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			PRIVACY ACT S	TATEMENT		4040 4081"
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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## PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 ISSN/.

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 additionalialtemate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION CAMP MARLBORD 2. DATE (YYYYMMDD)

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

7. GRADEISTATUS

8. ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE THIRD OF JULY, THE SUPPOSIVE TIME A RERTAIN INSIDENT MAY HAVE HAPPENED, I WAS ON MY WAY TO THE BAY, TO CHECK A BUSTED HUB SEAL AND A CLASS TWO TRANSFER LEAR, AFTER WATTING AN HOUR - HOUR 3 1/2 RETURNING FROM THE BAY I HAVE AN OBSTACLE OF 100 CASESOF SORAS IN MY WAY SU THAT I CAN PARK MY VICTOR IN THE DESTINATED SPOT. SOME TEME AFTER THE 4TH OF JOLY, ACTUAL DATE, I DON'T RECAL, MY PLATOON CAME IN CONTACT AND Z7D CAME DER COUGAR NET AND SAID THE WERE SHOT AT AND RETURNED FIRE. ZZ CAME ON GAVE AN EXPLANTION OF THE SHOOTING AND A GRID POZIT, LATER THAT DAN SAPPER 6 TALKED TO THE MEN ENVOLVED, ONE-ON-ONE, THEN THE WHOLE PLATION ABOUT NOT BEATING IRAGI AND TO JUST TAKE THEM TO THE C-MOCK; BUT ABOUT THE SHOOTENG HEWAS PLEASED NOONE WAS HURT AND WE DETAINED THE SHOOTER.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

PAGES

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INITIALS OF PERSON MAKING STATE	MENT		PAGE OF	PAGES

SWORN STATEMENT

1514 hrs 1AUG03

In the month of June 2003, 27,22, and 23 went to a designated spot behind Comp Parthoro to drop of and download a trailor full of Stoller wire that we picked up in a neighborhood. When we arrived at the sight, there were about to looters that stanfed minning-I dismounted and chased the looters with , and I. The looters were Punning away about ZOO meters ahead of us. While chasiafter Hom, saised his weapon trund the looters and fired a shot in their direction claimed it was a "worning that to Nothing beloves

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		WORN STATEMENT		PS .
	For use of this form, see	AH 190-45; the propon	ent agency is ODC50	
		IVACY ACT STATEMEN		00 4040 (608)
AUTHORITY:	Title 10 USC Section 301; Title 5	USC Section 2951; E.O.	9397 dated November	er 22, 1943 (SSN).
PRINCIPAL PURPOSE:	To provide commanders and law e	nforcement officials WITE	means by which into	ition to facilitate filing and retrieval
ROUTINE USES:			te means of localitica	tion to facilitate filing and retrieval.
DISCLOSURE:  1. LOCATION	Disclosure of your social security n	2. DATE (YYYYMME	D) 3. TIME	4. FILE NUMBER
CAMP MARLBORO	BAGHDAD, IRAQ	2003/08/01	1554	· · · · · · · · · · · · · · · · · · ·
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squads that were with found some looters in (Bulldog 6) said to do. So, we took the the detainee inside the looter was shot and ki I needed to teach him embarassment but at I Marlboro and instead the two guys take their On the 3rd of July my we were told to help pended up bringing the tire so they were fixed of the detainee. So the Squad Leaders that because she had fired to the chest. We applicate the chest we had followed the chest we had followed the chest.	e looter to a empty building in the building yelled and screamed at lled earlier this month and the or a lesson. So, I told east he would be alive. We had a of taking to CMOC we took their clothes off and run home. I platoon was tasked to pick up so pick up looters in the rear field. I detainee back to our AO. I spok he the fire during this time. I told hewed him out then told rat we are going to tone this stuff numerous rounds with an AK-4 lied first aid and took her to the Clowed the ROE and did a good just the could have the could here to the	y fruck of ENGII. We by truck of ENGII. We could detaining and drive around a while rear field of Camp M him then I had to make mys who shot him was not be same building to the same building and for the SQDN For We ended un catching the with and the platoon to go to come and I again chewed down. Two weeks late of the contract of the	were heading back one looter. We took e, scare him, beat harlboro. Myself, e a decision of what hat punished. I didn ake him run home and the we detained two and then Myself, arth of July party. Cone looter FNG23 told to how. ha him out. We took the woman. She red and the woman. She red and the woman was a scale of the woman was a scale of the woman was a scale of the woman.	the looter to the CMOC.  im up, or whatever that we wanted to I should do next. I heard that a 't want to kill him so I decided that and hopefully he would encur some looters in the reat field of Camp had on our way back to Camp Marlboro actually caught the looter. ENG23 watch the guy. ENG22 had a flat d bounced a soccerball of the head he detainee to the CMOC. I told cident that we shot an Iraqi woman served four to five gunshot wounds spoke to the Platoon that afternoon
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AUTHORITY:	Title 10 USC Section 301; Title	5 USC Sec	tion 2951; E.O. 939	7 dated November 2	2, 1943 <i>(SSN)</i> .
PRINCIPAL PURPOSE:	To provide commanders and law	enforceme	ent officials with mea	ns by which informa	ation may be accurately
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when we saw looters in them download the will one looter stealing the him out and beat him old  home. So he ran outsit to the building again a myself were in the building the checked the field for latruck got a flat tire. So into our AO with a de	rpion we had finished picking up the rear field behind Camp Note from the back of the trailers copper wire. We took him to too do whatever you want to wit to strip the detainee of his de and went home. We had and stripped them of their clothed ilding. On the 3rd of July we had obters. There were looters in the owe went back to Camp Marib tainee in the back of the truck.	Mariboro.  and then the CMOG th him. So clothes.  other incides and ma ad to go g the back filter to roo and I I wasn't	We chased them do took them to the Cl to turn him in wh we took this guy followed tent a few days later de them run home. et sodas for the 4th eld so we tried to co told my guys to ge around much after t	own and picked up MOC. We were out to a building in the street to where we detall hoth incidents of July party for Statch them. While to the tire fixed. William MoC.	a total of 7 detainees. We had at on mission again and caught was told by Bulldog 6 totake ld behind the camp, we released the detainee to go ined two looters. We took them GQDN. On our way pack we rying to catch these looters my hen we got back ENG23 came
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SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS
PRIVACY ACT STATEMENT

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

AUTHORITY:

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			SWORN STATEMENT			· · · · · · · · · · · · · · · · · · ·
	For us	e of this form,	see AR 190-45; the proponent	egency i	s ODCSOPS	
			PRIVACY ACT STATEMENT			
AUTHORITY:	Title 10 USC Section 30 t; Title 5	USC Section 2	951; E.O. 9397 dated Novembe	r 22, 19	343 <i>(SSN)</i> .	
PRINCIPAL PURPOSE:	To provide commanders and law e	niercement off	icials with means by which info	rmation	may be accurately iden	ntified.
ROUTINE USES:	Your social security number is use	d as an additio	nal/alternate means of identifica	tion to	facilitate filing and retr	ieval.
DISCLOSURE:	Disclosure of your social security r					
1. LOCATION	•		2. DATE (YYYYMMDD)		3. TIME	4. FILE NUMBER
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نظ نائات ريا <b>در کي پ</b> ريانيد			• • •	<u> </u>		·
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9.					<u> </u>	

In the morning of a day which I kan not recollect, but do know that it was paren to the Fourth of July, three trucks (22,23,27) from the 200 Platoon 84th ENE CO west on a mission to pick up sodas for the Equation Fourth of July factivities. I myself was riding on the back of 27 as hear scennity. When returning From the mission, one of our tracks spotted/ looters on the eastern side of RTE ARROS. We then began to chase the looters out into open fields, but after fifteen minutes of chasings decided to head back to Camp Marlbore, Upon returning to the camp, 23 called 27 on the net and asked him, what he should do with his detainee. Until we were inside the gates, 27 had negative knowledge of any detainers. What i orders to 13 were are unclear. Once we returned to the warehouse, I dismounted from the back of 27 and went to my cot to lay down. A few minutes later, I got up went back to where the truets were parked so that I could get some water out of 21. When I got to the back of the warehouse, I heard a commotion. and iseveral other members of my platoon which I can not remember were Litting, Kieking, and tearing out the clothes of the Iraqi detainee. My feelings at the time were excitement. I went to my bank to get a comera; but when I returned, took the camera. I turned and went to my truck, 21, get the water which I had initially gone to the buele for.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF	TAKEN AT DATED	

