards both stated that they realized that the weapon was loaded with the round chambered, but that they thought the weapon was on safe. When the weapon was passed from [redacted] to [redacted], they stated that the weapon discharged. [redacted] did state that his finger lightly touched the trigger when he recieved the weapon from [redacted], but he assumed the weapon was on safe.

Later that evening, the company conducted weapons safety training in the assembly area and outlying locations in an effort to prevent a similar event from happening in the future. In the future, policies and SOPs concerning weapons control status, detainee operations, and guard force requirements will be modified and implemented to prevent future accidental discharge events from occurring. Additionally, all first line leaders have been counselled on the importance of enforcing appropriate weapons control posture based on the situation.

[redacted] b64 b7c4 Nothing Follows [redacted] b64 b7c5

10. EXHIBIT: 3
11. INITIALS OF PERSON MAKING STATEMENT: [redacted] b64 b7c4
PAGE 1 OF _____ PAGES

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

STATEMENT OF [REDACTED]

TAKEN AT 1800

DATED 13 June 03

9. STATEMENT (Continued)

b64 b7c4

b64 b7c4

Nothing Follows

b64 b7c4

Nothing Follows

AFFIDAVIT

b64 b7c4

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

b64 b7c4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

b64 b62 b7c4

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b64 b7c4

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Iraq MC 603736	2. DATE (YYYYMMDD) 13 JUL 03	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64 b7c4	6. SSN [REDACTED] b64 b7c4	7. GRADE/STATUS [REDACTED] b64 b7c4	
8. ORGANIZATION OR ADDRESS [REDACTED] b64 b7c4			
9. [REDACTED] b64 - b7c4			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 13 JUL 03 around the time of 1745 the front gate called for a medic to the front gate area where the EPW's were being held. As my duty responsibilities include Sergeant of the Guard, I ran to the front gate. I found [REDACTED] and [REDACTED] doing first aid. The other EPW's were still in the room. I [REDACTED] cleared the room. Medical personnel were on site by the time I cleared the room. I then had [REDACTED] and [REDACTED] clear their weapons while medical personnel applied first aid to the wounded Iraqi. Of note, as SOG, I had both gate/EPW guard do radio checks with the CP every 1/2 hour and I personally talked with them for 5-15 minutes 6 or 7 during [REDACTED] and [REDACTED] guard shifts to ensure that the EPW and soldiers needs were met.

Nothing follows

10. EXHIBIT 4	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64 b7c4	PAGE 1 OF 1 PAGES
------------------	--	-------------------

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

9. STATEMENT (Continued)

not used

I, [REDACTED] 664 67c4 AFFIDAVIT
WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] 664 67c4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of JUL, 03 at

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

664 67c4 b62

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] 664 67c4

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

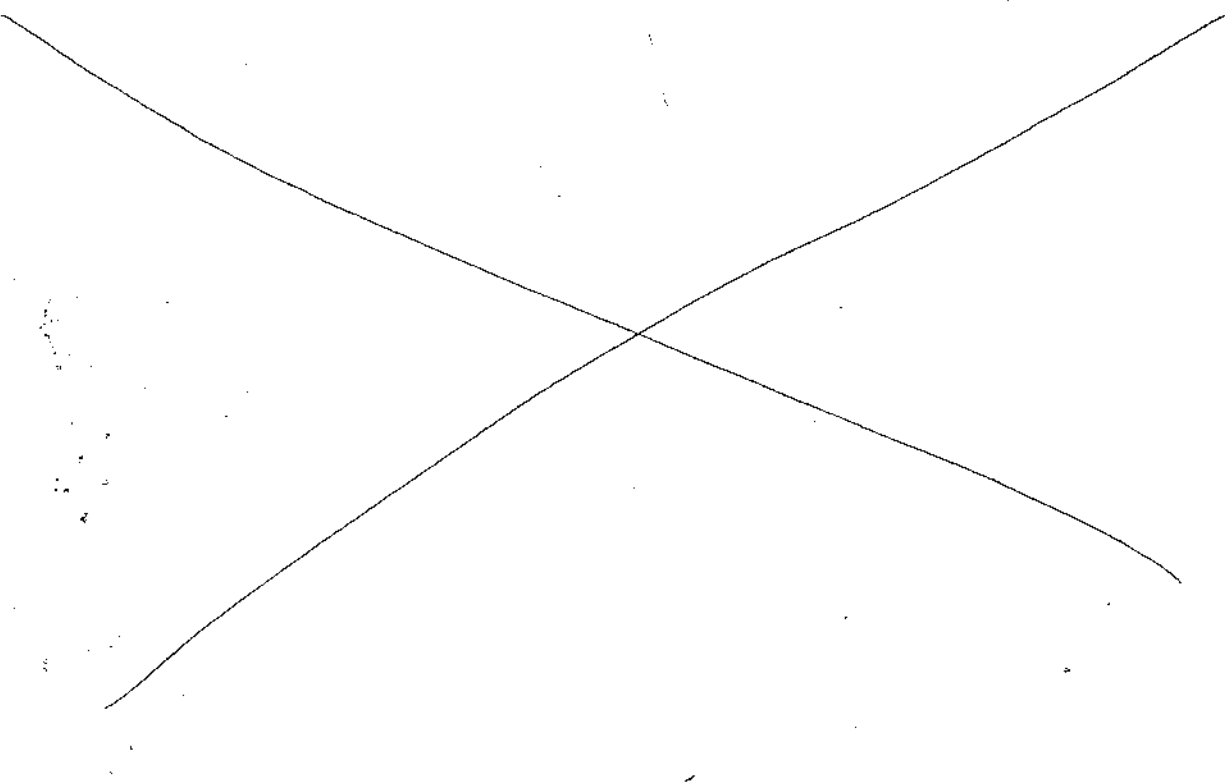
1. LOCATION Iraq MC 603736	2. DATE (YYYYMMDD) 13 JUL 03	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64 b7c4	6. SSN [REDACTED] b64 b7c4	7. GRADE/STATUS [REDACTED] b64 b7c4	
8. ORGANIZATION OR ADDRESS [REDACTED] b64 b7c4			
9. [REDACTED] b64 b7c4			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Approximateley 1730-1800 hr I monitored the radio that a POW had been shot. The exact words were "I think a POW has been shot." I instructed my medic [REDACTED] to grab my aid bag and we ran to the guard house where the detainees were held. Iraqi detainee was lying his back. Exposure of the wound revealed a small entry wound to the lower right back. We [REDACTED] and myself) bandaged the wound, stabilized the patient, and requested an escort of MP's in a non-standard vehicle for patient evacuation. Dust-off was also requested in case it was needed. The patient was stable upon leaving the B/3-67 AA via MP non-standard evac HMMWV and MP escort vehicles. Patient was evacuated to Baqubah airfield to E 204th Medical Company.

It was determined that an exit wound existed in the thigh and re-entry into the ankle superficially. The bullet was not distorted suggesting no bone contact. The angle of the exit wounds suggests the weapon was pointed in a downward direction.

Nothing follows



10. EXHIBIT S	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64 b7c4	PAGE 1 OF 0 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.		

STATEMENT OF

TAKEN AT

1807

DATED

3/7/03

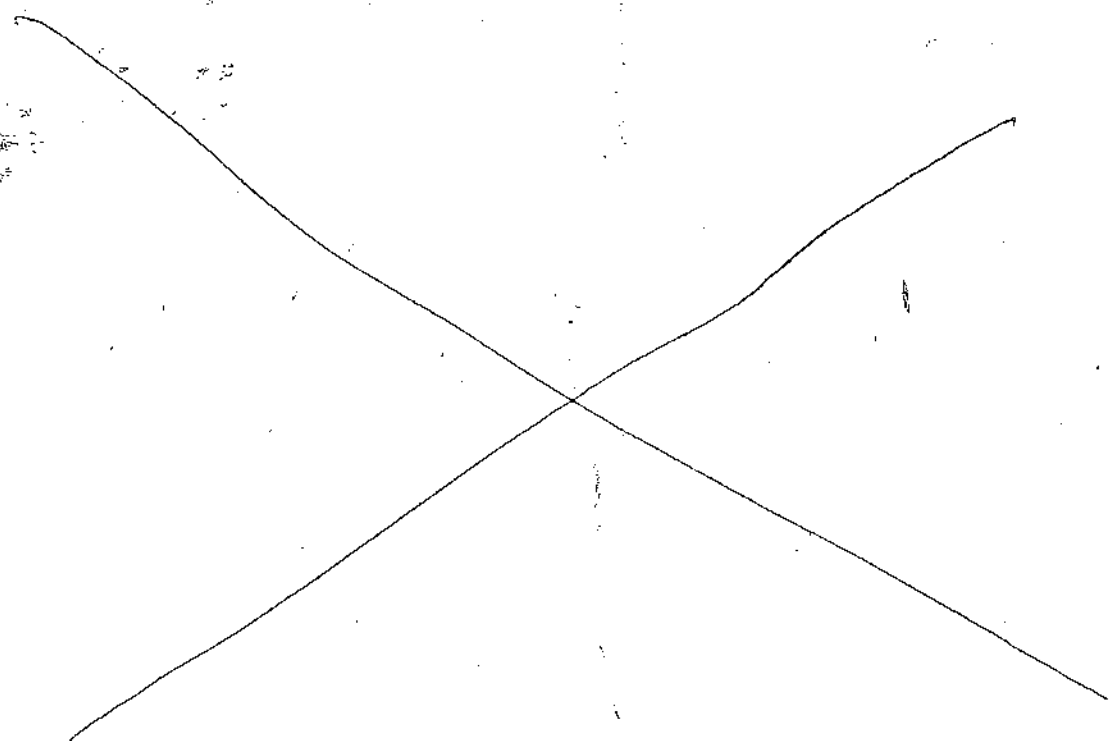
9. STATEMENT (Continued)

b64 b7c4

b64 b7c4

Nothing follows

b64 b7c4



b64 b7c4

AFFIDAVIT

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

b64 b7c4

(Signature of Person Making Statement)

WITNESSES:

b64 b7c4

HC/3-67 AR

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of JUL 03 at

b64 b7c4

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

b6-2

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

b64 b7c4

INITIALS OF PERSON MAKING STATEMENT



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

REPLY TO
ATTENTION OF:

08 October 2003

AFYB-JA-AL

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion

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 the circumstances surrounding the possible use of excessive force by [REDACTED] while interrogating a 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 [REDACTED]

[REDACTED]
CPT, JA
Administrative Law Attorney

6592



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

REPLY TO
 ATTENTION OF

AFYB-MIB-CDR

6 NOV 2003

b657c5

MEMORANDUM FOR Staff Sergeant [REDACTED] 104th Military Intelligence
 Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Written Reprimand

b657c5

b657c5

1. You are hereby reprimanded for your failure to properly supervise detainee interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). [REDACTED] and [REDACTED] assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring [REDACTED] and [REDACTED] 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 [REDACTED] to believe that you yourself perhaps condoned certain practices that were outside the established regulations. [REDACTED] is not 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 [REDACTED] and [REDACTED] abused the detainee show a lack of supervisory judgment on your part. *b657c5*

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).

4. 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.

b627c2

[REDACTED]

Encl
 AR 15-6 Investigation

LTC, MI
 Commanding

*13 Nov - make
 decision not
 to file
 6593
 ocb*

AFYB-MIB-H

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

b657cs
SUBJECT: Written Reprimand - [REDACTED] [REDACTED] 104th Military
Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09328

b657cs
[REDACTED] I 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.

OR

_____ 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.

b657cs
[REDACTED]
SSG, USA
Respondent

09 NOV 03
DATE

6594

DEPARTMENT OF THE ARMY
104TH MILITARY INTELLIGENCE BATTALION
4TH 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

SUBJECT: Rebuttal of [REDACTED] to Written Reprimand

b657c5 1. I understand that I am being reprimanded for failure to properly supervise [REDACTED] and [REDACTED] 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 2. Paragraph one of the written reprimand states that I am responsible for ensuring that [REDACTED] and [REDACTED] were properly trained. I feel this is untrue. My element is conducting real-world 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 b657c5 3. [REDACTED] 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 [REDACTED] 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 [REDACTED] duty position in the Battalion S3, I made two attempts, in January 2001 to include [REDACTED] 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 [REDACTED] not during real-world operations.

b657c5 b657c5 4. Paragraph one of the reprimand states that I "... inadvertently led [REDACTED] to believe that..." I myself "...perhaps condoned certain practices that were outside the established regulations". Given specific phrases that I had said to [REDACTED] I recall a conversation that I had with [REDACTED]. 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, [REDACTED] was a prime candidate for this facility. As I recall, I made it clear to [REDACTED] that alternative techniques must be authorized by higher echelons, on a case-by-case basis, and then only at certain facilities. If [REDACTED] took my statements to

6595

b657c5 mean anything more than what I said, that was not my intention. I do not feel that I said anything to [REDACTED] that would lead a reasonable person to believe that I condoned any practices outside regulations.

b657c5 5. [REDACTED] 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 [REDACTED] 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 [REDACTED] would harm the detainee or allow him to be harmed. During the incident in question, [REDACTED] was under the immediate supervision of the team leader of MIT 91 and assistant NCOIC of the ICE, [REDACTED] (223rd MI BN), who was supposed to be conducting the interrogation. My duties are such that I cannot supervise more than a small fraction of the interrogations or screenings carried out by my element. I am forced to delegate supervisory responsibilities during the majority of operations.

b647c4 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 [REDACTED] performance during joint screenings and interrogations, prior to the incident, [REDACTED] 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 [REDACTED] on one occasion), exhibited a preference for "soft" approaches. In short, [REDACTED] is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICE.

b657c5 b647c4 b657c5 7. Paragraph two of the reprimand also states that I "...failed to discern what techniques [REDACTED] would use during the interrogation". I do not feel that this is entirely accurate. When discussing the pending interrogation with [REDACTED], he 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 [REDACTED] did, 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.

b657c5 8. I firmly believe that [REDACTED] 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

b657c5

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 [REDACTED] 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 [REDACTED], 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 [REDACTED] 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.

b657c5

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.

b657c5

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 done to prevent the actions of [REDACTED] and [REDACTED] while still conducting the element's assigned operations. Currently, I am still at a loss. [REDACTED] 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. [REDACTED] 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.

