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Law Enforcement Sensitive

**DEPARTMENT OF THE ARMY**

U.S. ARMY CRIMINAL INVESTIGATION COMMAND

87th Military Police Detachment (CID)

3d Military Police Group (CID), Building 8-1221 Randolph Street, Fort Bragg,  
North Carolina 28310-831

16 Jul 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0397-2004-CID023-67282 -  
~~5Y2B7~~ 5C2B / 5Y2B7

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 APR 2003, 0001 - 30 APR 2003, 2359; UNKNOWN WAREHOUSE,  
BAGHDAD, IRAQ

DATE/TIME REPORTED: 02 JUN 2004, 1300

INVESTIGATED BY:

SA [REDACTED]

SA [REDACTED] b7C, b2, b6, b1

SUBJECT:

1. [REDACTED] PFC [REDACTED] b7C, b6 - 5

[REDACTED] MALE; WHITE; B COMPANY, 2/325TH AIRBORNE  
INFANTRY REGIMENT, 82D AIRBORNE DIVISION, FORT BRAGG, NC 283105000; FC;  
FAIL TO OBEY GENERAL ORDER (UNFOUNDED), ASSAULT (UNFOUNDED) b7C, b6

VICTIM:

1. UNKNOWN, ; ASSAULT (UNFOUNDED) (NFI)

2. U.S. GOVERNMENT; CJTF-7; FAIL TO OBEY GENERAL ORDER  
(UNFOUNDED)

**INVESTIGATIVE SUMMARY:**

This investigation was initiated upon notification from HQ, U.S. Army Criminal Investigation  
Command, Fort Belvoir, VA 22060-5506 who received information from the Inspector Generals  
Office that SFC [REDACTED] HHC, 2/325th Airborne Infantry  
Regiment (AIR), Fort Bragg, NC 28310 (FBNC), witnessed a detainee being abused by PFC  
b7C, b6 - 4

1

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termination (Chap 3, AR 25-55)

01781

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b7c b6-5  
[REDACTED], while they were deployed to Iraq.

Investigation established PFC [REDACTED] did not commit the offense of Assault or Failure to Obey a General Order as originally reported by SFC [REDACTED]. A review of eyewitness accounts of the incident and the review of CFLCC Rules of Engagement which allow a soldier to use appropriate force to detain a person thought to be involved in terrorist acts revealed PFC [REDACTED] acted appropriately when detaining a suspected terrorist.

**STATUTES:**

Article 92, UCMJ: Failure to obey a General Order (Unfounded)

Article 128, UCMJ: Assault (Unfounded)

**EXHIBITS/SUBSTANTIATION:**

Attached:

1. Agent's Investigation Report (AIR), of SA [REDACTED] 9 Jun 04, detailing the Basis For Investigation and Other Investigative Activity. b7c b6-1
2. Sworn Statement of SFC [REDACTED] 3 Jun 04, wherein he detailed that basis for submitting an Inspector General's complaint about PFC [REDACTED] action. b7c b6-4
3. Waiver Certificate and Sworn Statement of PFC [REDACTED] 7 Jun 04, wherein PFC [REDACTED] admitted to shoving the detainee on the head to prevent his escape and further aggression to Coalition Forces however, he denied striking the detainee with more than necessary force. b7c b6-5
4. Sworn Statement of SPC [REDACTED] 9 Jun 04, wherein he corroborated the statement of PFC [REDACTED]. b7c b6-4
5. Sworn Statement of 1LT [REDACTED] 9 Jun 04, wherein he corroborated the statements of PFC [REDACTED] and SPC [REDACTED]. b7c b6-5
6. AIR of SA [REDACTED] 14 Jul 04, detailing Other Investigative Activity. b7c b6-1
7. 15-6 Investigation Report conducted by CPT [REDACTED] 8 Jun 04. b7c b6-4
8. CFLCC Rules Of Engagement Card, 1 Nov 03.