9. STATEMENT (Continued)

I then decided to go back to where the detainer s was alone with the detainer . wais. now He coaxed me Into coming over and litting the distance. I went over and thumped the detainer on the head very lightly, which made a pussy. I can't begin to express how bad I felt for only that. That is when I went back to my cot for good. Roughly fifteen minutes later , 27 called for 21 and 23. to come and except him to the open area behind comp Marlbaro. We excerted 27 and the defainer but to an abandoned building where the detainer would be stripped and later released. I myself was driving 21 at the time mand when we arrived at the building. I exited the truck and pulled security. I do not know who made the call to strip detained, but I do know that were in the building with the detainee. If there was someone else in the building, it is not to my knowledge. Dree the detoriner was reteased, we all went back to the

On another occasion, which occured several weeks after

On another occasion, which occured several weeks after

the first incident, three trucks (21,22,27) left camp Marlboro

to explode several Uxos at the Dragoon ASP. When returning

from the ASP, one of our trucks again situted a couple of

from the ASP, one of our trucks again situted a couple of

looters. We then began to chase them. The booters managed to

excape safely, but decided to stop and investigate

excape safely, but decided to stop and investigate

further. At the time, I was driving 21, and upon stopping It

got, out and pulled security. Several minutes later, I walked

for the back of my truck and witnessed,

destroying a truck. They were breaking

the windshield and mirrors, slashing the tires, and ripping wires out from under the hood. At the time, I had no idea why

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

ersonal into Redacted IAW Sec of Def Memo 01. CORR-101, dtd 9 Nov 01

STATEMENT OF TAKEN AT Camp Marlboto DATED 8.8-03
9. STATEMENT (Continued)
they were doing this. My thoughts were that they had lost their minds. Several minutes later, we mounted back on to our
trucks and drove across the Street. Again dismonnted to further investigate the Stolen wire. I again pulled security for 21.
a cooler and a burlap tarp of some sort. They then came to
to burn the cooler and the bag. It wasn't until we hand
returned to the workhouse at camp Marlboro that I book was informed as to why they had done these seemingly uncivil acts.  Apparently, the truck which they had destroyed was carrying wire in the back. The cooler contained full 11 11 11.
the which the thicker used used d
burn the wire, and the tarp is what the thieves used to hide the wire. After this incident, no other incidents teck place to my
knowledge.

	AFFIDAVIT
t,	. HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  S. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE ECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS ITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT
	(Signalire of Person Making Statement)
ORGANIZA WUR ADDRESS	Subscribed and sworn to before me, a person authorized by law to administer paths, this day of Acuscust 2005  at Soul Orlock Package of Person Administering Oath  (Sugnature of Person Administer Oaths)
	001919

For use of this form, see AR 27-10; the proponent agency is TJAG.	J(3)
NAME See Notes on Reverse Before Completing Form	, 607
	PAY (Basic & Sea/Foreig
I I am considering whether you should be punished under Article 15, UCMI, for the following misconduct: U	\$1,356.90
In that you, did, at or near Baghdad, Iraq, on or about 21 June 2003, un UCMJ.  UCMJ.	lawfully strike Article 128.
2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yee or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be proceeding whether I will impose type and amount of punishment I will impose. If you do not want me to dispose of this report of misconduct under the right to demand trial by court-martial instead. If deciding what you want to do you have the right to consult will located at M, W, F 0900-1230 & 1400-1730 hours, TDS, You now have 48 hours to decide a hours of the right to consult with counsel, my decision are as follows: (Initial appropriate as I demand trial by court-martial and in the Article 15 proceedings:    ATURE	t a trial by court- t made a decision wheth it you committed the You may present could be very light se punishment or the r Article 15, you have with legal counsel what you want to do.  blocks, date, and sign)  Is not requested. in person. Are
Reduction to Private (E1); forfeiture of \$575.00 pa  Restricted fiche of the Performance fiche  You are advised of your right to appeal to the Cdr. 1st AD within 5 calendar days. An amenay be rejected as untimely. Punishment is effective immediately unless otherwise stated above  ATE NAME, GRADE, AND ORGANIZATION OF COMMANDER  (Initial appropriate block, date, and sign)	
I appeal and do not submit additional matters 2/2/ c. [ appeal	l and submit additional
NAME AND GRADE OF SERVICE MEMBER	
I have considered the appeal and it is my opinion that:	
ATE NAME AND GRADE OF JUDGE ADVOCATE	
After consideration of all matters presented in appeal, the appeal is:	
Denied Granted as follows: 100	
, , , , , , , , , , , , , , , , , , ,	
NAME, GRADE, AND ORGANIZATION OF COMMANDER SIGNATURE	
SIGNATURE SIGNATURE	
DATE SIGNATURE OF SERVICE MEMBER	
ALLIED DOCUMENTS AND/OR COMMENTS WWW	
(D Report with sworn statements and rights advisements(81), DA Form 268, and ER	AS/M
A FORM 2627, AUG 84 (EG) EDITION OF NOV 82 IS OBSOLETE	ORIGINAL

# DEPARTMENT OF THE ARMY HEADQUARTERS 3<sup>RD</sup> BRIGADE, 1<sup>ST</sup> ARMORED DIVISION BAGHDAD, IRAQ APO AE 09324

AFZN-BB-CO

DATE: U OCLOS

MEMORANDUM OF AGREEMENT

THRU Commander,

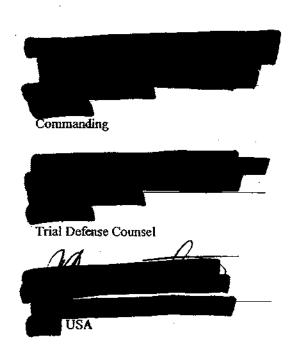
APO AE 0932

APO AE 09324

FOR PFO APO AE 09324

SUBJECT: Dismissal of the Court-Martial Charges Preferred on 18 September 2003.

In the case of the Charges and their Specifications are hereby dismissed with prejudice to the Government conditioned on the charges are bleading guilty under the provisions of Article 15 to the Charge: Violation of the UCMJ Article 128 and Specification: "In that you did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike the conditioned on the face with your hand" and further conditioned on testifying truthfully at all subsequent pretrial investigations and court-martials in the case of



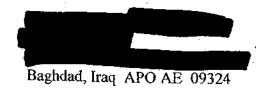
			CHARGE SE	IEET		• •
I. NAME OF ACC	USED (Last, First, Middle Initial)	· · · · · · · · · · · · · · · · · · ·	I. PERSONAL DA	NTA .	<del></del>	<u> </u>
The of Acc	OSEO (Last, First, Middle Initial)	I	2. SSN		3. GRADE OR RANK	4. PAY GRADE
5. UNIT OR ORGA	NIZATION	- !			PFC	E3
					6. CURRENT SERVICE	
	APO AE 09324				a. INITIAL DATE *	b. TERM
7. PAY PER MONT	H		8 NATIDE OF	ESTRAINT OF ACCUSE	20020128	3 years
a BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	- W. HATOKE OF K	ESTRAINT OF ACCOSE	9. DATE(S) IMPOSED	
		<u> </u>				
\$1,356.90	None	\$1,356.90	None			
to CHARGE		II. CHA	ARGES AND SPEC	HICATIONS	None None	
10. CHARGE	: VIOLATION C	F THE UCMJ, A	RTICLE 93.			
THE SPEC	IFICATION: In that					
( ig, on or a	about 21 June 2003, wa	s cruel toward			at or near i	Baghdad, "
pistol at	and saying: "Ba	ng <sup>[7</sup> or worde:	to that affect	a persor	n subject to his orders, b	y pointing a
_		o. , or words	w mat viieci.		•	
CHARGE	1: VIOLATION (	OF THE UCMJ	ARTICLE 12	₹	•	
<u>ም</u> ሀድ ያልከሩ						
THE SPEC	IFICATION: In that				, did, at or n	ear
Dagndad, Ir	aq, on or about 21 June	2003, unlawfu	lly strike	·	in the face with his har	ađ.
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		<u> </u>	<del></del>		20030918	
AFFIDAVIT	Defense at a second					
above named a	ccuser this 19 day of	d, authorized by la	w to administer of	aths in cases of this	character, personally appea	red the
that he/she is a	person subject to the Unif	orm Code of Milit		signed the foregoin	g charges and specifications	s under oath
investigated the	e matters set forth therein a	and that the same a	re true to the best	of his/her knowled	personal knowledge of or ha	ts
				viisitioi kitovica,	se and ocaet.	
<del></del>		<b>.</b>				
	Typed Name of Officer			Orgo	inization of Officer	<del></del>
			<del></del>			
	Grade	•		Official Cap	pacity to Administer Oath	
				(See R.C.M. 307(b)	- must be a commissioned officer)	
FORM 4, M	Signature	<del></del>	<del></del>			