[REDACTED] b657c5
SSG, USA
NCOIC, TF IH ICE

6597

Table of Contents
15-6 Investigation
6 October 2003

DA Form 1574: Report of Proceedings By Investigating Officer
Appointment Orders for 15-6 Investigating Officer
Memorandum: Facts, Findings, and Recommendations
Memorandum: Detainee Sworn Statement

EXHIBIT A -	E-mail correspondences:	[REDACTED]	b647c4
EXHIBIT B -	Rights Warning Waiver Certificate:	[REDACTED]	b657c5
EXHIBIT C -	Sworn Statement:	[REDACTED]	b657c5
EXHIBIT D -	"Alternative Interoigation Techniques" document	[REDACTED]	
EXHIBIT E -	E-mail correspondence:	[REDACTED]	b657c5
EXHIBIT F -	Rights Warning Waiver Certificate:	[REDACTED]	b657c5
EXHIBIT G -	Sworn Statement:	[REDACTED]	b657c5
EXHIBIT H -	Sworn Statement:	[REDACTED]	b647c4
EXHIBIT I -	Rights Warning Waiver Certificate:	[REDACTED]	b657c5
EXHIBIT J -	Sworn Statement:	[REDACTED]	b657c5
EXHIBIT K -	Rights Warning Waiver Certificate:	[REDACTED]	b657c5
EXHIBIT L -	Sworn Statement:	[REDACTED]	b657c5
EXHIBIT M -	Rights Warning Waiver Certificate:	[REDACTED]	b657c5
EXHIBIT N -	Sworn Statement:	[REDACTED]	b657c5
EXHIBIT O -	Drawing:	[REDACTED]	b657c5
EXHIBIT P -	Drawing:	[REDACTED]	b657c5
EXHIBIT Q -	Sworn Statement:	[REDACTED]	b647c4
EXHIBIT R -	Counseling Statement:	[REDACTED]	b657c5

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Bldg # 206 FOB Ironhorse</i>	2. DATE <i>031016</i>	3. TIME	4. FILE NO.
5. <i>[REDACTED]</i>	8. ORGANIZATION OR ADDRESS <i>[REDACTED]</i>		
6. <i>[REDACTED]</i>	7. GRADE/STATUS <i>[REDACTED]</i>	<i>[REDACTED]</i>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: *ASSAULT* *[REDACTED]* *b657c5*

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

[REDACTED] I do not have to answer any question or say anything.

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. <i>[REDACTED]</i>
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR <i>[REDACTED]</i>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION	JIKRIT MAIN, DCCP	2. DATE	15 OCT 03	3. TIME	1530	4. FILE NO.	
5. NAME (Last, First, MI)	[REDACTED]		6. ORGANIZATION OR ADDRESS		[REDACTED]		
6. SSN	[REDACTED]	7. GRADE/STATUS	[REDACTED]				

PART I RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF SUSPECT/ACCUSED	[REDACTED] b657c5
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR	
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE			

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION DECP, FOB Ironhorse, Tikrit, Iraq	2. DATE 15 OCT 03	3. TIME 1645 hrs.	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS b657c5		
6. [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

I do not have to answer any question or say anything.

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. [REDACTED] b657c5
1a. NAME (Type or Print)	4. [REDACTED] INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR	
2a. NAME (Type or Print)	6. ORGANIZATION OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION TFIH OOD b657c5	2. DATE 200503	3. TIME 1920	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights b657c5

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

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

[REDACTED] do not have to answer any question or say anything.

[REDACTED] anything I say or do can be used as evidence against me in a criminal trial.

[REDACTED] or 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 lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE b657c5
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	b657c1
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights

I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

EXHIBIT M

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION TF W DCP	2. DATE 031002	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS [REDACTED]		
7. SSN [REDACTED]	8. GRADE/STATUS [REDACTED]	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] **b657c5** and wanted to question me about the following offense(s) of which I am suspected/accused:

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b657c5
1a. NAME (Type or Print)	[REDACTED]	4. [REDACTED] b617c1
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

EXHIBIT K

6603

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION DCCD Task Force Iron Horse JCF	2. DATE 1 Oct 2003	3. TIME 1600	4. FILE NO.
5. NAME [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. GRADE/STATUS [REDACTED]	7. [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF SUSPECT/ACCUSED [REDACTED] b657c5
1a. NAME (Type or Print)	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR [REDACTED] b617c1
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	
2a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION TRKRIT MAIN IZ
2. DATE 1 OCT 03
3. TIME 1800
4. FILE NO.
5. NAME [REDACTED] b657c5
6. SSN [REDACTED]
7. GRADE/STATUS [REDACTED]
8. ORGANIZATION [REDACTED]

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
I do not have to answer any question or say anything.
Anything I say or do can be used as evidence against me in a criminal trial.
For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE [REDACTED] b657c5
4. SIGNATURE OF INVESTIGATOR [REDACTED] b6617c1
5. TYPED NAME OF INVESTIGATOR
6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

EXHIBIT F

6605

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>DecP, FOB Ironhorse, Tikrit, Iraq</i>	2. DATE <i>030CT03</i>	3. TIME <i>1655</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE <i>bbs7c5</i>
1a. NAME (Type or Print)	[REDACTED]	[REDACTED] INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

EXHIBIT B

6606

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by [REDACTED] b627c2
(Appointing authority)

on 30 September 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at 4th Infantry Division Headquarters, FOB Ironhorse, Tikrit, Iraq at 1400 hours
(Place) (Time)
on 30 September 2003 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 16 October 2003 on 4 October 2003
(Time) (Date)
and completed findings and recommendations at 2100 hours on 6 October 2003
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ¹⁾	NA ²⁾
1	Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)				
	a. The letter of appointment or a summary of oral appointment data?			
	b. Copy of notice to respondent, if any? (See item 9, below)	X		
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: ¹⁾ 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.

		YES	NO	N/A
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as 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?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
	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?			X
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
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)?			
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, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	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 --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
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)?			
	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?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	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 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):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	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 arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1) 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.				

6608

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
(See attached memorandum for record)

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
(See attached memorandum for record)

6609

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

6617c1

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)



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

b647c4

a. On 14 August 2003, [REDACTED] 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 (HUMINT) exploitation elements (see Exhibit A). The e-mail addressed the relatively poor success rate of intelligence collection from detainee interrogations. [REDACTED] provided the Judge Advocate General's (JAG) list of definitions of "combatants", "lawful combatants", and "unprivileged belligerents" or "unlawful combatants" and explained [REDACTED] was unaware of any rules of engagement (ROE) governing treatment of unprivileged belligerents, but was researching the issue. [REDACTED] 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. [REDACTED] set a deadline of 17 August 2003, for "wish list" submission. [REDACTED] 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). [REDACTED] 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."

b647c4

b647c4

b647c4

6611

b647c4

b647c4

b647c4

b. [redacted] 3rd Armored Cavalry Regiment, NFI, responded to [redacted] e-mail (see Exhibit A) and stated [redacted] interrogation experience in Afghanistan had demonstrated [redacted]

b2/b7E

[redacted]. As a result, the current detainee population in Iraq understands the use of physical force more than psychological manipulation or incentives. [redacted] suggested the 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.

b647c4

c. [redacted] 501st Military Intelligence Battalion (MI Bn) [redacted] NFI, rebutted [redacted] 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. [redacted] concluded the e-mail stating "American soldiers... [are] heirs of a long tradition of staying on the high ground" and should remain there.

b657c5

d. Shortly after that e-mail was sent, [redacted] 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"

b657c5

[redacted] received no input from his soldiers. [redacted] understood [redacted] requested a list of interrogation techniques, both legal and illegal, which [redacted] deemed more effective in obtaining intelligence information from detainees. [redacted] spoke with [redacted]

b657c5

b647c4

b657c5

b647c4

b657c5

[redacted] of Tactical HUMINT Operations (THOPS), 104th MI Bn, 4ID, NFI, about the request. [redacted] recalls (see Exhibits B and C) asking [redacted] "Does this mean what I think it means?", to which [redacted] replied, "I think so." [redacted] compiled a list of [redacted] own suggestions,

b647c4

b657c5

b647c4

named the document "Alternative Interrogation Techniques" (see Exhibit D), and saved it on [redacted] computer's Desktop. [redacted] subordinate soldiers have regular access to [redacted] computer 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. [redacted] submitted [redacted] "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.

b657c5

b657c5

b657c5

b657c5

e. In late August 2003, [redacted] ICE, 104th MI Bn, 4ID, NFI, a HUMINT Collection Specialist, was reassigned from the Operations Office, 104th MI Bn, to the ICE, upon [redacted] request for additional interrogators. [redacted] 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 [redacted] needed skill refresher training, [redacted] allowed [redacted] to view interrogations [redacted] or another experienced interrogator conducted. Eventually, [redacted] allowed [redacted] to conduct [redacted] own interrogations while supervised by [redacted] or another experienced interrogator. When [redacted] felt [redacted] was ready, [redacted] conducted

b657c5

b657c5

b657c5

b657c5

b657c5 2

AFYB-MI-HHOC
Detainee Abuse Incident – 15-6 Investigation

interrogations without supervision. It is unclear whether [redacted] discussed the application of force in interrogations following the advent of [redacted] e-mail. [redacted] recalls a (see Exhibits F and G) discussion at the FOB Ironhorse dining facility in which [redacted] asked [redacted] what sort of "alternate interrogation techniques" [redacted] was suggesting. [redacted] allegedly suggested application of force, which did not leave bruises or scars on the detainee. [redacted] recalls [redacted] asked [redacted] whether [redacted] was "up to it" and if [redacted] could "handle it". [redacted] says [redacted] replied [redacted] could, though was unsure whether the interpreters could.

f. [redacted] had conducted the initial interrogation screening of Detainee [redacted] and deemed [redacted] much more difficult to "break" than most other detainees. [redacted] assigned [redacted] to [redacted] for interrogation. [redacted] felt [redacted] imposing physical size would intimidate [redacted] greater than any of the other interrogators in the ICE could and would likely yield results sooner. [redacted] knew about [redacted] e-mail and agreed with [redacted] statement that "the gloves are coming off", likely encouraged by [redacted] interpretation that this meant considering interrogation techniques heretofore unauthorized. [redacted] identified [redacted] as an accomplice in an attack against U.S. soldiers and led American soldiers to [redacted] went into the interrogation viewing [redacted] light of the information that [redacted] had killed 3 American soldiers and did not deserve all the rights and privileges he was afforded while at the DCCP. [redacted] intended to interrogate [redacted] employing "stress positions" and physical force to elicit a confession and time-sensitive information of intelligence value, which could prevent future attacks against American forces and save lives. "Stress positions" are body positions designed to cause physical discomfort and fatigue. [redacted] requested [redacted], ICE, 104th MI Bn, 4ID, NFI, for his interpreter for the interrogation. It is unclear why [redacted] selected [redacted] though I believe [redacted] likely told [redacted] he would hit [redacted] feet during the course of the interrogation. [redacted] a Voice Interceptor (98G) Arabic linguist, [redacted] descent and [redacted] describes the interpreter in this interrogation as an [redacted] sworn statement (Exhibit H).

[redacted] likely knows very little about interrogation legal and ethical guidelines, since he has worked at the ICE only since late August 2003. I suspect [redacted] knew of [redacted] intentions to hit [redacted] feet and [redacted] a young and junior-ranking soldier, likely went along with the idea (see Exhibits I and J).

g. In mid-afternoon on 23 September 2003, [redacted] approached [redacted], [redacted] 4th Military Police (MP) Company, 4ID, and requested [redacted] presence in [redacted] interrogation later that day. [redacted] intended to "turn it up a notch" or "soup up" [redacted] interrogation (see Exhibits K and L). [redacted] he wanted the use of a room with solid walls for [redacted] 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 is unclear whether [redacted] intentions, though I strongly suspect [redacted] had full knowledge. [redacted] sworn statement indicates he not only told [redacted], but [redacted] and [redacted] conspired together to assault [redacted]. [redacted] also states he and [redacted] agreed they would be discreet in their

b647c4

b657c5 / b657c5

handling of the interrogation, telling only [redacted] consented to being present at the interrogation and told [redacted] would request permission from [redacted] 4th MP Company, for use of one of the rooms in the DCCP high-security holding area.

b657c5

b647c4

b657c5

b657c5

b647c4

b647c4

b657c5

b647c4

b657c5

b647c4

b647c4

b657c5

b647c4

h. [redacted] accompanied by [redacted] went to the ICE Operations Office and told [redacted] would interrogate [redacted] using a "Fear-Up (Harsh)" approach technique. A "Fear-Up" 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 psychological stress of the threat of physical violence on the subject. [redacted] also told [redacted] 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. [redacted] consented. Interrogators are required to adapt to the changing needs of the interrogation and must remain flexible. As a result, interrogators do not usually seek approval for an interrogation plan. [redacted] left for the MP

Headquarters, where [redacted] was asking permission to use one of the rooms in the DCCP high-security area. [redacted] plan to raise the level of fear in the interrogation to "break [redacted] [redacted] was not specific about what tactics [redacted] intended to use. [redacted] Exhibits M and N) recalls [redacted] told [redacted] had a "bad feeling" about the interrogation, though [redacted] did not mention [redacted] had said so in [redacted] sworn statement. [redacted] agreed [redacted] would remain in the room during the course of the interrogation and would brief [redacted] about the interrogation later.

i. [redacted] walked to the DCCP high-security area. Once inside, [redacted] moved [redacted] from [redacted] cell and put [redacted] the detainee temporary holding area. Inside [redacted] cell were two metal folding chairs and [redacted] bedding. [redacted] walked into [redacted] cell and [redacted] escorted [redacted] into the room. [redacted] wore a dishdasha [traditional Arab garment], sandals, and shackles on his wrists and ankles. The interrogation began immediately. [redacted] questioned [redacted] a loud, angry voice, which [redacted] translated, mimicking [redacted] demeanor and tone. [redacted] paced the room as [redacted] yelled. [redacted] stayed near [redacted] and [redacted] stood against the north wall of the room.