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Not Attached:

None

The originals of Exhibits 1-6 are forwarded with the USACRC copy of this report. The originals of Exhibits 7 and 8 are retained in the Files of 2/325 AIR, FBNC.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW CIDR 195-1, chapter 4-17a(6), in that the Special Agent in Charge (SAC) of this office has determined that the furtherance of this investigation would be of little or no value and the leads remaining to be developed are not significant. Lead Remaining include the interview of the unknown Iraqi detainee. Commanders Report of Disciplinary Action Taken (DA Form 4833) is not required.

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REPORT PREPARED BY

REPORT APPROVED BY

SA [REDACTED]  
Special Agent [REDACTED]

b7C, b2, b6, b1

b7C, b2, b6, b1  
[REDACTED]  
Special Agent-in-Charge

b7C, b6-4

**DISTRIBUTION:**

Dir, USACRC, Ft Belvoir, VA  
Cdr, 10th MP Bn, Ft Bragg, NC  
Commander, 3rd MP Group, USACIDC (Operations), Fort Gillem, GA  
1 - Commander, USACIDC, ATTN: DSCOPS, 6010 6th Street, Ft Belvoir, VA 22060  
CHIEF OF STAFF, 18TH AIRBORNE CORPS, (COL [REDACTED])  
CHIEF OF STAFF, 82ND AIRBORNE DIVISION, COL [REDACTED]  
CID CRIMINAL INTELLIGENCE CENTER (MR [REDACTED])  
Commander, 10th Military Police BN, Fort Bragg, NC (LTC [REDACTED])  
COMMUNITY PROVOST MARSHAL, FORT BRAGG (LTC [REDACTED])  
DEPUTY GARRISON COMMANDER, FBNC (MR [REDACTED])  
PMO BLOTTER CLERK  
PMO OPERATIONS SGT (MSG [REDACTED])  
PROVOST MARSHAL 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
PROVOST MARSHAL, XVIII ABN CORPS (COL [REDACTED])  
SJA, 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
Action Commander, LTC [REDACTED], 2/325th Airborne Infantry Regiment,  
Fort Bragg, NC 28310-5000  
CDR USACIDC CURRENT OPNS (DETAINEE ABUSE CASES)  
FILE

b7C, b6-4

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AGENTS INVESTIGATION REPORT  
CID REGULATION 195-1

0397-04-CID023-67282

Basis For Investigation: This investigation was initiated upon notification from HQ, U.S. Army Criminal Investigation Command, Inspector General's Office reported SFC [REDACTED] Headquarters and Headquarters Company, (HHC), 2<sup>nd</sup> Battalion, 325th Infantry Regiment, Fort Bragg, NC 28310 (FBNC) reported he witnessed a detainee being struck by a soldier while deployed to Iraq. b7c, b6

Details:

b7c, b6, b5  
A review of the Inspector General's Complaint revealed while on a search for weapons mission of a warehouse. PVT [REDACTED] platoon encountered approximately 5 security guards with weapons that were performing security on the warehouse. The platoon entered the building and secured the warehouse facility. Upon completion of detention, the security guards were escorted outside to a more secure environment according to Standard Operating Procedure (SOP). While outside the guards were ordered to take a knee or sit down and be quiet. One security guard began to get loud and aggressive in Arabic and came to his feet. While coming to his feet in an aggressive manner, with his hands behind his head, the detainee spit on PVT [REDACTED]. It was reported that PVT [REDACTED] reacted with a right back hand strike to the top of the guards head. b7c, b6, b5

b7c, b6, b5  
About 1330, 3 Jun 04, SA [REDACTED] conducted a witness interview of SFC [REDACTED] who related he witnessed PVT [REDACTED] strike a detainee upon the head with a right back hand. He related he did not think PVT [REDACTED] intended to abuse the detainee but reacted to the aggression of the detainee. (See Sworn Statement for details) b7c, b6, b5

b7c, b6, b5  
About 1035, 7 Jun 04, SA [REDACTED] advised PFC [REDACTED] of his rights which he waived and subsequently rendered a sworn statement detailing the events which caused him to shove the detainee. (See Rights Waiver Certificate and Sworn Statement for details) b7c, b6, b5

b7c, b6, b5  
About 1521, 9 Jun 04, SA [REDACTED] conducted a witness interview of SPC [REDACTED] Co, 2/325th AIR, FBNC who related he witnessed PFC [REDACTED] shove the detainee after the detainee spat on him and tried to come to his feet in an aggressive manner. (See Sworn Statement for details) b7c, b6, b5