the accused was see R.C.M. 308 if notification cannot be made.)  Typed Name of Immediate Commander	
Justicular Commanaer	Organization of lumediate Commander
Signorare	
	Y COURT-MARTIAL CONVENING AUTHORITY
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	Designation of Command or
er Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)	<del>-</del> • • • • • • • • • • • • • • • • • • •
•	FOR THE
Typed Name of Officer	Official Capacity of Officer Signing
Grade	
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V. REFERR	O.U. Copyright
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ESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE c. DATE (YYYMMDD)
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ed for trial to the court-martial convened by	6. PLACE c. DATE (YYYYMMDD)
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PART I  TO:  FROM:  DATE: 20 SEP 03  Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include property certified DA Forms 2627 and the AR 635-200.  NAME:  RANK:  SSN:  UNIT:  Recommend: ( ) Summary Court-Martial ( ) BCD Special Court-Martial ( ) BCD Special Court-Martial ( ) General Court-Martial ( ) General Court-Martial ( ) Summary Court-Martial ( ) Special Court-Martial ( ) Special Court-Martial ( ) Summary Court-Martial ( ) Special Court-Martial ( ) General Court-Martial ( ) Summary Court-Martial ( ) Special Court-Martial ( ) Special Court-Martial ( ) Special Court-Martial ( ) General Court-Martial	COURT-MART	IAL CHARGES T	RANSMITTAL FORM
TO: FROM: DATE:  Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Forms 2627 and the accused's DA Form 2A and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action U AR 635-200.  NAME: RANK: SSN:  UNIT:  Recommend: ( ) Summary Court-Martial ( ) BCD Special Court-Martial ( ) General Court-Martial ( ) General Court-Martial ( ) General Court-Martial ( ) Summary Court-Martial ( ) Summary Court-Martial ( ) Special Court-Martial ( ) Special Court-Martial ( ) General Court-Martial			THE POINT
Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Forms 2627 and the accused's DA Form 2A and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action U AR 635-200.  NAME: RANK: SSN:  UNIT:  Recommend: ( ) Summary Court-Martial ( ) BCD Special Court-Martial ( ) General Court-Martial ( ) General Court-Martial ( ) SIGNATURE OF COMMANDER  PART II  TO: FROM: DATE:	Ĺ	PARTI	
statements, any evidence of previous misconduct (to include properly certified DA Forms 2627 and the accused's DA Form 2A and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action U AR 635-200.  NAME: RANK: SSN:  UNIT:  Recommend: ( ) Summary Court-Martial ( ) Secial Court-Martial ( ) Secial Court-Martial ( ) General Court-Martial ( ) General Court-Martial ( ) Summary Court-Martial ( ) Signature of Commander  PART II  To: FROM: DATE: 20 ≤€₹ 83  ( ) Summary Court-Martial ( ) Special Court-Martial ( ) Special Court-Martial ( ) General Court-Martial ( ) General Court-Martial ( ) Other  NAME OF COMMANDER  SIGNATURE OF COMMANDER  PART III  To: FROM: DATE: 1 General Court-Martial ( ) General Court-Martial ( ) Other  NAME OF COMMANDER  PART III  To: FROM: DATE:  PART III  To: PART III  To			
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TO:    PROM:   DATE:   2.0 SEP 03			
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have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct with Grand Statement)  () BCD Special Court-Martial () General Court-Martial () Other		PARTIII	
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AME OF COMMANDER	( ) BCD Special Court-Martial ( ) Other	( ) General Cou	rt-Martial
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### UNITED STATES

VS.



SERVICE OF DOCUMENTS

ON TDS

1. The following document was served on trial defense service at Fort Riley, KS

Chain of Command transmittals Enlisted Records Brief

2. Service was accomplished at

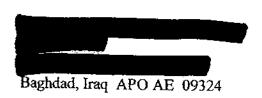
, 2002.



Receipt acknowledged
Signature

### UNITED STATES

VS.

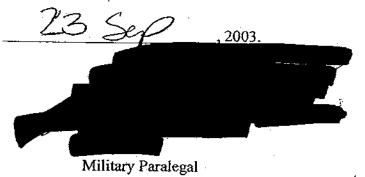


SERVICE OF DOCUMENTS
ON T D S/ACCUSED

1. The following document was served on trial defense service at Fort Riley, KS

Preferred Charge sheet Chain of Command transmittals Enlisted Records Brief Adverse Action Flag Allied documents

2. Service was accomplished at



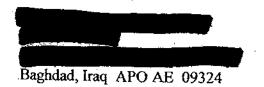
Receipt acknowledged.

Signature

Once this obcument has been signed by soldiel return to Brygode Military Justice Cell in Brygode Toc.

### UNITED STATES

vs.



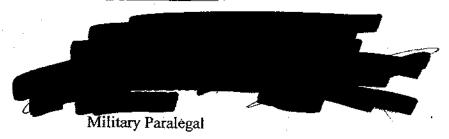
SERVICE OF DOCUMENTS

> O N TDS

1. The following documents were served on the accused in Baghdad, Iraq

Preferred Charge sheet Chain of Command transmittals Enlisted Records Brief Adverse Action Flag Allied documents

2. Service was accomplished at 2002.



Receipt acknowledged.

90 2003

NOOIC Trial Defense Shuices

I did not exceive an ELB on Adverse Action Flag Hyg

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RECORD OF F	ROCEEDINGS	UNDER ARTICLE 15, UCMJ	(P) (P)
		10; the proponent agency is TJAG.	_///
NAME GRADE	SSN REVERSE	Before Completing Form PAY (Basic & Sea/Foreign)	Co-
	0.000	Baghdad, Iraq APO AE \$1,903.50	
slapping, punching, and stomping on deta UCMJ.	on on about 2 ND 03-215 (Ire inee's bare fee	15, UCMJ, for the following misconduct: " 5 October 2003, violate a lawful general order, to wit: on Stability), dated 21 July 2003, by wrongfully et in your custody. This is in violation of Article 92,	رهی ا
or not you will be punished. I will not impose any p offense(s). You may ordinarily have an open hearing witnesses or other evidence to show why you should (matters of extenuation and mitigation). I will constype and amount of punishment I will impose 2 If y	> proceeding. Fix unishment unless g before me. You I't be punished at ider everything you ou do not want on In deciding what	ay be used against you in this proceeding or at a trial by court- rst I want you to understand that I have not yet made a decision wheth I am convinced beyond a reasonable doubt that you committed the may request a person to speak on your behalf. You may present all (matters of defense) or why punishment should be very light ou present before deciding whether I will impose punishment or the e to dispose of this report of misconduct under Article 15, you have you want to do you have the right to consult with legal counsel You now have 48 hours to decide what you want to do.	ler
DATE 14 05003 NAME, GRADE, AND ORGANIZ	ATION OF COMMA		
3. Having been afforded the opportunity to consult a. I demand trial by court-martial. b. I do not demand trial by court-mart		decision are as follows: (Initial appropriate otocas, unie, ana sign)	
(1) I request the hearing be Open (3) Matters in defense, mitigation, and/or extenual attached.	Closed. (2) A con:	person to speak in my behalf the last ls ls not requested.  Are not presented the person Are	c
29 Dec 03	Е МЕМВЕЯ	SIGNATURE	
	g <sup>y</sup> all matters pr	esented in defense, mitigation, and/or extenuation, having been	
Found not guilty by battalion of			
5. I direct the original DA Form 2627 be filed in th 6. You are advised of your right to appeal to the time may be rejected as untimely. Punishment is eff  NAME, GRADE, AND ORGANIZATE	e Perfo		
OBJMOY POMESO		SIG	
7. (Initial appropriate block, date, and sign) a. do not appeal b. I appeal a	nd do not submit	additional matters <sup>8/9/</sup> c. I appeal and submit additions	al
DATE NAME AND GRADE OF SERVICE	MEMBER	matters ¥9!	
08 Jan 04	···		
8. I have considered the appeal and it is my opinion	that:		
DATE // NAME AND GRADE OF JUDGE	ADVOCATE	SIGNATURÉ	
9. After consideration of all matters presented in ap	peal, the appeal i	is:	-
Denied Granted as follows: 4	ų		
DATE NAME, GRADE, AND ORGANIZA	ATION OF COMMA	NDER SIGNATURE	_
10. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER	,
11. ALLIED DOCUMENTS AND/OR COMMENTS 11/12/	111		
Facts and exhibits from 15-6 Investigation, DA		В	
		•	1