(Exhibit O is [redacted] drawing of how the room was set up and where participants stood.) It is unclear how [redacted] obtained the MP riot baton, though [redacted] likely received it from [redacted] [redacted] told [redacted] to lie on [redacted] back and put his legs on the chairs, which [redacted] arranged such that they faced each other. (Exhibit P is [redacted] drawing of how the room was set up and where participants stood at this point in the interrogation.) [redacted] asked [redacted] about his involvement in attacks against American soldiers, where [redacted] received [redacted] finding and weapons, and [redacted] associates. When [redacted] did not receive the answers [redacted] wanted, [redacted] hit [redacted] feet. [redacted] the soles of [redacted] sandals

individually, for a total of about 10 to 30 times. Neither [redacted] or [redacted] objected. [redacted] spent approximately 15 minutes in this position.

j. [redacted] grabbed [redacted] by [redacted] and pulled him to [redacted] feet. [redacted] suggested removing [redacted] wrist restraints, though it is unclear to whom [redacted] suggested the idea. [redacted] unlocked [redacted] wrist shackles, likely one side remained locked.

b657c5

b647c4

AFYB-MI-HHOC
Detainee Abuse Incident - 15-6 Investigation

b647c4

b657c5
b647c4
[redacted] instructed [redacted] to stand with [redacted] arms out at [redacted] sides, knees bent, and head tilted back so [redacted] faced the ceiling. [redacted] stood in that position for approximately 15 minutes. [redacted] told [redacted] to stand a few feet from the wall, forehead pressed to the wall, arms out at his sides and parallel with the floor, such that [redacted] body stood at approximately a 70-degree angle to the floor. At some point, [redacted] moved from [redacted] position against the north wall to just inside the door against the south wall, likely to get a better view. [redacted] continued to question [redacted] and [redacted] maintained [redacted] innocence. Not receiving the answer [redacted] wanted, [redacted] hit [redacted] across his buttocks and possibly [redacted] lower back as well. [redacted] likely did not intend to hit [redacted] on his buttocks or lower back when he began the interrogation. I believe this was a spur-of-the-moment idea [redacted] had. Again, neither [redacted] objected. [redacted] approximately 10 times. [redacted] concluded the interrogation and [redacted] led [redacted] back to [redacted] cell. [redacted] states [redacted] walked in and out of the interrogation, as it was time to feed other detainees. I believe [redacted] spent much more time in the interrogation than the 50% [redacted] states, nor was [redacted] notably absent each time the baton was used against [redacted]. I also believe [redacted] not only consented to giving [redacted] baton, but condoned using the baton on [redacted] and was likely even a co-conspirator with foreknowledge when [redacted] approached him originally.

b657c5
b647c4
[redacted] remained in [redacted] cell while [redacted] moved [redacted] back. [redacted] then interrogated [redacted] with [redacted] remaining in the room. Shortly after the interrogation began [redacted] arrived and joined the interrogation. This interrogation was much quieter than the preceding one. I do not feel anything significant occurred during the course of [redacted] interrogation. Later that evening, [redacted] went to [redacted] and explained [redacted] had seen nothing of note during the interrogation and that [redacted] was only put in stress positions. [redacted] demonstrated three stress positions [redacted] used (see Exhibit J).

b657c5
b647c4
1. Neither [redacted] said anything about the events of [redacted] interrogation to [redacted] went to dinner later that evening and sat with [redacted] 104th MI Bn, NFI (see Exhibit Q). [redacted] asked [redacted] how [redacted] interrogation of "MP [redacted]" had gone that evening and whether [redacted] had been able to "break" [redacted] [redacted] said [redacted] was thus far unsuccessful and had beaten [redacted] with an MP "control stick". "Control stick" refers to the MP riot baton and is the terminology [redacted] used in [redacted] interview and the same terminology [redacted] quoted in [redacted] sworn statement. [redacted] looked at each other, unknowing whether to believe [redacted] Neither questioned [redacted] further about the incident. At approximately 0900 or 1000 hours on 24 September, [redacted] and told [redacted] to restrict [redacted] access to detainees until further notice. [redacted] refused to explain over the telephone and asked [redacted] to come to [redacted] office. [redacted] woke [redacted] and asked [redacted] what had happened the previous evening. [redacted] told [redacted] about [redacted] hitting [redacted] s feet. [redacted] did not ask further and went to [redacted] office. [redacted] went upstairs to discuss the matter. Following this conversation, [redacted] drafted a counseling statement for [redacted] on 25 September and counseled [redacted] on 26 September. The counseling statement (see Exhibit R) detailed [redacted] s punishment of 10 hours of one-on-one Geneva Convention training with [redacted], as

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

m. [REDACTED] stated in [REDACTED] statement [REDACTED] was mistreated in another interrogation at the FOB Ironhorse DCCP. [REDACTED] recalls an interrogation (see Exhibit H) conducted on 29 September in which [REDACTED] ICE, 104th MI Bn, 4ID, NFL, served as interrogator and [REDACTED] served as interpreter. [REDACTED] recognized [REDACTED] as the same [REDACTED] interpreter from the previous interrogation. As [REDACTED] was led into Booth 1, [REDACTED] ordered [REDACTED] to kneel and walk around the tent on [REDACTED] knees with his hands clasped behind his head. [REDACTED] is under the impression [REDACTED] was in control of the interrogation, as [REDACTED] was not very loud, did not say much, and allowed [REDACTED] to have some degree of control. [REDACTED] crawled around the table in the middle of the tent approximately 15-20 times. Either [REDACTED] realized detainees in the juvenile detention cell were able to see the events in Booth 1 (see Exhibit J). [REDACTED] moved the interrogation to Booth 2, where [REDACTED] resumed crawling around the table in the tent. [REDACTED] was dizzy, tired, and his knees hurting and tried to lean back against his calves. On one of these occasions, [REDACTED] pushed or prodded [REDACTED] with the half-filled water bottle [REDACTED] carried. [REDACTED] recounts (see Exhibit H) [REDACTED] hitting [REDACTED] once with the water bottle. As a result of this interrogation, [REDACTED] has open sores on both knees, which precludes [REDACTED] from participating in proper Muslim worship practices. I alerted [REDACTED] about [REDACTED] wounds; [REDACTED] 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 [REDACTED] did, in fact, request [REDACTED] be released from [REDACTED] administrative duties for skill refresher training and the chain of command denied the request (see Exhibit C). Second, if [REDACTED] did hold a conversation with [REDACTED] in which they discussed whether [REDACTED] 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 [REDACTED] agreed to beat [REDACTED] with a riot baton and intended not to discuss the incident with anyone besides [REDACTED] (see Exhibit G). Fourth, if [REDACTED] his riot baton with specific intent to assault [REDACTED] (see Exhibit G). Fifth, if [REDACTED] did not clearly explain to [REDACTED] s role in an interrogation (see Exhibits G and J). Sixth, if [REDACTED] was, in fact, not present in the room during the alleged assault (see Exhibit L).

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

3. FINDINGS *b657c5*

b657c5 a. [REDACTED] 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 [REDACTED] work depends greatly upon adherence to the Geneva Convention regulations, [REDACTED] should have a sense of the tremendous responsibility [REDACTED] has to follow them, if not for ethical reasons, at least to avoid the potential consequences of violations. I find [REDACTED] liable for premeditated assault on [REDACTED] *b657c5* guilt is exacerbated by [REDACTED] *b657c5* use of an MP riot baton, which constitutes "aggravated assault" in criminal court proceedings. [REDACTED] *b657c5* bears less guilt as it is clear [REDACTED] felt encouraged by [REDACTED], even if "are you up to it?" 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, [REDACTED] was unclear what definition applies to the majority of the detainee population of the DCCP, as [REDACTED] states [REDACTED] sees them as unlawful combatants who had murdered 3 of [REDACTED] 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, [REDACTED] would have reconsidered intentions, had he seen the memorandum before going into the interrogation room with [REDACTED] *b657c5* on 23 September.

b647c4 b. [REDACTED] Military Policeman with [REDACTED] of active duty service. Intrinsic to the duties of a Military Policeman is [REDACTED] responsibility *b657c5* for the security and welfare of enemy prisoners of war, including adherence to the statutes of the Geneva Convention. I find [REDACTED] liable for [REDACTED] abuse of [REDACTED] *b657c5* guilt is exacerbated if [REDACTED] did, in fact, partake in planning and not just offer tacit consent once in the room. [REDACTED] guilt is further exacerbated if [REDACTED] lied about his involvement and knowledge of the incident on his sworn statement. As an [REDACTED] of service, [REDACTED] *b657c5* knew what [REDACTED] was doing was wrong. [REDACTED] guilt is mitigated if he was, in fact, absent from the room during [REDACTED] assault on [REDACTED] *b657c5* *b657c5* *b647c4* *b657c5* *b647c4*

b657c5 c. [REDACTED] an interpreter who has only worked with the ICE for the [REDACTED] knowledge of the Geneva Convention and interrogation operations is limited to what [REDACTED] has experienced while working at the ICE and what [REDACTED] has been told by *b657c5* interrogators with whom he has worked. [REDACTED] is most likely a scared junior enlisted soldier *b657c5* who was convinced [REDACTED] knew what [REDACTED] was doing. [REDACTED] guilt is mitigated [REDACTED] was not informed about [REDACTED] intentions prior to entering the interrogation room. [REDACTED] guilt is exacerbated by [REDACTED] intervention in the interrogation, which is outside the scope of his interpreting duties. [REDACTED] intervention in [REDACTED] 29 September interrogation was also out of line, for which [REDACTED] should be held liable, if he authorized it. *b657c5* *b647c4* *b657c5*

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

6647c4 6657c5 6647c4

detainees. [redacted] e-mail did not explain fully the intent of the "wish list" and, as a consequence, implanted ideas neither [redacted] nor any of his interrogators would have considered before. [redacted] references to "gloves coming off" and [redacted] desire to have detainees "broken" quickly lead one to believe [redacted] wanted suggestions of less-than-ethical or less-than-legal nature. I believe [redacted] and [redacted] had a discussion about [redacted] e-mail and [redacted] likely read [redacted] statements as an endorsement of more violent interrogation methods, based upon opinions in [redacted] sworn statement. 6647c4

6657c5 6647c4 6657c5

e. I do not feel First Lieutenant [redacted] is culpable for any part of this incident. A Field Artillery officer by training, [redacted] became a Military Police officer only within the past month. [redacted] seems to be learning her duties and understanding DCCP operations quickly. [redacted] is a diligent officer and has a good understanding of most operations in her purview.

6647c4 6657c5 6647c4

f. Although [redacted] account of events differs slightly from the other three in the interrogation room on 23 September, [redacted] story is highly credible and plausible. I do not feel [redacted] intentionally altered the events of that interrogation, though [redacted] account of his 29 September interrogation lends itself to mild exaggeration.

4. RECOMMENDATIONS

6657c5 6657c5

a. At a maximum, I recommend [redacted] be subject to military court 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 recommend [redacted], be subject to military court martial and be prosecuted for conspiracy to commit aggravated assault. I recommend [redacted] be given a company grade Article 15, Uniform Code of Military Justice, for his involvement in the aggravated assault of [redacted]. I recommend no charges be proffered against [redacted] or [redacted]. 6657c5

6657c5 6647c4 6657c5

b. At a minimum, I recommend [redacted] be given a Field Grade Article 15. I recommend [redacted] be given a Field Grade Article 15. I recommend [redacted] be given a letter of reprimand. 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 prisoners of war understand the tenets of the Geneva Convention completely.

6657c5 6647c4

d. Additionally, I recommend [redacted] be questioned about his involvement in the 29 September 2003 interrogation of [redacted]. Although I have no belief [redacted] or [redacted] had any intention of causing physical harm to [redacted] during this interrogation, [redacted] bear some culpability for explaining his expectations in the interrogation. [redacted] should have informed [redacted] about his

AFYB-MI-HHOC
Detainee Abuse Incident – 15-6 Investigation

b657c5

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

[REDACTED]

b6-2/7c2

CPT, MI
Investigating Officer

b627c2

MEMORANDUM FOR: [REDACTED]

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 [REDACTED] while *b657c5* interrogating a internee at the Division Consolidated Collection Point.

b647c4
2. In your investigation, gather sworn witness statements to the alleged event described in the enclosed statement from [REDACTED]. 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.

[REDACTED] *b62-7c2*
Commanding

Encl

- b647c4*
1 - Sworn statement, [REDACTED]
2 - Counseling statement 26Sep03



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 Sworn Statement

1. [REDACTED] ^{b647c4} Detainee [REDACTED], provided [REDACTED] sworn statement on 1 October 2003 through [REDACTED] a Category II Civilian interpreter. [REDACTED] was provided by the Interrogation Control Element (ICE), Division Central Collection Point, 4th Mechanized Infantry Division.

2. I transcribed [REDACTED] ^{b647c4} statement using most nearly the language [REDACTED] used during the course of the interview. I presented the statement to [REDACTED] on 2 October and had [REDACTED] ^{b647c4} a Category II Civilian interpreter, also provided by the ICE. [REDACTED] verified statement through [REDACTED] before signing. ^{b647c4}

3. Point of contact for this memorandum is the undersigned at DNVT [REDACTED]

[REDACTED]

Investigating Officer

4ID 104MI ICE

From:
Sent:
To:
Cc:

Thursday, August 14, 2003 11:26 AM

b627c2

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 unprivileged 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

—Original Message—

From: [mailto: [REDACTED]]
Sent: Thursday, August 14, 2003 3:55 PM
To: [REDACTED]
Cc: [REDACTED]

b62/7c2

Subject: RE: FW: Taskers

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 and WWII enemies. Today's 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 litany of harsher fear-up approaches...fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off.