TYPED AGENT'S NAME AND SEQUENCE #:

SA [REDACTED] b7c, b2, b6, b1

SIGNATURE b7c, b6

ORGANIZATION:

87<sup>th</sup> MP Det (ABN) (CID)  
3d Military Police Group (CID)  
Building 8-1221 Randolph Street  
Fort Bragg, NC 28310

DATE  
9 Jun 04

EXHIBIT | (1 of 2)

CID FORM 94

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Protective Marking is Excluded from  
Automatic Termination (Para 13, AR 34-16)

AW ENFORCEMENT SENSITIVE  
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EXHIBIT

01785

AGENTS INVESTIGATION REPORT  
CID REGULATION 195-1

0397-04-CID023-67282

About 1600, 9 Jun 04, SA [REDACTED] b7c b61 conducted a witness interview of 1LT [REDACTED] b7c b64 Platoon Leader, B Co, 2/325th AIR, FBNC who related he witnessed PFC [REDACTED] shove the detainee after the detainee refused to keep quiet and remain on his knees as instructed only after the Iraqi came to his feet in an aggressive manner. 1LT [REDACTED] related PFC [REDACTED] was justified in his actions and under the circumstances showed much restraint in dealing with the situation. (See Sworn Statement for details) b7c b65

About 1620, 9 Jun 04, SA [REDACTED] b7c b61 briefed CPT [REDACTED] b7c b64 15-6 Investigating Officer, HHC, 2/325th AIR, FBNC on the aspects of this investigation and provided him with all related sworn statements pertaining to this investigation. b7c b66

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE #:

SA [REDACTED] b7c b2, b61

FOR [REDACTED] b7c b61  
SIGNATURE

ORGANIZATION:

87<sup>th</sup> MP Det (ABN) (CID)  
3d Military Police Group (CID)  
Building 8-1221 Randolph Street  
Fort Bragg, NC 28310

DATE  
9 Jun 04

EXHIBIT 1 (2 of 2)

CID FORM 94

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Automatic Termination (Para 13, AR 34-16)

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EXHIBIT 1

01786

# SWORN STATEMENT

For use of this form, see DA Form 2823, 1 Jan 68, which will be used. the proponent agency is Office of The Deputy Chief of Staff for Personnel.

|   |                                      |                     |  |
|---|--------------------------------------|---------------------|--|
| LOCATION<br><b>BLO 8-1221 EN 215</b>  | DATE<br><b>30 April 04</b>           | TIME<br><b>1330</b> | FILE NUMBER<br><b>0397-01-010023-67282</b> |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>[REDACTED]  | SOCIAL SECURITY NUMBER<br>[REDACTED] |                     | GRADE/STATUS<br><b>E7/AD</b>               |
| ORGANIZATION OR ADDRESS<br><b>HHC 20 Battalion, 325th Airborne Infantry Regiment, JBC 28310</b> |                                      |                     |  |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