	· · · · · · · · · · · · · · · · · · ·
v,	NOTES
a	insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMI (Part IV, MCM). If distinguished in note [1] below.
- 1	aform the member of the maximum punishment which may be imposed under Article 15
sh by re	nform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or the many object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or students at a counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time
∜ G	ive the member copy 5 of this form.
E O	ffenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment,
she rep	mounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement orimand, it will be attached to this form and listed in item 11.
y Th ma wit	ne imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards thout approval of the Cdr, MILPERCEN or selection boards
' If i	the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior
Be	fore acting on an appeal it must be a
redi qua <i>UC</i>	fore acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes uction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in ters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (See Article 1 Se(1) to (7),
The	e superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to
/ In t	this green in the stated according to
	this space indicate the number of pages attached as follows: Altied documents on appeal consist ofpages. Altied documents ude all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if plicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.
App item	olicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in the continuation sheet. Supplementary actions (para 3-38, AR 27-10) will be recorded on DA Form 2627-2.
Susp	pension, Mitigation, Remission, or Setting Aside

imposed on (date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before (date)) (mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the

punishment) (the successor in command to the imposing commander) (as superior authority).

(DATE)

Racial/ethnic identifiers will be placed in Item 11 (Chapter 15, AR 27-10).

erse of DA Form 2627, Aug 84

On (date), the punishment(s) of

(Typed name, grade, and organization of commander)

Ill away from me, then tried to use his superior dy weight to make it difficult for me to guide im into the jail. While doing all this he kept Iking in arabic. I couldn't understand what he was aying. I had to push him in order to get him to the jail. I told him to stop talking because e Kept talking with the other prisoners. He also ept turning around after I had him face the all. On the 2nd time I made him face the wall e jerked his shoulder and was turning around to ce me. Instinctively I funched him the way He was a big guy and I new I wouldn't hurt him, but I wanted him to. top resisting me. Once he faced me, he cocked is right leg back like he was gonna kick me. he reason I thought that, was because I've had ny soldiers kicked by prisoners even after they iere flex cuffed so my reaction was to stomp his ead foot and push him into the wall face first. m not sure at what point the goard left or ame back from getting the zip strips but perhaps e didn't get a chance to see What the prisoners ad done to trigger our reaction. The guard said i his statement that I tighten up the prisoner's ults, which in fact was the opposite. When

ne prisoners complained about the flex cuffs eing too tight, I personally loosen them up. I think we guard me misunderstood the situation and made a own assumptions which later on he wrote on a worn statement. I read the medical report in which it says that no bruises were found, so sw can this be evidence of a beating that supposely ok place for about 8-10 minutes max.

### DEPARTMENT OF THE ARMY

HEADQUARTERS.

BAGHDAD, IRAQ APO AE 09324

REPLY TO.

•

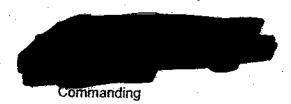
8 January 2004

### MEMORANDUM FOR Record

SUBJECT: Field Grade Article 15 for

- The following factors were considered during the Article 15 proceedings. These factors were not part of the original investigation that initiated the proceedings:
  - a. Statement submitted by The statement indicated the following:
    - (1) Admission of punching the detainee and stomping his feet.
- (2) Explanation of the use of force—was threatened by the actions of the detainee he was attempting to escort. Specifically, the detainee was physically resisting his movement to the holding facility. The detainee was much larger than the detainee violently jerked his shoulder to resist direction and was turning to face, resist, and possibly attack Additionally, and the detainee cocked his leg back indicating he was going to kick him.
- the first-line leader of the primary witness claiming detainee abuse presented as a witness to question the reliability of assess the events that occurred at the holding facility.
- c. The entire chain of command depicted has a reserved, controlled, individual, had never displayed abusive behavior in the past, in fact he always set the example in dealing with local nationals with dignity and respect, particularly during military operations.
- 2 Based on the above information I find no guilt regarding the charge of detainee abuse. felt threatened by the behavior of the detainee he was attempting to control, and applied the appropriate amount of force to control the situation.

3.



PERSONAL FIR	VANCIAL STATEME	ENT WORKSHEET
NAME:		DATE: 7 Jan 04
MONTHLY INCOME:		
	Take Home Pay (Plus Allowances)	\$ 1.869.00
	Spouse's Take Home Pay (Plus allowances)	\$_ <i>N/A</i>
1	Other Regular Income	+ \$_N/A
LINE 1: Total Monthly Incom	ne .	= \$ 1,869.00
MONTHLY EXPENDITURE	ES:	\$ 122.00 - Kid's Beds \$ 300.00 - Master Bedroom \$ 36.67 - Backyard Fence
	Payment on Current Debts	\$ 36.67 - Backpard Fence \$ 50.00 - Credit Card
	(Loans/DPP/Chg Accts Rent	\$ N/A (post housing)
	Food	\$ 300.00
	Utilities (telephone, etc.)	75.00- Phone 55:00-cell phone 100.00-coble + Computer access 20.00- Home renters insurance
	Insurance	\$120.00 - Home renters insurance \$120.00 - POV insurance
	Transportation & Auto Exp.	\$125.00-Gas + muintanence
•	Car Payment	\$378.16
	Child Care	\$ 78.00 - preschool (son)
	Other: Casual pay +	s not included
LINE 2: Total Monthly Exper	nditures	= \$ 1,759.83
ANNUAL EXPENDITURES	:	
	Major Purchases and Repairs	s \$ N/A
	Clothing	\$ not included
	School Costs	\$ 360.00
. :	Other: haircuts (my son) +	\$ 600.00
LINE 3: Total Annual Expen	ditures (Divided by 12)	=\$80.00
	SUMMARY	<u></u>
Total Monthly Income (Amo		\$ <u>1,869.00</u>
Total Monthly Expenses (An		-\$1839.83
. van montany Emportous (Mix		4.1001.00
Current Available Income		\$ 28.17
Not included - Casual Clothing phone of Cleane	Pay \$ 100.00 For Children N/A cards \$ 35.00	



### DEPARTMENT OF THE ARMY

BAGHDAD FIELD OFFICE APO, AE 09324

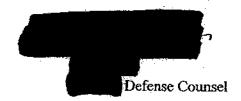
29 December 2003

MEMORANDUM FOR Commander			
	 7.7.	, , , , , , , , , , , , , , , , , , , ,	
SUBJECT: Request For Nonpunitive Measures			
APO, AE 09324			

- 1. Sir, as a defense counsel, I rarely write on the proper disposition of a case, but I feel compelled to do so in this case. I believe that this situation can be handled through administrative corrective measures and does not require the use of a Company Grade article 15, let alone a Field Grade Article 15.
- 2. The Manual for Courts-Martial clearly states, "Commanders are responsible for good order and discipline in their commands. Generally, discipline can be maintained through effective leadership including, when necessary, administrative corrective measures. Nonjudicial punishment is ordinarily appropriate when administrative corrective measures are inadequate due to the nature of the offense or the record of the servicemember." has been in the Army for almost 6 years and does not have any past Article 15's and not even a negative counseling statement. Furthermore, "Commanders should use nonpunitive measures to the fullest extent to further the efficiency the command before resorting to nonjudicial punishment." AR 27-10, paragraph 3-2. Paragraph 3-2 further states that "[n]onjudicial punishment may be imposed to ...Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures." Included among nonpunitive measures are: denial of pass or other privileges, counseling, administrative reprimands and admonitions and extra training.
- 3. Non-punitive measures are appropriate for soldiers who have a good record in the company. However, the use of nonjudicial punishment would be more understandable if this action had (1) actually endangered a soldier or an innocent bystander; and/or (2) been the "last straw" in a series of poor judgment calls made by Further, the straw tells me he is an exceptional soldier and you can confirm this with his squad and platoon leaders. He also informed me that his section was not clearly briefed as to the General Order that he allegedly violated nor the Rules of Engagement pertaining to detainees. I understand that ignorance is no defense however under the circumstances actions were much more of being emotional about the situation and not harboring any malicious intent towards the detainees coupled with the fact that these detainees were apprehended with a large weapons cache and throwing grenades at U.S. soldiers.