V/R

____ Original Message ____

From: [REDACTED]
Date: Thursday, August 14, 2003 2:51 pm
Subject: FW: Taskers

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

>

> ____ Original Message ____

> From: [REDACTED]
> [mailto:[REDACTED]]
> Sent: Thursday, August 14, 2003 1:51 AM
> To: [REDACTED]
> Cc: [REDACTED]
> 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,

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DCCP, FOB Ironhorse, Tikrit, Iraq
2. DATE (YYYYMMDD): 2003/10/03
3. TIME: 1700
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: [Redacted]
8. ORGANIZATION OR ADDRESS: 104th Military Intelligence Battalion, 4th Mechanized Infantry Division, Fort Hood, TX 76544

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

Sometime in mid-August 2003, I received an electronic mail correspondence [hereinafter referred to as e-mail] from a captain at the U.S. Army V Corps Human Intelligence Effects Coordination Cell (HECC). [Affiant later produced a printed copy of the e-mail, with subsequent comments attached] The captain requested a "wish list" from subordinate interrogation elements for innovative interrogation techniques that will prove more successful than current methods. I understand "wish list" to mean the captain wanted to know what other interrogation techniques I might want to try if the techniques were authorized. I interpreted the request to mean the captain wanted suggestions legal, illegal, and somewhere in between. I recall the e-mail mentioned "Colonel [Redacted] was upset interrogations were not more successful and the captain used the phrase "the gloves are coming off". I recall the e-mail also mentioned techniques used in SERE [Survival, Evasion, Resistance, and Escape] School may be effective. I mentioned the request for suggestions to the soldiers in my unit, the Interrogation Control Element (ICE) at the Division Central Collection Point (DCCP) [hereinafter referred to as the Cage], Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division, Tikrit, Iraq. I spoke to [Redacted] Officer in Charge of Tactical Human Intelligence Operations (THOPS), 104th Military Intelligence Battalion, 4ID, about the e-mail. [Redacted] told me he had received the same e-mail. I asked [Redacted] "Does this mean what I think it means?" [Redacted] said, "I think so." I recall seeing only 2 other correspondences addressing this e-mail sent to all the recipients of the previous e-mail. The first response was from [Redacted] who stated his experience in Afghanistan had taught him other means were necessary to extract intelligence information. The second response was from a major whose name I do not recall. The major objected to [Redacted]s suggestions on moral and ethical grounds. I received no suggestions from my soldiers and compiled a list of my own ideas. I understood the captain wanted all ideas-legal and illegal, regardless of what I personally condone. I saved my ideas on my computer's Desktop screen as a file called "Alternative Interrogation Techniques.doc". Everyone in my unit has access to my computer and can access any of the files at any time. I know it is possible some of my soldiers may have seen the document, opened it, and read it, though I never actually showed the document to any of my soldiers before submitting it. I submitted my "wish list" by the due date, which I recall was just a few days later, and have not heard anything about the "wish lists" since. I currently have [Redacted] soldiers who have attended Advanced Individual Training (AIT) for Human Intelligence Collection. For much of the current deployment, however, the FOB Ironhorse ICE has been undermanned with personnel necessary to conduct proper interrogation operations. I requested personnel from my higher command and [Redacted] arranged for [Redacted], a Human Intelligence (HUMINT) Collector by training, to be assigned to the ICE in late August. [Redacted] has been an active duty soldier for about 2 years. Since completion of AIT, [Redacted] has been assigned to administrative positions only and has not practiced any of the skills for his Military Occupational Specialty (MOS) since. On several occasions, I have requested [Redacted] supervisors release [Redacted] for MOS-specific training, all of which have been denied. I first gave [Redacted] operational interrogation experience in observing an interrogation conducted by myself or another experienced interrogator, such as since-reassigned [Redacted]. When I felt he was ready, I allowed [Redacted] to conduct an interrogation supervised by me or another experienced interrogator such as [Redacted]. I conducted initial interrogation screenings on detainees [Redacted] hereinafter referred to as [Redacted] and [Redacted] hereinafter referred to as [Redacted]. [Redacted] had been captured in a raid and immediately named [Redacted] an accomplice in an attack that killed 3 American soldiers. I assessed [Redacted] was the weaker of the two detainees and would divulge everything he knew. I also assessed [Redacted] would know more than [Redacted] and would be more difficult to "break", as he was a much larger and mentally-resistant person than [Redacted]. I felt [Redacted] could not "break" with most of my other interrogators, who are much smaller in stature. To extract time-sensitive intelligence information that could save American lives, I assigned [Redacted] to [Redacted] interrogation. "Breaking" a detainee means the detainee's mind is pressured to the point the detainee resigns his tainted account of events and tells the truth as he knows it. [Redacted] is a very large soldier, standing at an imposing 6-foot 6-inches or so, and uses his size to intimidate detainees effectively. Approximately 10 days ago [22 to 24 September 2003] at about 1400 to 1600 hours, [Redacted] approached me and mentioned he was going to interrogate [Redacted] using a "Harsh Approach" technique. I gave my approval. Since they must be flexible in their interrogations and change approaches according to the situation, interrogators do not have a strict plan, nor do they request approval for a specific interrogation plan. [Redacted] left with [Redacted] the interpreter [Redacted] requested for the [Redacted]

b627c2
b627c2
b627c2
b657c5

b62/17c2
b7E
b657c
b64/7c4
b657c5

10. EXHIBIT: b647c4
11. INITIALS OF PERSON MAKING STATEMENT: b657c5
PAGE 1 OF 3 PAGES

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

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

1664c74c

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 2003/10/03

b657c5

b657c5

b657c5

9. STATEMENT (Continued)

[redacted] uses the pseudonym [redacted] during the course of his interrogations for security reasons. I passed by the MP headquarters office a few minutes later and noticed [redacted] and [redacted] standing outside. I asked [redacted] what he was doing. [redacted] replied he was receiving approval for the interrogation. I told him interrogators do not need approval from Military Police soldiers (MPs) for their interrogations. [redacted] said he requested use of a detention room for his interrogation of [redacted]. Since interrogations usually occur in interrogation tents, or "booths", just outside the Cage high-security holding area, I told [redacted] MP approval would be necessary for use of the room. [redacted] 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. [redacted] and [redacted] interrogated [redacted] for approximately 60 to 90 minutes. I walked to the DCCP high-security holding area later that evening. I expected [redacted] would still be interrogating [redacted] at that time, but [redacted] had finished already. [redacted] and [redacted] were interrogating [redacted] in [redacted]'s cell, which is the second room on the right as you enter the DCCP high-security holding area. [redacted] one of the MPs, was present. I am not sure why [redacted] was present, as [redacted] is neither a large nor imposing man. Since many of the MPs have not seen an interrogation before, [redacted] may have wanted to witness the 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 [redacted] at approximately 0900 or 1000 hours. [redacted] instructed me to suspend [redacted]'s access to detainees at the Cage. I asked [redacted] why I should restrict [redacted]'s access. [redacted] replied he would not discuss the matter over the telephone and asked me to come see him at the 4ID headquarters building, FOB Ironhorse. I worked [redacted] immediately and asked him what had happened the previous night during interrogations. In a half-awake state, [redacted] explained [redacted] had used an MP baton to hit a detainee's feet during the course of an interrogation. Since I did not have contact with [redacted] the previous evening before [redacted] did not tell me about the incident, I do not believe [redacted] intended to hide any information from me and have the impression [redacted] was surprised about the events in the interrogation. I do not doubt [redacted] might have been scared, though. [redacted] is a young, inexperienced soldier who has only recently been assigned as an interpreter for interrogations. Within an hour of my conversation with [redacted], I was in the 4ID headquarters building meeting with [redacted] and I walked upstairs from his office on the second floor to a balcony on the third floor for a discreet conversation. [redacted] explained [redacted] had eaten dinner with [redacted] and [redacted] the previous evening. [redacted] asked [redacted] how his interrogation had gone that evening. [redacted] explained [redacted] told [redacted] he had used an MP baton to hit [redacted]'s feet and buttocks during the course of the interrogation. I do not know which baton [redacted] had used, though I assume [redacted] meant the baton I see most MPs at the Cage carrying, which I describe as a "natural wood" color, about 1- to 1.5-inches in diameter, and about 3- to 4-feet in length. The baton also has a rubber ring embedded in a groove about 4 to 6" from one end. I restricted [redacted] to administrative details immediately and put counseling in writing. I typed [redacted]'s counseling statement the next day and counseled [redacted] the following afternoon. HUMINT Collector soldiers are given Geneva Convention classes for at least a full week or two at AIT and receive a hand-out summarizing the tenets of the Geneva Convention statutes. All refresher Geneva Convention training is conducted within the unit and, though there is no official requirement of how often to conduct training, my soldiers receive refresher training approximately once every 6 months. Geneva Convention training is very easy to conduct and much of it is "hip pocket" training, or training conducted by soldiers individually with manuals they would keep in their hip pockets. I do not like "coercive" interrogation techniques, as I have read several studies, which say they have proven largely unreliable because the source will say anything to end the interrogation. I prefer to use mental and emotional techniques due their proven effectiveness in numerous studies. I recognize my "wish list" mentions a wide array of techniques, though I believe the intent of the original e-mail was for a brainstorm of all kinds of ideas. HUMINT Collector schooling teaches to "walk the fine line" between legality in interrogations. I have been very clear in my instructions to my soldiers about their interrogation techniques. I often tell my soldiers, "There's no one in this Cage worth you going to jail for." It is possible [redacted] saw the "Alternative Interrogation Techniques" document and received some ideas from it, though the document does not specify the technique [redacted] used. [redacted] received no approval, tacit or explicit, from me for any illegal technique. I do not know of any other incidents of mistreatment or abuse of detainees at the FOB Ironhorse Cage. I do not know of any incident in which an interpreter took control of an interrogation. I have nothing further to add to this statement.

b657c5

b647c4

b657c5

b647c4

b657c5

b647c4

b657c5

b647c4

b657c5

b657c5

b657c5

b657c5

b647c4

b657c5

b657c5

b647c4

b657c5

b657c5

b657c5

b657c5

b647c4

b657c5

b657c5

6625

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT _____ DATED 2003/10/03

9. STATEMENT (Continued)

6657c5

NOT ~~USED~~ USED
6657c5

AFFIDAVIT

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

6657c5

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] 6627c4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of October, 2003 at DCCP, FOB Ironhorse, Tikrit, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 6657c5

PAGE 3 OF 3 PAGES

Alternative Interrogation Techniques (Wish List) **4th 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 Electrocutation

Closed-Fist Strikes

Muscle Fatigue Inducement

EXHIBIT D

6627

[REDACTED]
From: [REDACTED]
Sent: Monday, August 18, 2003 2:16 AM
To: [REDACTED]
Subject: RE: Taskers

b2-2



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 hours.

565-705

TF IH CCP, Tikrit, IZ

-----Original Message-----

From: [REDACTED]
Sent: Thursday, August 14, 2003 3:51 AM
To: [REDACTED]

b2-2

b62

Subject: FW: Taskers

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

-----Original Message-----

From: [REDACTED]
[mailto:[REDACTED]]
Sent: Thursday, August 14, 2003 1:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Taskers

b6-2

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 from 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.

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



b62

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 01 October 2003	TIME 1430 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER 664/7c4		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

During the evening hours on approximately 23 or 24 September 2003, I was removed from my detention cell for an interview. This was my fourth interview during my detention at this facility. I was taken to an interview room, where I was questioned for approximately 15 to 20 minutes by an American soldier whom I describe as a tall, skinny male with a light facial complexion and black hair. He was accompanied by two other soldiers, a Military Police (MP) officer whom I describe as "white skin" and "not too tall or short" [Affiant indicated a soldier outside approximately 5'7" to 5'9" tall, wearing military fatigue pants and a brown tee-shirt; a large tattoo on his upper left arm was exposed. Though there were other soldiers present, this was likely the soldier Affiant meant], and an interpreter whom I describe as darker skinned and having an Egyptian accent when he spoke. The Tall American led me inside the interview room. I was wearing a dishdasha [an Arab garment much like a nightshirt], my sandals, handcuffs, and ankle shackles. The Tall American made me stand with my forehead against the wall, my hands behind my head, my feet planted several feet from the wall, such that my body was positioned at a 45-degree angle. The Tall American was in control and was very angry. The Tall American shouted at me, asking if I was the person who had killed Americans. The Egyptian Interpreter was also very angry and yelled at me. I said I was not involved and did not know anything about any weapons. The Tall American had in his hands a yellow wooden MP baton I describe as approximately 2 to 3 feet in length and 1 inch in diameter. When I did not give the answer the Tall American wanted to hear, he hit me with the baton on my lower back and buttocks "about 10 times". The baton hurt me, though it did not leave any bruises or break the skin. I do not know how long I was in that position. The Tall American then told me to lie down on my back with my legs up on a chair. I did as I was told and the Tall American questioned me again about my alleged involvement in an attack against Americans. I said I did not know anything about it. When the Tall American did not like my response, he hit my feet with the baton "almost 15 times". Again, the baton hurt me, though it did not leave any bruises or break the skin. I do not know how long I was in that position. During the entire interview, the Military Police officer stood in the corner of the room, said nothing, and did nothing but observe. I have had no problems with him before or since. My fifth interview was during the evening hours of about 2 or 3 days ago [Affiant indicated 28 or 29 September 2003], I was removed from my detention cell for another interview. During the interview, the Egyptian Interpreter was present again, though it was a different American who was questioning me. I cannot recall any details about his appearance or distinguishing features. As soon as I entered the tent [Affiant indicated Booth 2], the Egyptian Interpreter moved the box upon which I usually sit during my interviews. The Egyptian Interpreter ordered me to get on my knees, put my hands behind my head, and move around the table in the middle of the tent, during which the Egyptian Interpreter yelled at me and asked me who was shooting Americans, who was with me, and what kind of weapons I had. I said I did not know anything. I crawled around the table about 10 to 15 times before the Egyptian Interpreter and the Unidentified American Interviewer moved me to the other tent [Affiant indicated Booth 3]. There, the interpreter ordered me to kneel again and move around the table. I told the Egyptian Interpreter and the Unidentified American Interviewer I was tired, dizzy, my knees hurt, and I could not go around the table anymore. When I told the Egyptian Interpreter I "could not handle it", he said, "Keep going" and hit me once on my lower back with a water bottle. The water bottle was nearly half full with what I recall might have been an orange-colored juice. It appeared to me the Egyptian Interpreter was in control during the course of this interview, as he did all the yelling. The Unidentified American Interviewer asked questions only once in a while. I was in the first tent a total of about 10 minutes and in the second for a total of about 15 minutes. There was no MP guard or anyone else present in the tent, though there may have been a witness. [Affiant indicated a man dressed in yellow in the 'Juvenile detention cell']. At no time during this interview did the Egyptian Interpreter or the Unidentified American Interviewer push me or strike me with anything other than the water bottle. As a result of crawling on my knees in the tent, my knees are bloody and I still have open sores, which are exposed to flies. I have not been given the opportunity to see a doctor for my injuries. The injuries I sustained in the first-mentioned interview did not produce any bruises or break the skin and the pain went away after 2 days. The injuries I sustained in the second interview are confined to my knees. My right knee has 3 open wounds ranging in size from 1 inch to 1.5 inches across. My left knee has 2 open wounds approximately 1 inch across. These wounds make daily prayer difficult. In the other 3 interviews I have had, I have not been abused in any way. The guards and interviewers have been otherwise good to me. I have nothing further to add to this statement.

//////////////////////////////////////NOTHING FOLLOWS//////////////////////////////////////

[REDACTED] b664/7c4 [REDACTED]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
---------	---	-------------------

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

EXHIBIT H

6630

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 01 October 2003	TIME 1750 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65/7c5	SOCIAL SECURITY NUMBER [REDACTED] b65/7c5	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence Battalion, Fort Hood, Texas 76544 b64/7c4			

I, [REDACTED] b65-7c5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 23 September 2003, I interrogated [REDACTED] b64/7c4, Division Central Collection Point (DCCP) Detainee [REDACTED] b64/7c4 [hereinafter referred to as [REDACTED]]. I interrogated [REDACTED] at the DCCP at Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID) Tikrit, Iraq. This interrogation was my second interrogation with [REDACTED], which I believe was [REDACTED]'s third interrogation. In the previous interrogations, [REDACTED] did not "break", meaning he did not resign [REDACTED] account or events, and tell the truth about his involvement in attacking American soldiers. My interrogation training has taught me how to identify when a Source, the person being interrogated, is lying to me. I could tell with about an 80% probability [REDACTED] was lying to me, so I intended to press [REDACTED] until [REDACTED] "broke". [REDACTED] buddy Detainee [REDACTED] [hereinafter referred to as [REDACTED]], "ratted him out", meaning [REDACTED] told his interrogators [REDACTED] was lying and had secretly bragged about killing American soldiers. [REDACTED] is suspected of constructing improvised explosive devices (IEDs), though I believe [REDACTED] is innocent. My intent during this interrogation was to "put pressure on [REDACTED] to learn who [REDACTED] superiors are. Interrogation training teaches application of force is an unreliable means of extracting a confession from a detainee because if enough force is used, the detainee will admit to anything. I intended to use a "Fear-Up (Harsh)" approach with [REDACTED] a technique I normally do not use. In the "Fear-Up (Harsh)" technique, the interrogator is permitted to use verbal language-such as offensive language-and body language-such as slamming a fist on a table-to obtain a confession. The interrogator cannot use physical violence, though forcible handling or "manhandling" is authorized. We are trained to "walk the line" of legality and to recognize there are plenty of techniques not taught in the classroom still within limits of the Geneva Convention statutes. I saw an e-mail in mid- to-late August 2003 from [V] Corps discussing interrogation operations. The e-mail explained American soldiers were being killed and "we need to start saving lives". I believe the e-mail used the phrase, "the gloves need to come off." The e-mail was from or referenced a [REDACTED] named [REDACTED] and was not an official policy or order. When the e-mail had first come out, I asked my supervisor what this meant. My supervisor is [REDACTED], Interrogation Control Element (ICE) [REDACTED], DCCP, FOB Ironhorse, 4ID. [REDACTED] said this meant we were not allowed to injure detainees such that they had bruises or scars. [REDACTED] implied rough handling and stressful positions. [REDACTED] said they may do something like "punch [the detainee] through a phonebook". The phonebook would be used to spread the impact over a larger area and not hurt the detainee as much. I understood [REDACTED] meant hitting the detainee in the chest or stomach, but not the face. [REDACTED] asked me if I was "up to it" and if I could "handle it". I said I could, though I did not think some of the interpreters could. [REDACTED] suggested 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 information from detainees. The list included hitting detainees, but being careful not to leave bruises or scars. I work with several Military Police (MP) soldiers at the DCCP, including [REDACTED] b62, DCCP, 4th MP Brigade, 4ID. I approached [REDACTED] and said I wanted an MP present for security, since some detainees have been making knives recently. I said to [REDACTED] "I have an idea. We have to start saving lives." I explained about the e-mail I had seen and said the people working at [V] Corps were looking into "other means of saving lives". I said, "[The detainees] are criminals and they have the same rights as us." [REDACTED] agreed. I said I intended to beat [REDACTED] feet during the interrogation. [REDACTED] said [REDACTED] would go with me and would take responsibility for [REDACTED] actions if I would take responsibility for mine. We agreed we would keep the interrogation "discreet" and I would tell only my supervisors [REDACTED] in 104th MI Bn, 4ID. I decided I would tell [REDACTED] only after the fact and only to keep them informed of what had happened. [REDACTED] said [REDACTED] would have to obtain permission from the DCCP OIC, [REDACTED] b65/7c5. When [REDACTED] and I approached [REDACTED] about the interrogation, we explained about the e-mail and that we wanted to be "forceful" with [REDACTED]. [REDACTED] gave [REDACTED] approval, though I do not believe [REDACTED] the conversation with the idea we intended to hit [REDACTED]. The interrogation occurred in the evening hours of 23 September at about 1700 or 1800 hours. For my interpreter, I chose [REDACTED] an American soldier of [REDACTED] descent who had spoken [REDACTED] because I felt he was "suitable for the Fear-Up (Harsh)" approach. [REDACTED] and I entered the interrogation room, which was [REDACTED] cell. I chose this room because it had solid walls which would make many "stress positions" easier. A "stress position" is a body position designed to cause discomfort and fatigue. [REDACTED] was wearing a dishdasha [an Arab garment much like a nightshirt], sandals, handcuffs, and ankle shackles. I asked [REDACTED] for [REDACTED] "control stick", a wooden MP baton approximately 2 to 3 feet long, about 1 inch in diameter, and beige or yellow in color. [REDACTED] gave me [REDACTED] control stick without word and without question. b64/7c4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65/7c5	PAGE 1 OF 2 PAGES
---------	---	-------------------

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

b64/7c4
b65/7c5
b62
b64/7c4
b65/7c5
b64/7c4
b64/7c4

b64/7c4
b64/7c4
7c4
b64/7c4
b62
b62
b65
b6-2
b65/7c5
b65/7c5

EXHIBIT G b65/7c5

6631

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq DATE 01 October 2003 TIME 1600 hours FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS

ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence Battalion, Fort Hood, Texas 76544

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

At approximately 1500 hours on 23 or 24 September 2003, [redacted] Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID), asked me to interpret for [redacted] on an interrogation of Detainee [redacted] hereinafter referred to as [redacted]

[redacted] intended to "turn it up a notch" with [redacted] was "full of shit" and that [redacted] buddy had "ratted him out", meaning the buddy had told interrogators [redacted] was bragging he had killed Americans. [redacted] told me [redacted] wanted to use the "Fear-Up (Harsh)" interrogation technique. I do not remember if [redacted] had said whether he would hit [redacted] or not, though [redacted] might have mentioned hitting [redacted] feet. [redacted] talked to [redacted]

[redacted], a Military Police (MP) soldier assigned to the Division Central Collection Point (DCCP), and [redacted] had requested to sit in on the interrogation, as [redacted] had never witnessed an interrogation before. [redacted] and I went to [redacted], the DCCP [redacted] to ask permission. I am not sure what was discussed during the conversation, as my attention was distracted, though I believe they were getting permission to use the cell of Detainee [redacted] (hereinafter referred to as [redacted]) as the location for the interrogation, instead of the interrogation tents, or "booths", outside the DCCP holding area. [redacted] and I went into [redacted] cell, the second cell on the right as you enter the "high security" compound of the DCCP. During the interrogation, [redacted] was in control and had [redacted]'s MP baton, or "control stick", in [redacted] hands. I do not know when he obtained the baton, but [redacted] did not object or say anything. [Affiant obtained a baton to demonstrate what kind of baton was used. The baton was approximately 3 feet long, 1 inch in diameter, and yellow or beige in color.] [redacted] was wearing a dishdasha [an Arab garment much like a nightshirt], sandals, handcuffs, and ankle shackles. [redacted] instructed [redacted] to lie on the ground on his back and put his legs up on 2 chairs set up facing each other. [redacted] feet hung over the edge of the chair. During the interrogation, [redacted] asked [redacted] where [redacted] had gotten the RPGs [rocket-propelled grenades], where [redacted] had gotten the weapons [redacted] used to kill Americans, and who the leaders of his group were. I translated for [redacted] and mimicked [redacted] angry demeanor. [redacted] told [redacted] his buddy had "ratted him out" and if [redacted] wanted to see [redacted] family again [redacted] would tell [redacted] what [redacted] wanted to know [redacted] maintained [redacted] was innocent and was taken from his house. [redacted] hit [redacted] feet on the soles of [redacted] sandals. [redacted] swung the baton with one hand, hit [redacted] feet "not too hard", and hit [redacted] feet about 30 times. Each time [redacted] hit [redacted] [redacted] groaned in pain. During this time [redacted] was "sitting in the corner" [Affiant demonstrated a squatting position]. I suggested [redacted] take off [redacted] handcuffs and try a "stress position" against the wall. A "stress position" is a body position designed to cause discomfort and fatigue. This was the first time I had suggested any technique during an interrogation. I asked [redacted] to take off [redacted] handcuffs. Occasionally, an interrogator will take off a detainee's handcuffs and/or ankle shackles. After [redacted] took off [redacted] handcuffs, I told [redacted] to stand with his forehead against the wall, his feet together a few feet from the wall, arms spread out to the sides and parallel to the floor, and his body positioned at about a 50-degree angle from the floor. [redacted] continued to question [redacted] about [redacted] involvement [redacted] attacking Americans. When [redacted] not receive the response he wanted, he hit [redacted] on the buttocks with the baton. [redacted] hit [redacted] a total of about 4 times, during which [redacted] groaned in pain. I was surprised [redacted] hit [redacted], but I did not want to get in someone else's business, so I said nothing. I do not know [redacted] reaction, as he sat off to the side of the room. I do not think any of the other detainees heard anything except [redacted] and me yelling at [redacted]. On 28 or 29 September 2003, I interpreted for another interrogation of [redacted]. The interrogator was [redacted], ICE, 104th MI Bn, 4ID. [redacted] and I took [redacted] into Booth 2. I suggested [redacted] tell [redacted] to crawl around the tent on [redacted] knees with [redacted] hands behind his head. I remembered another interrogator would instruct detainees to do this. I remember he was named [redacted]; he is no longer assigned to the 4ID ICE and I do not remember [redacted] full name. [redacted] agreed. I do not know how long [redacted] went around the tent, though I believe he went around the table about 6 to 10 times. [redacted] asked [redacted] questions about [redacted] involvement in attacking Americans, which I interpreted. Since [redacted] is not a very loud person, I translated much louder than [redacted] had spoken. [redacted] and I realized some of the juvenile detainees might see the interrogation, so we moved from Booth 2 to Booth 3 to move out of sight. Once inside Booth 3, [redacted] told [redacted] to kneel and continue to crawl around the tent. I do not remember how many times [redacted] crawled around the tent this time. [redacted] continued to yell at [redacted] translating for [redacted]. Sometimes [redacted] would try to rest his buttocks against [redacted] ankles, saying [redacted] "couldn't go this anymore" and was "tired". On one of these occasions, I prodded [redacted] with my water bottle on his backside and told him, "get moving". At no time did I strike [redacted]

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

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

Handwritten notes on the left margin: b64/7c4, b65/7c5, b64/7c4, b65/7c5, b64/7c4, b65/7c5, b64/7c4, b65, b64, b65, b65, b64, b65, b64.

Handwritten notes on the right margin: b64, 7c4, b65/7c5, b64/7c5, b65/7c5, b65, b64, b65, b64, b65, b64, b65, b64, b65.

EXHIBIT J

b65/7c5

6632

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 02 October 2003	TIME 1930	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65/7c5	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	

ORGANIZATION OR ADDRESS
4th Military Police Company, 4th Mechanized Infantry Division, Fort Hood, TX 76544

I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: b65

At approximately 1300 on an afternoon early last week [21 to 24 September 2003], [REDACTED] b65 approached me. [REDACTED] b65, 4th Military Police (MP) Company, 4th Mechanized Infantry Division (4ID), of which I am the Platoon Leader. Two other individuals accompanied [REDACTED] b65. I 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, 5-foot 9-inch or 5-foot 10-inch Middle Eastern-looking male who responds to the name [REDACTED] b65. [REDACTED] b65 speaks fluent Arabic, smokes cigarettes, and often wears gold wire glasses, which I believe may be lightly tinted. I identify the other as a tall [REDACTED] b65 male with dark hair. [REDACTED] b65 told me the [REDACTED] b65 hereinafter referred to as [REDACTED] b65. [REDACTED] b65 wanted to interrogate one of the detainees [hereinafter referred to as Detainee] that day. I do not know the detainees by anything other than their assigned detainee tracking numbers and I do not recall the number of the detainee 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 Interrogator intended to use "intimidation tactics" 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 Interrogator wanted to conduct the interrogation that same day, I did not see the authorization memorandum before the interrogation occurred. Interrogator asked my permission to use one of the detainee rooms for the interrogation instead of the interrogation tents, or "booths". I gave permission for [REDACTED] b65, Interrogator, [REDACTED] b65, and [REDACTED] b65 to use the room for the interrogation. Once the conversation was completed, [REDACTED] b65 stayed back and confided to me he had "a bad feeling" about the interrogation. Since this was the first time an interrogator had asked permission to use a room for an interrogation instead of a booth, [REDACTED] b65 was immediately suspicious. I instructed [REDACTED] b65 to stay in the room during the entire interrogation to ensure nothing happened to Detainee and to give me a briefing about the interrogation after the interrogation was completed. I trust [REDACTED] b65 100% and I regard him my "honest broker". I understand [REDACTED] b65 had to leave the room on a few occasions during the course of the interrogation, but was in the room most of the time. Some time later that evening, I walked down to the DCCP high-priority detainee holding area, an area I call, "Cell Block A". I heard a great deal of yelling coming from one of the detainee rooms. I called one of the MPs, [REDACTED] b65, to come to me and explain what was happening. [REDACTED] b65 explained one of the detainees was being interrogated in the room [REDACTED] b65 said [REDACTED] b65 was in the room where the interrogation was taking place. I do not know how long the interrogation lasted, though I believe it was about 30 minutes. [REDACTED] b65 came to me later that evening and said there was a lot of yelling, Detainee was in some uncomfortable positions, but nothing else happened. [REDACTED] b65 demonstrated a few of the "uncomfortable positions". The first position [REDACTED] b65 described had Detainee's forehead against the wall with his feet several feet from the wall, such that Detainee's body was at an angle of approximately 60-degrees from the floor. [REDACTED] b65 explained Detainee's arms were raised out to the sides, parallel to the floor. In the second position [REDACTED] b65 described, Detainee was laying on his back on the floor with his legs across the seats of 2 chairs. I do not know why this position was chosen, though I have reasoned it is a position of degradation, as it is a position in which a woman might be. I cannot remember the third position [REDACTED] b65 described, though I believe Detainee was sitting on the floor and either Interrogator or [REDACTED] b65 was pushing Detainee's head between his legs. [REDACTED] b65 told me he did not see anything that overstepped any legal boundaries. On 30 September 2003, [REDACTED] b65, 4th MP Company, 4ID, visited the DCCP and told me an investigation had begun in which [REDACTED] b65 and I were implicated. I inquired about the nature of the investigation. [REDACTED] b65 answered he understood the investigation involved mistreatment of a detainee. I was surprised to hear this, as I have not known about or heard about any mistreatment of a detainee. I asked [REDACTED] b65 what the investigation was about. [REDACTED] b65 said, "You know what I know", meaning he had already told me all the details of the interrogation. Though I have been a commissioned officer for 3 years, I have been a Military Police officer for only 1 month, having changed my branch assignment only recently. I have worked at the DCCP for 1 month. My knowledge of military policing and detainee operations has come from reading Field Manual [REDACTED] b65 and 10 days of crossover training with the outgoing Platoon Leader, though primarily from on-the-job training I have received at the DCCP. My understanding of the Geneva Convention statutes is clear, as we have a copy of the Geneva Convention statutes at the DCCP. I believe the Geneva Convention statutes are 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