## SUBJECT: Standard of Proof and Request For Nonpunitive Measures APO, AE 09324

- 4. Sir, in addition, unlike an E-4, an Article 15 imposed on will be a permanent part of his file because you must determine whether to file it in his restricted or performance fiche. He also informed me that he is due to go to the promotion board sometime next month however due to the impending Article 15, he will more than likely lose the chance to do so. That in and by itself is punishment enough. Therefore, if you believe that it is a good soldier who has potential to continue in the Army, please weigh carefully the interests of the soldier's career against those of the Army to produce and advance only the most qualified personnel for positions of leadership, trust and responsibility. Please take into account his age, grade, and total service.
- 5. I am usually a defense counsel in Germany and have heard from virtually every soldier in your battalion who has come to my office that you administer UCMJ issues in a fair and impartial manner. I would also like to state that I only write these types of memos personally if there is an issue that I believe needs to be brought to your attention. On behalf of the third this article 15 be returned to the company for administrative corrective measures.
- 6. For the above reasons, I request this matter should be disposed of by nonpunitive measures.
- 7. Respectfully submitted,



### FACTS:

On 4 November 2003, the Brigade Legal Advisor provided me a directive from to perform an AR15-6 investigation concerning possible detainee maltreatment at the Battalion Forward Operating Base. Within the packet was Inquiry (Exhibit A). I reviewed the Commander's Inquiry and found that gathered a sufficient amount of information to begin an investigation.

According to the Commander's Inquiry (Exhibit A), the following is collaborated by several statements: On 25 October 2003, was responsible for escorting prisoners to the Detainee Facility located at the At approximately 1400 on the 25 October, a 5-ton cargo with six Iraqi Detainees, escorted by two BFVs with crews, delivered the detainees to the 2-70 Armor Detainee Facility. Soldiers from the escorted the Detainees to the facility from the vehicle down load site.

In the statement (Exhibit B) made by the facility guard, the observed five soldiers mistreat the Detainees. To clarify mistreat, stated the soldiers "started to slap the prisoners in the face and sock them in the gut" and "stomped on grey shirted prisoners bare feet" (misspelled word were corrected from the statements to this document).

1st Armored Division's FRAGO 383A (Exhibit C) issues a General Order making it a military crime for Coalitions Forces and civilians accompanying the Force, to Maltreat persons in Iraq. In the Commander's Intent, he states that Maltreatment of Detainees in Iraq by 1AD Forces during this mission is conduct prejudicial to good order and discipline. In paragraph 3.E.(5) maltreatment is defined by hitting, slapping, kicking, etc.

Considering statement (Exhibit B) and the Division's FRAGO 383A (Exhibit C), further investigation is required to verify the names of the soldiers that were involved with the maltreatment and to find collaborating information that would confirm the maltreatment occurred.

In statement, his spelling of the names matched no members of the two more SPC that he could not remember their names.

Also stated that he could identify the soldiers in a photo line-up. Prior to my interview with that I needed photos of soldiers in the Platoon. Specifically I needed, photos of soldiers involved with the detainee transfer mission. He had one of his officers, provide me photos the following day.

Taking the Brigade Legal Advisor advice, I inserted these four photos into four separate groups of six soldiers. The four soldiers from Platoon were from Hispanic heritage; consequently, the majority of the soldiers that I included in the photo line-up were

Hispanic heritage. Exhibits E, F, G and H are the photo line-ups presented to La Exhibit E. selected the top center photo; the photo he selected is Platoon. He stated, the soldier in the photo that he selected did the following to the traqi Detainees: "slap, punch, forearm shot to the gut, stomped on their bare feet with his boot." selected the bottom center photo; the photo he selected is latoon, He stated, the solider in the photo that he solected "punch them, slap them, and forearm shots to the gut." did not recognize anyone in Exhibits G and H; photo line-ups that had photos of Consequently, I eliminated these two soldiers from my investigation as possible suspects. review of the photo line-up, I asked him two more questions (Exhibit I). He stated one of three unidentified soldiers present for the prisoner maltreatment had name like or something like that—he said this person was a big burly guy that looked like a wrestler named He also said this big burly guy was a member of the mortars. I called once again and asked if there was someone that fit the description according to statement—he stated that the mortarmen were not involved in the detainee mission and none had a name similar and was big and burly. I met with on 12 November 03, he showed me the detainee facility (Exhibit I). The main gate is located near the detainee facility, which may have had a guard observe the maltreatment or knew the soldiers involved. He introduced me to a had a similar name to that provided by he was tail and normal build. I asked him if had any information concerning the event in which I was investigating. He said he had gate duty that day and knew the big burly soldier-his name is On 12 November, I visited and explained the purpose of my investigation. knew very little about what had happened since his platoon was detached from his command at the time of the prisoner maltreatment. I requested a visit with his soldier named and his chain of command. and his Platoon Leader arrived at the Atlas FOB Headquarters on the evening of 12 November—They both requested a lawyer and

I called the Brigade Legal Advisor to see if I could direct the chain of command to

Plateon,

completed the forms DA 3881 (Exhibits K and L).

provide photos of all the soldiers in

authority.

said I had the

Consequently, I directed to return to his Company Headquarters and inform his Commander that I would like photos of every member in Platoon, and and to call me if he had questions. That night, returned with photos of the Platoon members.

I printed the photos on 15 pages (Exhibit M) and schedule a visit with a law on 14 November. He reviewed the photos and circled the photo of that "he was just talking to the prisoners and just watching the prisoners and saw what was going on." It also circled a photo of soldier named the wrote above the picture "he was hitting, smacking, slapping and punching the prisoners." It could not positively identify the fifth soldier that was present during the detainer maltreatment (Exhibit N).

Exhibit O, is Doctor statement, which said five detainees had red marking on there wrist presumably left by the flex cuffs—two of the five detainees had numbness in the 4<sup>th</sup> and 5<sup>th</sup> fingers. One detainee, abdominal area. Another detainee, had tenderness to the jaw, collarbone, and central abdomen.

Exhibits P and Q are statements of two of the detainees. The statements are consistent with statements in that four soldiers were hitting the detainees and one soldier named stood to the side. The soldier standing to the side is likely to have been which is consistent to statement.

I had an interview with a control of the character (Exhibit R). In brief, states that is an asset to the company, honest, and has the desire to do what is right.

### INDEX OF EXHIBITS

- EXHIBIT A- Inquiry
- EXHIBIT B-Statement by
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- EXHIBIT D- Statement by
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- EXHIBIT Q-Detainee statement-
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10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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### RIGHTS WARNING PROCEDURE/WAIVERCERTIFICATE 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/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your Social Security Number is voluntary. TIME FILE NO. Sol, Build 25000) 2100 PART I - RIGHTS WAIVER/NON-WAIVERCERTIFICATE 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: Mistratuct 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 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. (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. COMMENTS (Continue on reverse side) Section B. Waiver I understanding 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 WITNESSES (If available) SIGNATURE OF INTERVIEWEE NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE SIGNATURE OF INVESTIGATOR NAME (Type or Print) TYPED NAME OF INVESTIGATOR ORGANIZATIONOR ACORESS AND PHONE ORGANIZATION OF INVESTIGATOR

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SWORN STATEMENT IDA FORM 28231 SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

EDITION OF NOV 84 IS OBSOLETE

Section C. Non-waiver

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SIGNATURE OF INTERVIEWEE

A FORM 3881, NOV 89

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IS WAIVER CERTIFICATE

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### RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

### DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: PRINCIPAL PURPOSE:

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

ROUTINE USES: DISCLOSURE:

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

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EDITION OF NOV 84 IS OBSOLETE