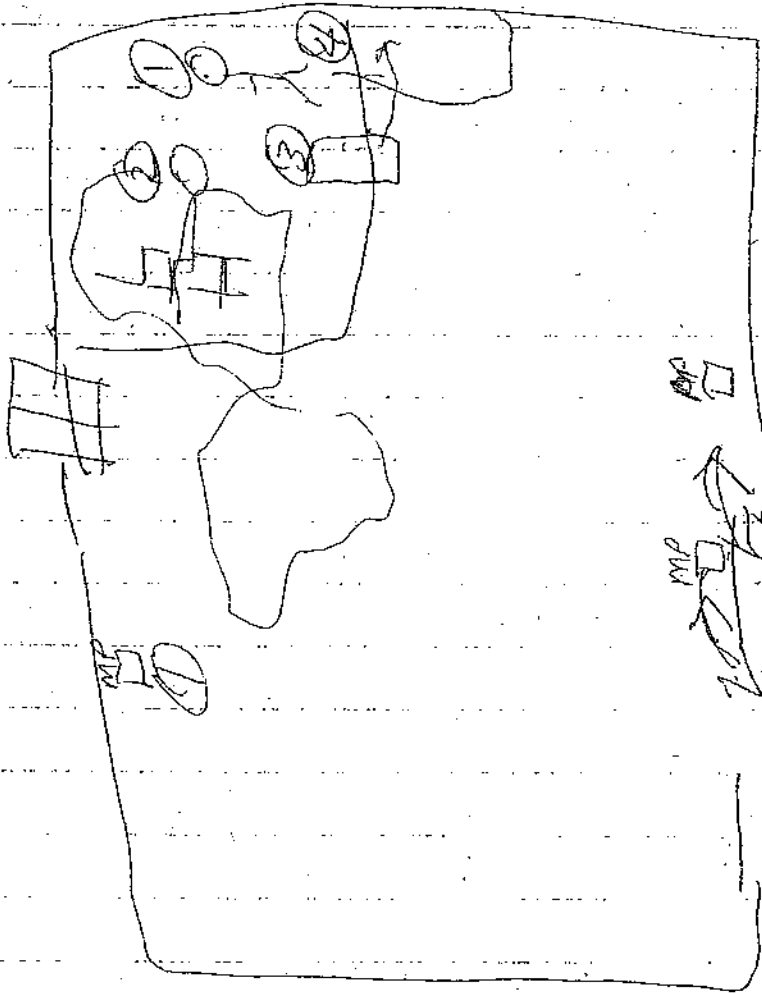
EXHIBIT b7e	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65	PAGE 1 OF 2 PAGES
----------------	---	-------------------

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

b65
b64
b64
b64
b65
b65
b65
b65
b65

b65
b65
b64
b65
b64
b65
b62
b65

← 2



MP
MP
MP

665



EXHIBIT 0

6635

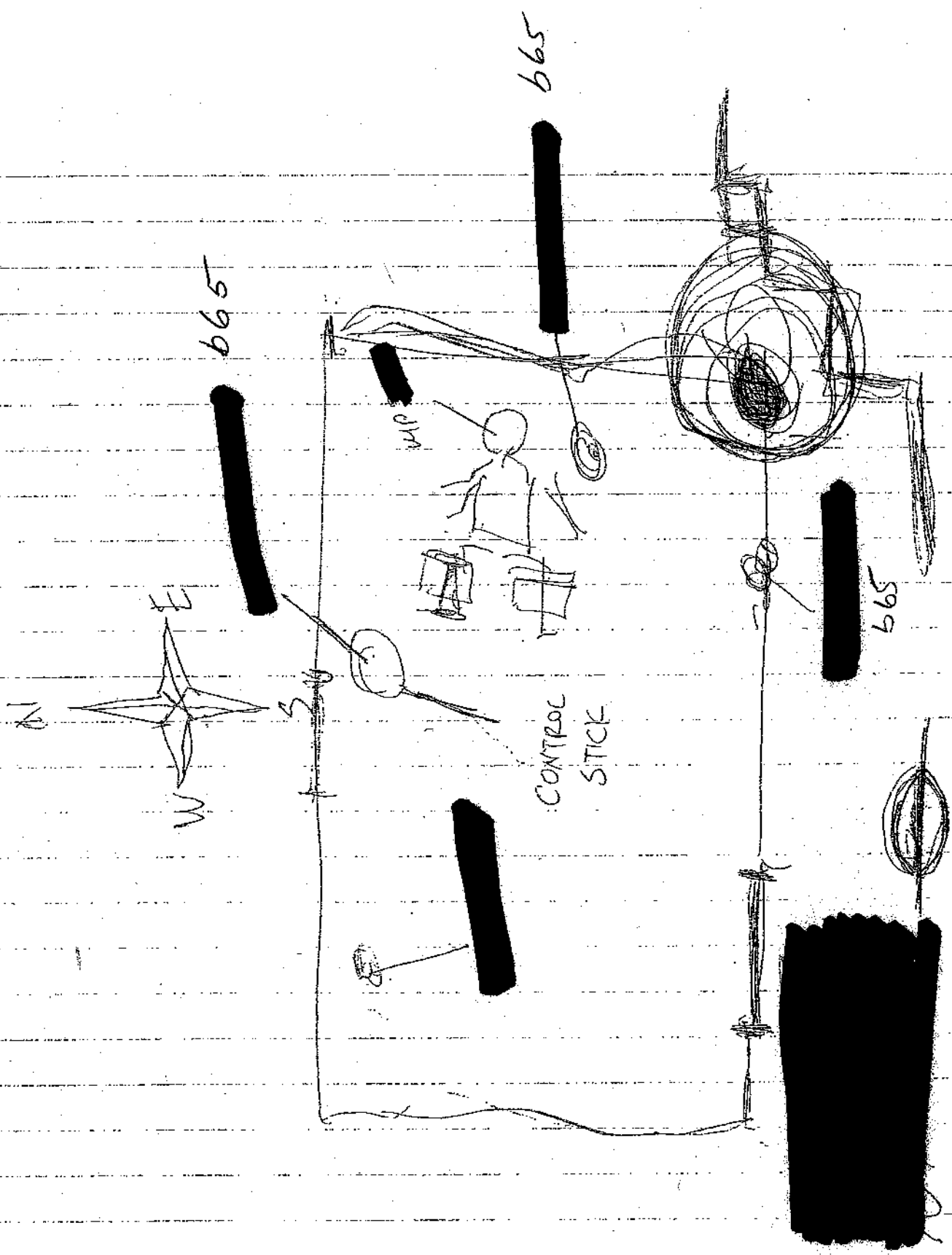


EXHIBIT P

6636
b65

SWORN STATEMENT

For use of this form, see AF 150-43; the procuring agency is ODCSDF3

LOCATION BLDG 410, MAIN PALACE, TIKRIT, IZ	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64	SOCIAL SECURITY NUMBER [REDACTED] b64	GRADE/RATE [REDACTED] b64	
ORGANIZATION OR ADDRESS ACE, 104TH MILITARY INTELLIGENCE BATTALION, TIKRIT, IZ			

I, [REDACTED] b64, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1930 hours, 23 September 2003, at the FOB Ironhorse Dining Facility, [REDACTED] b64, 104th Military Intelligence (MI) Battalion (BN), and I, [REDACTED] b64, 104th MI BN, sat down with [REDACTED] b64, HHOC, 104th MI BN, to dinner. Upon settling in, I asked [REDACTED] b64 how [REDACTED] b64 interrogation of MP [REDACTED] b64 had gone earlier in the day. [REDACTED] b64 said that the interrogation had gone all right, but that the detainee had not "broke" and had kept with his story. [REDACTED] b64 then made the statement that [REDACTED] b64 had beat the detainee with an MP control stick (a stick that is approximately three-to-four feet in length and a little over one-inch in diameter). [REDACTED] b64 and I looked at each other as if we were both a little more than surprised, but did not say anything and let [REDACTED] b64 continue talking. [REDACTED] b64 repeatedly struck the detainee on the bottom of the feet, but had been sure to leave flip-flops on the detainee. He then stated that the detainee held to [REDACTED] b64 story throughout this "harsh fear-by" approach, but [REDACTED] b64 wanted to "break" [REDACTED] b64 said that [REDACTED] b64 then had the detainee brace [REDACTED] b64 while leaning slightly back over facing the wall, and then continuing the interrogation, struck the detainee multiple times on the buttocks. [REDACTED] b64 seemed disappointed that he could not get the detainee to "break" from his story even though [REDACTED] b64 had employed these tactics. [REDACTED] b64 stated that there were two other people in the room during the interrogation: [REDACTED] b64 the linguist attached to D Company, 104th MI BN, and a MP (not further identified). Shortly after this conversation, [REDACTED] b64 left the dining facility (he either went back to the LSA or to DMAIN, but [REDACTED] b64 was not returning to the Division Central Collection Point (DCCP)). At approximately 0900 hours, 24 September 2003, [REDACTED] b64 Interrogation Control Element NCOIC, at the DCCP, and instructed him to suspend [REDACTED] b64 access to detainees and limit him to administrative duties only. I then asked [REDACTED] b64 to come to DMAIN to see me at his earliest "inconvenience." At approximately 1030 hours, 24 September 2003, [REDACTED] b64 came to see me and I made him aware of [REDACTED] b64 statements during our conversation the previous evening. I then asked [REDACTED] b64 if he considered [REDACTED] b64 behavior acceptable and if it was now standard practice to hit detainees. [REDACTED] b64 assured me that [REDACTED] b64's behavior was out of line and that every 97E (interrogator) was provided more than enough instruction at the schoolhouse on the Geneva Conventions and appropriate conduct when screening or interrogating detainees. I instructed [REDACTED] b64 to counsel [REDACTED] b64 in writing concerning this incident, ensure he implemented some type of corrective training corresponding to the incident, and to ensure [REDACTED] b64 did not have access to detainees. Since that time, I have reviewed the counseling statement prepared by [REDACTED] b64 and the counseling should be completed no later than today, 26 September 2003. [REDACTED] b64 will be limited to conducting administrative activities while at the DCCP. [REDACTED] b64 will not be authorized to go any further than the second concerting wire (this wire separates the administrative area from the internal cage operations area). [REDACTED] b64 will provide [REDACTED] b64 16 hours of one-on-one training on the Geneva Conventions and standards of conduct expected of him in the performance of his duties. [REDACTED] b64 will re-access [REDACTED] b64 for limited/supervised duties within the operational part of the DCCP. I informed [REDACTED] b64 104th MI BN of these actions at approximately 1400 hours, 23 September 2003.

////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

b64
b64
b65
b65
b65

b65
b64
b64
b65
b64
b65
b65
b64
b6
b65
b65

b65 b6-2 b65 b65 b65 b65

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64	PAGE 1 OF 2
---------	---	-------------

ADDITIONAL PAGES IN SET CARRY THE HEADING "STATEMENT OF [REDACTED] b64 TAKEN AT [REDACTED] b64 DATED [REDACTED] b64 CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] b64 OF [REDACTED] b64 PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

EXHIBIT Q

6637

b64. [REDACTED] NOT [REDACTED] b64
USED

b64

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law or administrator oaths, this _____ day of _____, 19____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Auctioneer To Administrator Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] PAGE 2 OF 2

b64 b64

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) [REDACTED]	Rank / Grade SPC/E4	Social Security No. [REDACTED] 665	Date of Counseling 26 September 03
Organization ICE, TFIH, Tikrit, IZ 665 7.	Name and Title of Counselor [REDACTED] 665		

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:

Key Points of Discussion:

665
[REDACTED] 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 trial 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.


Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below):

b65
per our conversation concerning this issue on 24 September 2003, you are prohibited from contact of any kind with detainees. This restriction will remain in place until you have completed a ten-hour course, administered by me, on the Geneva Conventions and what are and are not considered acceptable interrogation techniques for a Human Intelligence Collector in the TFIH ICE. Once this training is complete, I will reassess your suitability to work in the interrogation facility.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate):

Individual counseled: I agree / disagree with the information above


Individual counseled remarks:

Signature of Individual Counseled:  b65

Date: 26 SEP 03

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action):

I will be available to you at all times to answer any questions regarding acceptable interrogation techniques and for further clarification of the articles of the Geneva Conventions.

Signature of Counselor:  b65

Date: 26 SEP 03

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):

Counselor: _____

Individual Counseled: _____

Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 15 October 2003	TIME 1645 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65	SOCIAL SECURITY NUMBER [REDACTED] b65		GRADE/STATUS [REDACTED] b65

ORGANIZATION OR ADDRESS
ACE Company, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544

I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. What do you recall of a conversation between you and [REDACTED] [Interrogator, Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID), not further identified (NFI)] regarding an e-mail from [REDACTED], Combined Joint Task Force 7 (CJTF-7), Joint Human Intelligence Cell (J2X), NFI] addressing the need to find alternative interrogation techniques that would prove more effective than current methods? b65

A. [REDACTED] and I talk all the time about a wide variety of topics and we probably did discuss the e-mail. I probably did talk to [REDACTED] about "alternative interrogation techniques" and suggest the ideas I mentioned in the "Alternative Interrogation Techniques" document I submitted to [REDACTED] in August. I cannot recall any details about the conversation, however. [REDACTED] of Tactical Human Intelligence Operations, 104th MI Bn, 4ID, NFI] and I understood the e-mail the same way. b65

Q. What instruction do interpreters receive before interpreting for an interrogation? Have you established what techniques are allowable for interrogators to question detainees? What instruction are Military Police (MP) soldiers given regarding interrogations? b65

A. Interpreters are instructed only to "mirror" the actions and tone of the interrogator. There is no need for further instruction, as they understand they are only responsible for language translation. All interrogators know the Geneva Convention is the baseline standard for treatment during interrogations. I have no knowledge of what instruction MPs are given regarding interrogations. I assume the only instruction MPs are given is that they should stand guard in case something unexpected occurs. b65

Q. You were present during Detainee [REDACTED] b64 interrogation on 23 September 2003, following the interrogation of Detainee [REDACTED] b65. What details do you remember about that interrogation? Who was present? What was the tone of the interrogation? b65

A. I joined the interrogation already in progress. I believe the interrogation was about an hour in duration and I was present for approximately 45 minutes. When I arrived at the interrogation room, [REDACTED] b65 was conducting the interrogation. The interpreter was [REDACTED] was also present. [REDACTED] held a riot baton in his hands. At some point during the interrogation, [REDACTED] left, returned, and then left again. [REDACTED] did not return after leaving the second time. I do not remember any other significant details about this interrogation. b65

////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65	PAGE 1 OF 2 PAGES
---------	---	-------------------

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

6641

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 15 October 2003	TIME 1530 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 665	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS 665 [REDACTED]	
ORGANIZATION OR ADDRESS HHOC, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544			

[REDACTED] 665, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. How did you come to change duties from Operations [104th Military Intelligence Battalion (MI Bn)] to come to the Interrogation Control Element (ICE)? 665

A. [REDACTED] 665, 104 MI Bn, 4th Mechanized Infantry Division (4ID), not further identified (NFI) was short of 97Es [97E - Human Intelligence (HUMINT) Collection Specialist] at the ICE and requested another 97E to serve as an interrogator. Since I was 97E-qualified and working outside my skill training, [REDACTED] 665 Tactical HUMINT Operations (THOPS) [REDACTED] 665 104 MI Bn, NFI, requested I move to the ICE. I moved to the ICE in the end of July 2003 after having sporadic skill training at the ICE since mid-June. 664

Q. How much training did you receive prior to beginning your duties as an interrogator? 665 664

A. I have served on active duty since 15 January 2002 and received 97E Military Occupational Specialty (MOS) training through Advanced Individual Training (AIT) and the "apprenticeship" I had since mid-June 2003. During that time, I sat in on 5 or 6 interrogations done by another interrogator. When I started interrogating, I felt comfortable doing so on my own.

Q. How did you learn about the e-mail sent from [REDACTED] 665, Combined Joint Task Force 7 (CJTF-7), Joint Human Intelligence Cell (J2X), NFI, addressing the need to find alternative interrogation techniques, which would prove more effective than current methods? 665 665 665

A. I heard about the e-mail shortly after it was sent. [REDACTED] 665 discussed the e-mail with me while walking away from Task Force Ironhorse (TF IH) Division Main Headquarters (DMAIN) building to the TF IH dining facility. I asked [REDACTED] 665 what the e-mail meant, which [REDACTED] 665 explained meant CJTF-7 J2X wanted to know other interrogation techniques not endorsed by 97E school, to include techniques such as "punching a detainee through a telephone book" and "open-handed slaps" neither of which would bruise, scar, or cause the detainee any permanent harm. I recall [REDACTED] 665 saying these techniques "would be bad if they got out to the press". [REDACTED] 665 and I agreed not every interrogator would be able to handle using physical force against a detainee, nor could any interpreter handle witnessing it. [REDACTED] 665 asked me if I would be able to handle it; I said I was. 665

[REDACTED] 665 did not mention the e-mail to other members of the ICE, but did ask for input regarding other ideas for interrogation techniques. [REDACTED] 665 saved the ideas in a file on the ICE administrative computer's desktop screen as "Alternative Interrogation Techniques", so it was not easy to miss seeing the file. I remember opening and reading the file, though I do not know who else may have seen it. 665 665 665

Q. What did you tell [REDACTED] 665, 4th Platoon, 4th Military Police (MP) Company, Division Central Collection Point (DCCP), 4ID, NFI, when you originally approached him with your plan to interrogate Detainee [REDACTED] 665 on 23 September 2003? 665 665 665 664

A. I told [REDACTED] 665 about [REDACTED] 665 e-mail and my discussion with [REDACTED] 665. I told [REDACTED] 665 the detainees at the DCCP were being treated too well as murderers of American soldiers, that I assessed [REDACTED] 665 held time-sensitive intelligence, and that I intended to "break" [REDACTED] 665 in the next interrogation using a "Fear Up (Harsh)" approach. [REDACTED] 665 told me he agreed with me that detainees were being treated too well. I told [REDACTED] 665 I intended to hit [REDACTED] 665's feet, such that it would scare [REDACTED] 665 but not seriously injure him. [REDACTED] 665 agreed and said he would take responsibility for his actions if I took responsibility for mine. [REDACTED] 665 went to obtain permission from his OIC, [REDACTED] 665. Because of potential repercussions, I intended only to tell [REDACTED] 665 and [REDACTED] 665 of the events of the interrogation. 665 664

Q. How much did [REDACTED] 665, interpreter, ICE, 104 MI Bn, know about the interrogation before it occurred? 665 664 665

A. I told [REDACTED] 665 I would hit [REDACTED] 665's feet. [REDACTED] 665 did not question me and I did not give him any instructions before the interrogation occurred. Interpreters are told to "mirror" the tone, language, and gestures used by the interrogator only.

Q. At what time did the interrogation occur on 23 September 2003? Did the interrogation take place during meal hours? 664

A. I believe it occurred at some time between 1700 and 1800 hours, which was probably during meal hours.

Q. How much involvement did [REDACTED] 665 have in the interrogation? 665 664

A. [REDACTED] 665 translated what I said and mimicked my gestures and tone during the interrogation. [REDACTED] 665 suggested I put [REDACTED] 665 in 2 of the "stress positions": the standing position and the position in which [REDACTED] 665's forehead was against the wall.

Q. Where did the MP riot baton come from? 665 664

A. I believe I remember picking it up when I went into the DCCP inner compound [high-security area]. No one said anything to me about the baton and I do not believe anyone saw me pick up the baton. I had the baton in my hands when I entered the [REDACTED] 665

EXHIBIT 665	INITIALS OF PERSON MAKING STATEMENT 665	PAGE 1 OF 2 PAGES
----------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] 665 TAKEN AT [REDACTED] 665 DATED [REDACTED] 665 CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] 665 OF [REDACTED] 665 PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

6642

4ID 104MI CDR

To: 4ID 104MI DCO [REDACTED] (E-mail); 4ID 104MI HHOC CDR (E-mail) *b6-2*
Cc: 4ID SJA SENIOR TC CPT [REDACTED] (E-mail) *b62*
Subject: 15-6 Investigation complete - UCMJ to follow

b62
CPT [REDACTED] has concluded his investigation of incidents which occurred at the DCCP where a internee was abused. Here is how I want to proceed:

SPC [REDACTED] - FG Art 15 by BC *b65/705*

SPC [REDACTED] - Summarized Art 15 *b65/705*

SSG [REDACTED] - TBD, but I will probably issue a locally filed Letter of Reprimand *b65/705*

OUTRIDER SIX

LTC [REDACTED] *b6-2*
CDR, 104 MI BN, 4ID

Tikrit, Iraq

DNVT (302) 534- [REDACTED] *b62*



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 [REDACTED], 2d Brigade, dated 18 August 2003. I make the following determinations: *b64/7c4*

- 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-[REDACTED] *b6-2/7c2*

[REDACTED]
[REDACTED] *b6-2/7c2*
CPT, JA
Administrative Law Attorney

6645

SWORN STATEMENT

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

LOCATION

DATE

TIME

FILE NUMBER

28 AUG 03

1530

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

BRT, 2 BCT, 4 ID

664-7c4

I, [REDACTED] (b)(6)-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q What is your position?

A I'm the [REDACTED] (b)(2)-2

Q How long have you been in the platoon?

A [REDACTED] (b)(2)-2

Q Did you know [REDACTED] 664-7c4

A Yes

Q Have you or anyone else in the BRT placed a detainee between the hood and the brush guard of a HUMVEE and transport them to a holding area?

A No, we have transported them on the hood for no more than a 10K movement. We never mistreated any detainees.

Q How fast were you moving when you transported the detainees on the hood?

A No more than 30 km/h.

Q Do you know of anyone who beat a detainee?

A No.

Q Do you know of any soldier who stole "Bricks" of money or other valuables from Iraqi citizens or detainees?

A No.

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, during the May to June time frame?

A Yes, on one patrol our Bravo section was patrolling down a dike and came into contact with a

EXHIBIT

7

INITIALS OF PERSON MAKING STATEMENT

664-7c4 [REDACTED]

PAGE 1 OF 2 PAGES

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

STATEMENT (Continued)

guy with an AK-47. 'A' section was patrolling north and upon the contact report headed South in support. Upon arrival to 'B' sections location we (A section) were informed that they had fired and wounded the guy w/ the AK-47. He was shot with a MK-19 round that had blown off his arm so said by the soldiers in B section. 'A' section searched the surrounding area to find no injured people nor any signs of impacts of the MK-19 rounds. 'A' section returned to the same sight the following day during daylight again to find no impacts of the 40mm grenades. Talking to locals we gathered no one in the area had been injured.

b64-7c4

AFFIDAVIT

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

[REDACTED] b64/7c4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August 192003 at

ORGANIZATION OR ADDRESS

b62/7c2

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

AR-15-C

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b64/7c4

SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1920	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED] b64/7c4			

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

Q. How long have you been in the platoon?

A. Since JAN 2001

Q Did you know [REDACTED] b/64/7c4

A yes

Q Were you ever on a patrol along a canal in the vicinity of FOB Natman during the MAY-JUN time frame? If so did you encounter an individual carry an AK-47 on his shoulder?

A. No, I'm in A Section. When the incident happened I heard the Radio call from B Section. We responded but it took us about 15 minutes to get there. We looked at the ^{area} ~~house~~ where the MK-19 gunner said he fired the rounds. We couldn't find any damage. We went back to the ^{area} ~~house~~ the next day and still didn't see any damage. The people in the houses ~~even~~ offered us drinks. b64/7c4

Q Do you know of any occasion when members of the BRT placed detainees between the hood and the Brush guard of a HUMVEE to transport them to the holding area?

A No. But we have transported them on the hood and behind the gunner.

Q How fast and how far did you travel with the prisoners on the hood or behind the gunner?

A. No more than 5 miles at a speed of 15-20 mph.

Q Do you know who made the decision to transport them this way?

A I don't know

Q Do you know of any instances where members of the BRT beat detainees?

A. No, I'm not aware of any. b/64/7c4

EXHIBIT 8	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
--------------	---	-------------------

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

6648

Q Are you aware of any instances where any member of the BRT took items from civilians or detainees and kept them?

A No. Anything we found was turned in. On many occasions we were searched after raids.

Q Do you know of any instances where soldiers would follow a vehicle to a "nice" house, claim that the vehicles had run from them so that they could search the house for valuables?

A NO

Q Do you have anything else to add to this investigation?

A NO.

b64/7c4

b64/7c4

AFFIDAVIT

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

b64/7c4

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 19203 at

[REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

b6-2/7c2

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b64/7c4

SWORN STATEMENT

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

LOCATION	DATE 29 AUG 03	TIME 0830	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS	b64/7c4		

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q - what section are you in?

A. A Section

Q What is your position?

A. I'm the platoon leader's driver for 1st Platoon.

Q How long have you been in the platoon?

A over 2 years.

Q Do you know [redacted] (b)64/7c4

A. Yes

Q. Are you aware of the alleged incident involving B Section along a canal road in the vicinity of FOB Normandy where they engaged an individual carrying an AK-47?

A. Yes, my vehicle was the first one on site from A section.

Q What happened after you arrived?

A. B Section was beside the road waiting for us. When we got there we dismounted and conducted a search of the field where the individual fled. We didn't find the individual or the weapon. We also looked for MK-19 impact points but didn't find any. We also searched the outside area of the house.

Q Did you speak to any civilians that night?

A No, we didn't have an interpreter.

Q What happened the next morning?

A. We went back to the area and conducted another search of the area. Again, we didn't find anything.

EXHIBIT 9	INITIALS OF PERSON MAKING STATEMENT [redacted] b64/7c4	PAGE 1 OF 2 PAGES
--------------	---	-------------------

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

STATEMENT (Continued)

Q Did you speak to any of the civilians the next morning?

A I didn't dismount that morning, we never had an interpreter with us so I doubt anyone spoke to the civilians.

Q Is there anything else that you can add to this incident?

A I personally think this is a BS story, If B Section had opened up with a MK-19 there would have been nothing left of the MUD HUT that was there, we only found 1 AK round in the wall of the house, I never heard anyone making a statement about shooting at civilians.

Q Did any member of the BRT transport detainees by placing them between the hood and the brush guard of the vehicle?

A No, we would place them on the hood or behind the gunner.

Q How far and how fast did you travel?

A, maybe 15 km at the most, our speed was about 15-20mph on the good parts of the road.

Q Are you aware of any incident where a member of the BRT beat a detainee?

A Not to my knowledge, we did have to wrestle an individual who was resisting apprehension.

Q Are you aware of any times that member of the BRT stole money from civilians or detainees?