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USAPA V1.00

### 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/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your Social Security Number is voluntary. FILE NO. FOB, Baghdad, Iraq JUDGTOS. <u> 1330 </u> ORGANIZATION OR ADDRESS **GRADE/STATUS** PART I - RIGHTS WAIVER/NON-WAIVERCERTIFICATE Section A. Rights The investigator whose name appears below told me that helshe is with the United States Army and wanted to question me about the following offense(s) of which I am suspected/accused: mistreatment of Iraqi detainees 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 ma (For personnel subject othe UCMJ 1 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 civiliary lawyer detailed for me at no expense to me. (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 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 WITNESSES (If available) SIGNATURE OF INTERVIEWEE NAME (Type or Print) CHICANIZATION OR ADDRESS AND PHONE NAME [Type or Print] TYPED NAME OF INVESTIGATOR GREANIZATION OF ADDRESS AND PHONE Baglidad, Iraq Section C. Non-waiver I do not want to give up my rights I want a lawyer SIGNATURE OF INTERVIEWEE ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSCOUENTLY EXECUTED BY THE SUSPECT/ACCUSED

EDITION OF NOV 84 IS OBSOLETE

**DA FORM 3881, NOV 89** 

USAPA 2.01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS
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 Your social security number is used as an additional/alternatemeans of identification to facilitate filling and retrieval.  Disclosure of your social security number is voluntary.  1. LOCATION FOB, Baghdad, Iraq  2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER  5. LOCATION FOR BAGNDAL MADE AND ENGLISHED AND AND AND ENGLISHED AND AND AND ENGLISHED AND ENGLISHED AND AND AND ENGLISHED AND AND AND ENGLISHED AND AND AND ENGLISHED AND AND AND AND AND AND AND AND AND AN
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DA FORM 2823, DEC 1998

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### RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS DATA REQUIRED BY THE PRIVACY ACT 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/alternatemeans of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary. DISCLOSURE: MOITA DATE FOB, Baghdad, Iraq FILENO <u> 26</u> OCT 03 1350 NKME (Last First MI) PART I - RIGHTS WAIVER/NON-WAIVERCERTIFICATE 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: mistreatment of Iraqi detainees 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 tria 3. (For 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. (For civilians not subject to the UCMJ) I have the right to talk privately to a larryer 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 oftensels) under investigation, with or without a lawye speak privately with a lawyer before answering further, even if I sign the waiver below. have a right to stop answering questions at any time, or COMMENTS (Continue on (everse side) Section B. Waiver Lunderstand my rights as stated above. Lam now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without WITNESSES (If available) SIGNATURE OF INTERVIEWEE NAME (Type or Print) ED NAME OF INVESTIGATOR

ORGANIZATION OR ADDRESS AND PRONE

Section C. Non-waiver

- I do not want to give up-my rights
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SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT IDA FORM 28231 SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED )A FORM 3881, NOV 89

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ORGANIZATION OF INVESTIGATOR

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

### DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

PRINCIPAL PURPOSE:

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

ROUTINE USES: DISCLOSURE:

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

Disclosure of your Social Security Number is voluntary.

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tion A. Rights	PART I TROPITO TERM	ER/BOM-AN-WACDINGTO	THUATE	<u> </u>
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investigator whose name appears below to				
ected/accused: mistreatment of Iraq				ving offense(s) of which I am
we he/she asked me any questions about the	e offense(s) however, he/she ma	ade it clear to me that I hav	e the following gonts:	· · · · · · · · · · · · · · · · · · ·
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that airitizes not subject to the UPA411 44		- or -		
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ne during questioning. I understand that th vill be appointed for me before any questic	iis lawyer can de one ibai i arradi	ge for at my own expense,	or if I cannot afford a law	yer and want one, a lawyer
	voniq begins.			
f I am now willing to discuss the offense(s speak privately with a lawyer before answer	if under investigation, with or will	hout a lawyer present. I ha	ve a right to stop answer	ng questions at any time, or
Annual manual manual and an annual antenna	sing further, even it i sign the wa	river below.		
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COMMENTS (Continue on reverse side)				
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ion B. Waiver		<u> </u>		<u> </u>
etstandmy rights as stated above. I am nov g a lawyer present with me.	w willing to discuss the offensels	l under investigation and m	take a statement without	talking to a lawyer lirst and with
WITNESSES (If avai	ilable)	3. SIGNATURE OF	INTERVIEWEE	
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DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

# 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/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 5. LAST NAME CHIST NAME MIDDLE NAME 6. SSN 7 GRADE/STATUS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Un 25th Oct 2003 escisted a five un Truck to a raid site on arrival back 6 Elw by enering the Fold they (Elws) off the truck I then ask who of the beloing line a solder who hum this was somewhere between were much over to the histories area, ?) hum more coway the wire, then ? italien liver to justify the exect the files to the heloing the wood of look Colomby. This was the last line

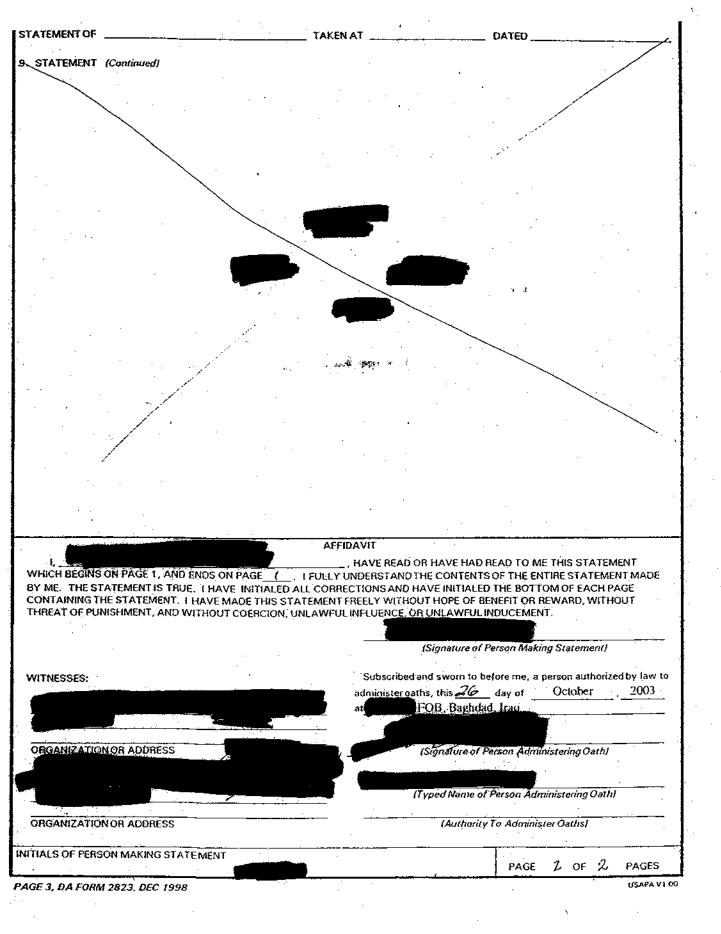
10. EXHIBIT	L	. 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF	2	PAGE
ADDITIONAL PA	AGES MUST CONTAIN T	HE HEADING "STATEMENT TAKEN AT DATED	-	

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

**DA FORM 2823, DEC 1998** 

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V 1 QU



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

#### DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

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

PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:

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

Disclosure of your Social Security Number is voluntary.

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	PART I - RIGHTS WAIVE	R/NON-WAIVERCERT	TIFICATE	<del> </del>
Section A. Rights				<u></u>
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The investigator whose name appears be	elow told me that he/she is with the Unite			····
suspected/accused: mistreatment of	of Iraqi detainees	sug wanted to do	estion me about the folio	owing offensels) of which I am
Before he/she asked me any questions a	bout the offense(s), however, he/she mad	e it clear to me that I have	ve the following rights:	· · · · · · · · · · · · · · · · · · ·
1. I do not have to answer any questi	on or say anything.			
2. Anything I say or do can be used a	s evidence against me in a criminal mal.			
3. (For personnel subject athe UCM.)	I have the right to talk privately to a lawy	rer before, during, and af	ter questioning and to ha	ve a lawyer present with me
or both	n be a civilian lawyer flarrange for at no ex	pense to the Governmen	it or a military lawyer det	ailed for me at no expense to me,
ON DOWN				
(For civilians not subject to the UC)	M H I have the eight to talk adjustations of	- 01 -	4-4	
me during questioning. Lunderstan	MJF I have the right to talk privately to a li dithat this lawyer can be one that I arrange	awyer before, during, an	o atter questioning and ti	have a lawyer present with
will be appointed for me before any	questioning begins.	E 101 BC 1117 OWN EXPENSE	. or at a cannot attorn a la	wyer ario want one, a tawyer
4. If I am now willing to discuss the o	flense(s) under investigation, with or with	out a lawyer.present, I hi	ave a right to stop answe	ering questions at any time, or
speak privately with a lawyer befor	e answering further, even if I sign the wait	ver below	<b>y</b>	
				• •
5. COMMENTS (Continue on reverse	- idal	<del> </del>	· · · · · · · · · · · · · · · · · · ·	
	· sidey.			•
	<u></u>			
Section B. Waiver	<del> </del>	•		• .
I understand my rights as stated above. having a lawyer present with me.	I am now willing to discuss the offense(s)	under investigation and r	make a statement withou	it talking to a lawyer first and withou
WITHESSES	(If available)	3 SIGNATUREO	EINTERVIEWEE	
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		r		
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6. ORGANIZATION OR ADDRESS AN	ID RUSING	C ORGANIZATIO	NOF INVESTIGATOR	
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Section C. Non-waiver				
1. I do not want to give up my rights		<del></del>	<del></del>	<u> </u>
f want a lawyer		F2		
		ti ido not want	to be questioned or say a	enAlpied.
2. SIGNATURE OF INTERVIEWEE				
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ATTACH THIS WAIVER CERTIFICATE TO	ANY SWORN STATEMENT (DA FORM)	2823/ SUBSEQUENTLY	EXECUTED BY THE SUS	PECT/ACCUSED
DA FORM 3881 NOV 89				

For use of this form, see AR	RN STATEMENT 190-45; the proponent agency is ODCSC	) NPS
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DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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AFFIDAVIT  AFFIDAVIT	STATEMENT OF		TAKEN AT	DATED	
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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 HREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.  (Signature of Person Making Statement)  WITNESSES:  Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of October 2003 at FOB, Baghdad, Iraq  ORGANIZATION OR ADDRESS  (Authority To Administer Oaths)  HALS OF PERSON MAKING S					
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For use of this form, see AR 190-30; the proponent agency is ODCSOPS

### DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: PRINCIPAL PURPOSE:

Title 10, United States Code, Section 3012(g)
To provide commanders and law enforcement officials with means by which

ROUTINE USES: Your Soci	ial Security Numbe e of your Social Se	r is used as an ac curity Number is	lditional/alternateme	ans of identification	on may be accurately identified to facilitate filing and retrieval.
LOCATION FOB, Baghdad, Iraq	-	<del></del> ·	2. DATE	3. TIME	4. FILE NO.
5. NAME (Last, First, MI)		·	8. ORGANIZATIO	NOR ADDRESS	<u></u>
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	PART 1 - I	RIGHTS WAIVER	NON-WAIVERCERT	IFICATE	
Section A. Rights			-	. 1	· · · · · · · · · · · · · · · · · · ·
The investigator whose name appears belo	w told me that he/she	e is with the United	States Army		
suspected/accused: mistrealment of I	i i	·		stion me about the folio	ewing offense(s) of which I am
Before he/she asked me any questions about	ut the offenselet for				
<ol> <li>I do not have to answer any question.</li> </ol>	or say anything		Elear to me that I have	the following rights:	
<ol><li>Anything I say or do can be used as e</li></ol>	vidence against mean	es emillo			•
3. (For personnel subject othe UCM.)   1	have the right to talk	privatelyi Java	r before, during, and afti-	er guestioning and to hav	ve a lawwer westent with me
during questioning. This lawyer can be or both.	) a civilian lawyer ( an	range for at no expe	ense to the Government	or a military lawyer deta	ited for me at no expense to me,
(For civilians not subject to the UCM.)	l I have the eight to t	nst	- Or •		
(For civilians not subject to the UCM) me during questioning I understand the will be appointed for me before any or		one that I arragge fo	or at my sum avenue	after questioning and to	have a lawyer present with
<ol> <li>If I am now willing to discuss the offer</li> </ol>	nse(s) under investiga	itian, with or withou	it a lawyer present, I hav	vé a right to stop answer	ting duestions at any time, or
speak privately with a lawyer before a	nswering further, eve	o il I sign the waive	r below	iii	ing doesdons at any must be
		•	A A		
5. COMMENTS (Continue on reverse sic	(e)			······································	
Section B. Waiver				·····	<del></del>
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		1	Baghdad, Iraq		
ection C. Non-waiver					
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## 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/alternatemeans of identification to facilitate liling and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. L.LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 03/10/27 915 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. ORGANIZATIONES WELLIESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on the afternoon of we out 25 I the 5-ton vehicle to prekup prisoners from a recontion in Abu Chrait. When we returned to the compound we approached and a entered the gate. At this point I didn't hear or see any mistrealment. got out of the lock at the clearing barrel to let Journ the back and so the prisoners could get out, he then told me to pull onto the road facing the motor pool. Note this in 1th prisoners and infuntry new got out. There was I to 3 Infantry guys back there. Now I'm facing the motor poul and I then exit the Vehicle and go to clear my weapon never focusing my attention to the vissions Nothing follows -

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10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE LOF 2	PAGES
ADDITIONAL PAGES MUST CONT AIN THE HEADING	"STATEMENT TAKEN AT DATED	1	

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

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

### DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: PRINCIPAL PURPOSE:

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

ROUTINE USES: DISCLOSURE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary.

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	7. GRADE/STATUS	Bashles	Iran	•
	PART 1 - RIGHTS WAIVER			<u> </u>
Section A. Rights		***************************************	HICKIE .	<u></u>
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during questioning. This lawyer can be a civilial or both, MOW	in lawyer Larrange for at no exp	ense to the Government	or a military lawyer deta	ailed for me at no expense to me,
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(For civilians not subject to the UCMJ) I have t	the right to talk privately to a la	na i er hefore during and	after questioning and to	hous a fourcer present with
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ection C. Non-waiver				<del></del>
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**DA FORM 3881, NOV 89** 

EDITION OF NOV 84 IS OBSOLETE

SAPA 2.01

THORITY:  TITLE TO USC. Section 301; Title 5 USC. Section 2991; E.O. 9397 dated November 22, 1943 (SSM).  PRINCIPAL PURPOSE:  TO TO TO POWER COMMANDERS AND A STATEMENT THAN A STAMMER HIST THANK MIDDLE NAME  1. ON 25 Oct 2003 1400 hrs MYSER and WART TO MAKE THE FOLLOWING STATEMENT UNDER OATH.  2. ON 25 Oct 2003 1400 hrs MYSER and WART TO MAKE THE FOLLOWING STATEMENT UNDER OATH.  2. ON 25 Oct 2003 1400 hrs MYSER and WART TO MAKE THE FOLLOWING STATEMENT UNDER OATH.  3. TIMMER HIST THANK MIDDLE NAME  1. ON 25 Oct 2003 1400 hrs MYSER and WART TO MAKE THE FOLLOWING STATEMENT UNDER OATH.  3. TIMMER HIST THANK MIDDLE NAME  4. FILE NUMBER  5. SSN.  5. GRADESTATUS  5. SSN.  5. GRADESTATUS  5. SSN.  5. GRADESTATUS  5. SSN.  6. SSN.  6. SSN.  7. GRADESTATUS  6. SSN.  7. GRADESTATUS  6. SSN.  7. GRADESTATUS		Epruse of this s		DRN STAT		annavir opós	ane ·	
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For use of this form, see AR 190-30; the proponent agency is ODCSOPS

#### DATA REQUIRED BY THE PRIVACY ACT

A 1	ITHORITY:	

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

PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:

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

Disclosure of your Social Security Number is voluntary.