A. I am not aware of any theft by members of the BRT, we did confiscate money but it was always turned in.

b64/7c4

AFFIDAVIT

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

b64/7c4

[redacted] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 19 2009 at

[redacted] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b64/7c4

PAGE 2 OF 2 PAGE 6651

SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1400	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID			

b64/7c4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. What section are you in?

A. A Section

Q How long have you been in the platoon?

A about 14 months

Q Did you know [REDACTED] b64/7c4

A Yes

Q Are you aware of an incident where B section engaged a individual carrying an AK-47 along a canal in the vicinity of FOB Normandy during the May - June time frame?

A I'm aware of it but I did not participate because my vehicle was broken down.

Q Have you ever seen a detainee being transported between the brush guard and the hood of a HUMVEE?

A No, not between the brush guard and the hood. We did transport them on the hood of the HUMVEE.

Q How far and how fast did you transport the detainees on the hood?

A I'm not sure the speed was about 25-30 mph. I'm not sure of the distance.

Q Have you ever seen members of the BRT beat a detainee?
A NO

b64/7c4

b64/7c4

EXHIBIT ID	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
---------------	---	-------------------

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

Q Are you aware of any time members of the BRT stole valuable items and "bricks" of money from Iraq civilians or detainees?

A NO

Q Do you know of any incident where soldiers followed ~~to~~ a vehicle to a "nice" home so that they could search it for valuables under the pretext that the vehicle had tried to evade them?

A NO

Q Do you have anything else to add to this investigation?

A NO

b64/7c4

AFFIDAVIT

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

b64/7c4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] b627c2 (Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b64/7c4

SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1430	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS BRT, 28CT, 4ID, 664/7c4			

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

Q What is your position?

A Squad leader

Q How long have you been in this platoon?

A one year

Q Did you know [REDACTED]? 664/7c4

A yes

Q Do you know anything about an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy during the May-June time frame?

A. I was on emergency leave at the time of the incident

Q Have you ever seen detainees being transported between the Brushguard and the hood of the vehicle?

A. No, but we did place them on the hood and transport them

Q How far and how fast did you travel with the detainees on the hood?

A No more than 5 Kms. Speed was no more than 30mph.

Q Do you know of any detainees that were beaten by members of the BRT?

A. NO

664/7c4

EXHIBIT 11	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 664/7c4	PAGE 1 OF 2 PAGES
---------------	---	-------------------

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

Q Do you know of any members of the BRT who stole valuables or "bricks" of money from Civilians or detainees?
A NO

Q Do you know of any incident where members of the BRT followed a vehicle to a "nice" house so that they could search it for valuables. All of this was under the pretext that the vehicle tried to evade them?
A NO

Q Do you have anything else to add to this investigation?
A NO

b647c4

b647c4

AFFIDAVIT

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

b647c4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of August, 19 2007 at

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

062-7c2

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

b647c4

SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1615	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID b647c4			

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

Q What position did you fill during the MAY and JUNE time frame?

A Runner in A Section, 1st Platoon

Q Do you know [REDACTED] b647c4

A yes

Q Have you ever seen a detainee placed between the brush guard and the hood of a detainee?

A No, we have transported them on the hood.

Q What was the max speed and distance you travelled with detainees on the hood of the HUMVEE?

A About 10 Km and no faster than about 30 mph.

Q Have you ever seen a member of the BRT beat a detainee?

A NO.

Q Do you know if any member of the BRT has stolen valuable property or "bricks" of cash from IRAQI citizens or detainees?

A NO

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, during the May to June time frame?

A We (A sec) Arrived on scene after B sec engaged. We drove down the pack B sec was on to a crossing to the other side of the dike. I was behind on LRAS and saw two Bldgs structurally sound (well for this country) and no

EXHIBIT 12	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4	PAGE 1 OF 2 PAGES
---------------	--	-------------------

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

b647c4

STATEMENT (Continued)

evidence of Battle damage. The residents came out and observed us as we passed. Went to another house and there was no damage to the house, These occupants also came out, like we had just woken them up. We travelled further down the dike and came to a Field. But there was no damage there either - No knocked down trees, no fires - Nothing. I'd say we travelled 2K Area and there was nothing to indicate there was a fire. I let alone "45 HEDP 40mm Rounds."

Nothing follows [redacted] b647c4

AFFIDAVIT

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

b647c4

[redacted] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of Aug, 19203, at

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] b627c2 (Typed Name of Person Administering Oath)
AR 15-6 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b64/7c4

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1010	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID			

b647c4

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

Q What is your position?

A I'm a gunner in B Section.

Q How long have you been in the section

A All the time except for a period from the middle of may until sometime in June

Q Did you know [redacted] b647c4

A Yes

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, sometime in the MAY-JUNE timeframe?

A Yes, I was in A section at the time

Q What happened when you arrived?

A We searched the areas outside the house. We didn't find anything, that would indicate that a fire fight went on we went back the next morning but didn't find anything

Q Have you ever seen a member of the BRT transport detainees by placing them between the hood and the brushguard of a HUMVEE?

A No, but we have transported them on the hood and behind the gunner

Q Do you know who made the decision to transport them in this manner?

A I don't know.

b647c4

EXHIBIT 13	INITIALS OF PERSON MAKING STATEMENT [redacted] b647c4	PAGE 1 OF 2 PAGES
---------------	--	-------------------

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

STATEMENT (Continued)

Q How far and how fast would you travel with detainees in this position?

A. We travelled a max distance of 10 km and a max speed of 25-30 mph.

Q Are you aware of any incident where a member of the BRT beat a detainee?

A. No, I'm not aware of any.

Q Are you aware of any individuals in the BRT who stole valuable items or "bricks" of money from IRAQI civilians or detainees?

A NO

Q Are you aware of ~~any~~ any incident where members of your platoon would follow a vehicle to a "Nice" house so that they could search it ~~and~~ for valuables under the pretext that the vehicle had fled from them?

A. NO.

Q Can you add anything else to this investigation?

A NO

b647c4

AFFIDAVIT

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

b647c4

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

ORGANIZATION OR ADDRESS

[redacted]

(Signature of Person Administering Oath)

b627c2

[redacted]

(Typed Name of Person Administering Oath)

AR 15-4

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted]

b647c4

SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1632	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID			

b647c4

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

Q How long have you been in the platoon?

A 1 1/2 years

b657c5

Q Were you on a patrol w/ [REDACTED] along a canal when the patrol engaged an Individual carrying an AK 47?

b647c4

A That was B Section, I'm in A Section. We heard small arms fire and went to help. It was all over with by the time we arrived.

Q When you arrived did you see any wounded civilians?

A No

Q Do you know when this happened?

A I have no clue.

Q Have you ever seen members of the BRT placing detainees between the brush guard and the hood of a HUMVEE?

A Not between the hood and brush guard but on the hood itself.

Q Do you know who made the decision to transport them that way?

A NO

Q Have you ever seen or heard of members of the BRT beating detainees?

A Once we had to get physical during an arrest because the individual was resisting. We didn't beat him.

Q Are you aware of any times when member of the BRT stole items from Iraqi Civilians and detainees including "bricks" of money, Pictures of SADDAM and IRAQI service medals.

A NO

EXHIBIT

14

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b647c4

PAGE 1 OF 2 PAGES

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

b647c4

Q - Did member of the BRT ever follow a "nice" car home and then say they had to search the house because the vehicle tried to avoid them?

b64/7c4

A. No

Q. Do you have anything else that might help this investigation.

A. No

AFFIDAVIT

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

b647c4

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of August, 192008 at

ORGANIZATION OR ADDRESS

[redacted]

(Signature of Person Administering Oath)

b627c2

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted] b647c4

SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1445	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID b647c4			

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

Q - How long have you been in 1st platoon?

A - Since OCT 2002

Q - Did you know [REDACTED] b647c4

A - yes

Q - Are you aware of any time when [REDACTED] b657c5 ordered soldiers to fire upon unarmed civilians?

A - No. We only fired when we were ambushed or hit by RPGs. We never fire into populated areas, only into open areas.

Q - Were you on a Patrol along a canal?

A - There were several times we conducted Patrols along canals but we never fired upon anyone. I don't think that [REDACTED] b657c5 would give an order to fire upon civilians and [REDACTED] b647c4 would not have heard verbal commands because he was in another vehicle.

Q - Have you ever seen detainees placed between the grill and the brush guard of a HUMVEE and driven to the brigade holding area?

A - We sometimes would place them on the roof behind the gunner or on the hood next to the windshield because we didn't have room inside the vehicles. We would always drive at a slow pace on a hardball road. We never placed them between the grill and the Brushguard.

Q - Have you ever seen any property theft by members of the BRT?

A - No - we would confiscate money and other things but we would always turn it in. We've had several health and welfare inspections and nothing has been found.

EXHIBIT 15	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4	PAGE 1 OF 2 PAGES
---------------	--	-------------------

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

b647c4

Q. Have you ever seen or heard of members of BRT following a nice car with the pretext of going to their home to search it for valuables?

A. No the only time we would search a house was on a planned Raid. or if a vehicle ~~was~~ or person ran from us.

Q. Have you ever seen or heard of BRT soldiers beating detainees?

A. No. Sometimes we get physical during an arrest but no beatings went on. Our chain of command has always told us we would face UCMJ action if we did.

Q. Where were the patrols along the canal.

A. In the vicinity of Camp Normandy sometime in the May to June timeframe.

Q. Do you have anything to add to this investigation.

A. [redacted] was always saying that [redacted] wanted to get shot in the arm or leg so that [redacted] could go home. [redacted] would fake being sick. He was always whining. He would often say that [redacted] wanted to kill [redacted]. [redacted] is hard on us but fair. Sometimes [redacted] acts like a drill sergeant. Also, [redacted] would point [redacted] weapon at children and threatened to kill them if they didn't go away.

b647c4

b647c4

b657c5

b647c4

b647c4

AFFIDAVIT

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

b647c4

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 192003 at

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted]

b647c4

SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1745	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

b647c4

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

Q How long have you been in the platoon?

A Since the end of March 2003

Q Did you know [REDACTED]? b647c4

A Yes

Q Are you aware of a patrol that engaged an individual carrying an AK 47 along a canal in the vicinity of FOB Normandy?

A No, I was in A Section at the time.

Q Have you ever seen anyone from the BRT transport a detainee between the brush guard and the hood of a HUMVEE?

A No

Q Have you ever seen a detainee being transported on the hood or on Top behind the gunners position.

A Yes, on the hood. We would only carry them for short distances.

Q Do you know who made the decision to transport the detainees on the hood?

A No

Q Have you ever seen or heard of members of the BRT beat a detainee?

A I've never seen it, but I heard from [REDACTED] that [REDACTED] beat a detainee. Everyone else said that [REDACTED] got physical during an arrest because the individual was resisting but [REDACTED] didn't severely beat him.

b647c4

b647c4

EXHIBIT 16	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4	PAGE 1 OF 2 PAGES
---------------	--	-------------------

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

Q - Do you know of any instances where members of the BRT stole items such as "Bricks" of money, Iraqi service medals, and pictures of Saddam?

A No. When we detain someone we collect everything and turn it in.

Q Did members of the BRT ever follow a "nice" car home and then search the home under the pretext that the vehicle had fled from them?

A No

Q Do you have anything else to add to this investigation?

A No

Tb647c4

b647c4

AFFIDAVIT

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

b647c4

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 2003 at

ORGANIZATION OR ADDRESS

[redacted]

b627c2

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted]

b647c4

PAGE 2 OF 6665 PAGES

SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 0940	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4ID 6647c4			

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

Q What is your position?

A I'm a gunner for A Section 1st Platoon.

Q How long have you been in the platoon?

A Since the end of June.

Q Are you aware of an incident where B Section engaged an individual carrying an AK 47 in the vicinity of FOB Normandy during the MAY-JUNE time frame?

A No, I don't think I was in the platoon at the time.

Q Are you aware of any incident where members of the BRT placed detainees between the brush guard and the hood of a HUMVEE?

A No, sometimes we would place them on the hood to transport them because there was no room inside the vehicle.

Q How far and how fast would you travel with the detainees on the hood?

A No more than 5 kms. The fastest we traveled was about 25mph.

Q Do you know who made the decision to transport them in this manner?

A I'm not sure.

Q Are you aware of any member of the BRT who beat detainees?

A Not to my knowledge.

Q Are you aware of any member of the BRT who stole valuable items or "bricks" of money from civilians or detainees?

A I'm not aware of anyone who stole something from civilian or detainees. If we confiscated it we always turned it in.

EXHIBIT 17	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 6647c4	PAGE 1 OF 2 PAGES
---------------	--	-------------------

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

b647c4

Q Is there anything else that you can add to this investigation?

A. Not that I could think of.

AFFIDAVIT

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

b647c4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 19 2003

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted]

b647c4



DEPARTMENT OF THE ARMY
 HEADQUARTERS 2BCT, TASK FORCE IRONHORSE
 FOB WARHORSE
 BAGUBAH, 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.

b657c5

a. Allegation number one. The allegation of unlawful use of force on 8 June 2003 against [redacted] is 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. [redacted] (Exhibit 2) stated that [redacted] fired 2 rounds from [redacted] M-16 at an armed individual. Both rounds missed the target. After the individual fled into a field [redacted] says that 5 40mm rounds were fired. [redacted] (Exhibit 3) puts the number of 40 mm rounds at 15. [redacted] stated that 2 round apparently hit some Palm trees next to a house. [redacted] (Exhibit 4) stated that [redacted] saw 2 men through [redacted] 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. [redacted] (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. [redacted] (Exhibit 6), [redacted] (Exhibit 7), and [redacted] all stated that another search of the area the next morning failed to reveal anything either. [redacted] 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.

All b647c4

b647c4

b647c4

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 was by [redacted] at 1-1/2 kilometers. [redacted] and [redacted] estimated the distance to be 10 - 15 kilometers. The speed varied from 15 mph by [redacted] (Exhibit 8), and [redacted] (Exhibit 9) to 30 mph by [redacted] (Exhibit 10), [redacted] (Exhibit 11), [redacted] (Exhibit 12), [redacted] and [redacted] (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, [redacted] (Exhibit 14), and [redacted] (Exhibit 15), did admit that they had to get physical with one detainee who

b647c4

6668