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Section A. Rights		<u> </u>	e t	
1.				<u></u>
the investigator whose name appears below told me that he/she	is with the United	States Army		
		and wanted to que	stion me about the follo	wing offense(s) of which I am
suspected/accused: mistreatment of Iraqi detainees	<del> </del>	<del> </del>	<del></del>	<del> </del>
Before he/she asked me any questions about the offense(s), how	vever he/she made	it clear to me that I have	the following rights:	
do not have to answer any question or say anythin				·
<ol> <li>Anything I say or do can be used as evidence against the in</li> <li>IFor personnel subject othe UCMJ 1 have the right to talk p</li> </ol>		The local strains and after	ar arrestinging and to ha	ve a lawyer present with me
<ol> <li>(For personnel subject othe UCMJ 1 have the right to talk p during questioning. This lawyer can be a civilian lawyer I are</li> </ol>				
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		- or •		
(For civilians not subject to the UCMJ) I have the right to t	alk privately to a la	wyer 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 la-	wyer 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 investiga	ation, with or witho	ut a lawyer present, i ha	ve a right to stop answe	ring questions at any time, or
speak privately with a lawyer before answering further, eve	en if ( sign the waiv	er below.		
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Section B. Waiver				
understandiny rights as stated above. I am now willing to disc awing a lawyer present with me.	uss the offense(s) (	ander investigation and a	nake a statement withou	it talking to a lawyer lirst and with
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1 want a lawyer		II I do not want	to be questioned or say	enything
2. ,SIGNATURE OF INTERVIEWEE			•	•
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATE	MENT (DA FORM	2823/ SUBSEQUENTLY	EXECUTED BY THE SUS	SPECTIACCUSED
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DA FORM 3881, NOV 89

# SWORN STATEMENT For use of this form, sec 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 efficials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additionalitationate means of identification to facilitate filing and retrieval DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER 2003/075 1730 LAST NAME, FIRST NAME, MIDDLE NAME 7. GRADE/STATUS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OAT. At 1730 on 25 Oct 03 I was assigned to guard the jial and prishers. I excerte the prishers to the fiel and told the true that I was leaving to get Some zipties for a prisner who wasn't ziptied. to When I came back I realized the the ties were lighter than they used to be and when I pet the expties on the other prisnor Started to slapthe prisnors in the face and sock track in the gat. I could not really tellifit was with a clased fisted or forern shot head piece Then the two other specialists, I don't remember thier the wall where the other side of the right wall and started to smack was messing with theother mans the wall where the prishors heads were . Then Sgi. Stomped on Grey shirted prismons been feet. Just before Started the abused he pused the old non into the lest siele of the Started the abused he passed the old man into the lest siere or me If macking a put them in the violat friscend them and permoved It will be the first them and permoved Mallocare & put them in the vial I trissed them and removed to the badly to

PAGE 1 OF

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EXHIBIT B

S OF PERSON MAKING STATEMENT

301976

- (U) FRAGO 383A [GENERAL ORDER CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD 03-215 (IRON STABILITY)
- (U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY



SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

- (U) REFERENCES:
  - . A. UNIFORM CODE OF MILITARY JUSTICE
  - B. 1AD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10
  - C. 1AD REGULATION / SUPPLEMENT 27-10-1-A
- (S) MAPS: [NO CHANGE]
- (U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL
- (S) TASK ORGANIZATION: [NO CHANGE]
- 1. (U) SITUATION. COMMANDER IAD ISSUES A GENERAL ORDER MAKING IT A MILITARY CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT PERSONS IN IRAQ.
- 2. (U) MISSION. [NO CHANGE]
- 3. (U) EXECUTION. [NO CHANGE]
- 3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ BY 1AD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE. THE DIVISION CANNOT ACCOMPLISH ITS MISSION, UNLESS SOLDIERS INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.
- 3.B. (U) CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND CIVILIANS.
- 3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR OTHERWISE TASK ORGANIZED TO PROMULGATE AND ENFORCE THE TERMS OF THIS ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.
- 3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.
- 3.E. (U) COORDINATING INSTRUCTIONS.
- 3.E.(1)(U) THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2, UCMJ.
- 3.E.(2)(U) IAD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18, 19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENTCOM AOR BY IAD REGULATION 27-

## **EXHIBIT C**

- 3.E. (3) (U) THIS GENERAL ORDER IS EFFECTIVE IMMEDIATELY.
- 3.E.(4)(U) FAILURE TO OBEY THIS GENERAL ORDER IS PUNISHABLE UNDER ARTICLE 92, UCMJ. THE MAXIMUM PUNISHMENT FOR SUCH AN OFFENSE IS A DISHONORABLE DISCHARGE, CONFINEMENT FOR A TERM OF TWO (2) YEARS, TOTAL FORFEITURE OF PAY AND ALLOWANCES, AND REDUCTION TO THE GRADE OF PRIVATE (E-1).
- 3.E.(5)(U) PERSONNEL SHALL NOT MALTREAT CIVILIANS OR DETAINEES IN IRAQ WHO ARE SUBJECT TO SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT BY PERSONS ACTING PURSUANT TO COALITION PROVISIONAL AUTHORITY AND/OR U.S. NATIONAL COMMAND AUTHORITY. MALTREATMENT IS AN ACT OR ACTIONABLE OMISSION, WHICH RESULTS IN PHYSICAL PAIN OR MENTAL ANGUISH TO A PERSON WITHOUT JUSTIFIABLE CAUSE, AS PROVIDED BY APPLICABLE STATUTE(S) AND/OR REGULATION(S), UNDER THE UCMJ. MALTREATMENT INCLUDES BUT IS NOT LIMITED TO:
  - 3.E.(5)a. (U) HITTING;
  - 3.E. (5)b. (U) SLAPPING;
  - 3.E. (5)c. (U) KICKING;
  - 3.E. (5) d. (U) BUTT-STROKING;
  - 3.E. (5)e. (U) SPITTING ON;
  - 3.E.(5)f. (U) USING ABUSIVE LANGUAGE; OR
  - 3.E. (5) g. (U) CAUSING MENTAL OPPRESSION.
- 3.E.(6)(U) PERSONNEL SHALL NOT TAKE MONEY, PERSONAL PROPERTY OR PERSONAL PAPERS FROM CIVILIANS OR DETAINEES EXCEPT FOR THE FOLLOWING REASONS: (1) AS EVIDENCE OF AN OFFENSE OR, (2) FOR SAFEKEEPING PURSUANT TO DETENTION. ALL RETAINED PROPERTY TAKEN FROM CIVILIANS DURING SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT WILL BE INVENTORIED AND ACCOUNTED FOR ON CAPTURE CARDS OR EVIDENCE CARDS. THIS RETAINED PROPERTY WILL BE PROMPTLY TURNED OVER TO APPROPRIATE DETENTION FACILITY PERSONNEL.
- 3.E. (7) (U) DEFINITIONS:
- 3.E.(7)a.(U) SEARCH: INSPECTION OF PERSONS AND/OR PROPERTY BY VISUAL OR TECHNICAL MEANS AND/OR PHYSICAL CONTACT.
- 3.E.(7)b.(U) QUESTIONING: INTERROGATION OF A PERSON FOR ANY PURPOSE, IN ANY PLACE, WITH OR WITHOUT THE ABILITY TO TRANSLATE QUESTIONS AND ANSWERS.
- 3.E.(7)c.(U) CAPTURE: THE TAKING OF PERSONS AND/OR PROPERTY INTO CUSTODY FOR CRIMINAL OR INTELLIGENCE EVIDENCE PROCESSING AT DESIGNATED 1AD HOLDING AREAS.
- 3.E.(7)d.(U) DETENTION: RESTRAINING AND/OR RESTRICTING PERSONS FOR SEARCH, QUESTIONING, TRANSPORT AND/OR PROSECUTION.
- 3.E.(7)e.(U) TRANSPORT: RELOCATION, HOWEVER SLIGHT, OF PERSONS AND/OR PROPERTY FROM POINT OF ORIGIN FOR SEARCH, SEIZURE, QUESTIONING, CAPTURE, OR DETENTION.

- 4. (U) SERVICE SUPPORT: [NO CHANGE].
- 5. (U) COMMAND AND SIGNAL: [NO CHANGE].
- 5.A. (U) COMMAND. [NO CHANGE].

5.B.(U) SIGNAL. [CHANGE]. POC FOR THIS IS SENIOR S

SENIOR TRIAL COUNSEL,

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DNVT 551-0964.

ACKNOWLEDGE

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DA FORM 2823, DEC 1998

**EXHIBIT D** 

DA FORM 2823, JUL 72, IS OBSOLETE

TATEMENT TAKEN AT \_\_\_\_ DATED

THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

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