IN MARCH OF 2003 MY UNIT 2<sup>ND</sup> BN 325<sup>TH</sup> AIR DEPLOYED FROM FORT BRAGG, NC TO ARABIA SAUDI ARABIA TO STAGE FOR THE INVASION OF IRAQ. IN APRIL WE CONTINUED TO TRAIN AND CLIMATIZE FOR OPERATION IRAQI FREEDOM. ON 01 APRIL WE CONDUCTED AN AIR MOVEMENT TO TELIAL AIRBASE, AND A CONVOY TO ASSAMAWIA, IRAQ. THERE WE CONDUCTED AN ATTACK IN SECTOR TO SECURE THE MSR TO ALLOW FOR VEHICLE MOVEMENT THROUGH THE CITY. MY PLATOON SECURED SEVERAL BLOCKS IN THE CITY, CLEARING ROOM TO ROOM THROUGH OUR ENTIRE SECTOR OVER SEVERAL DAYS. AFTER ABOUT 2 WEEKS OF PATROLING, ROUTE SECURITY AND WEAPONS RAIDS, WE MOVED TO AD-DIWANIYA WHERE WE PICKED UP SECURITY OPERATIONS. CONDUCTED PATROLS AND ESTABLISHED NUMEROUS OVERWATCH AND SECURITY POSITION AND TRAFFIC CONTROL POINTS. WE THEN MOVED TO AR RAMADI TO RELIEVE 3<sup>RD</sup> ID FORCES IN SECTOR. CONDUCTING SIMILAR OPERATIONS WITH ~~EN~~ FORCES ON CROWD CONTROL AND POLICE SUPPORT. IN ABOUT MID MAY WE ARRIVED IN BAGHDAD. ONCE IN BAGHDAD WE WERE ASSIGNED TO MAINTAIN SECURITY IN THE AL-DOURA AREA WITH THE COMPANY RECEIVING THE NATIONAL STEEL COMPANY AND AL-DOURA REFINERY AS OUR PRIMARY SECURITY FOCUS. INITIALLY MY UNIT WAS ATTACHED TO 75<sup>TH</sup> REGIMENT IN ARABIA SAUDI ARABIA, THEN AT TELIAL WE REJOINED OUR BRIGADE AND DIVISION AND WHEN WE ENTERED BAGHDAD WE CAME UNDER 1<sup>ST</sup> ARMOR DIVISION. AS AN ATTACHMENT OF 1<sup>ST</sup> ARMOR WE WERE REQUIRED TO PROVIDE A PLATOON MINUS TO SUPPORT 1/1 CAV AT CAMP STRIKER NEAR BAGHDAD INTERNATIONAL AIRPORT TO PROVIDE DISMOUNTS FOR DAILY PATROLS AND OPERATIONS. DURING ONE OF THESE OPERATIONS, A SEARCH OF A WAREHOUSE COMPLEX TO LOCATE WEAPONS IN SOUTH BAGHDAD OPERATING AS AN INDEPENDENT ELEMENT BUT ATTACHED TO 1/1 CAV. WE ENTERED A COURTYARD WITH ABOUT EIGHT WAREHOUSES FOUR ON EITHER SIDE A REAR WALL AND A GATED FRONT WALL. FOR THIS OPERATION OUR PLANNED ENTRY METHOD WAS A 'KNOCK AND ENTER' WITH SHOTGUN BREACH AS A BACKUP. WE ARRIVED [REDACTED]

|         |   |                          |
|---------|---|--------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT<br>[REDACTED] | PAGE 1 OF <b>4</b> PAGES |
|---------|---|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." 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 INITIALED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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

EXHIBIT **2**  
01787

STATEMENT OF [REDACTED] TAKEN AT 1330

FILE NUMBER: 0397-04-C0023-6728  
DATED 30 Nov 04 CONTINUED b7C, b6.

IN THREE VEHICLE, DISMOUNTED AND ORGANIZED, WHILE I WAS PLACING VEHICLES AND ENSURING SECURITY, THE PLATOON LEADER CONDUCTED THE INITIAL ENTRY OF THE COMPOUND AND SECURITY OFFICE, THEY SECURED [REDACTED] FOR FOUR OR FIVE PERSONNEL AND THREE AK-47 ASSAULT RIFLES. ONE OF THE PERSONNEL SPOKE PASSABLE ENGLISH BY THE TIME I ENTERED THE COMPOUND THE IRAQIS WERE ALREADY SECURE AND THE PL WAS EXPLAINING WHAT WE WERE DOING TO THE ENGLISH SPEAKER. THE IRAQIS WERE MOVED TO A CENTRAL LOCATION AND PLACED UNDER A TWO MAN SECURITY TEAM CONSISTING OF PFC [REDACTED] A DISTANT OVERWATCH MAN AND PVT [REDACTED] A NEAR SECURITY MAN, THE IRAQIS WERE NOT TIED BUT THEY WERE PLACED IN A KNEELING POSITION WITH THEIR HANDS BEHIND THEIR NECKS AND TOLD IN ENGLISH AND IN ARABIC TO STAY DOWN AND TO BE QUIET. SEVERAL TIMES THEY HAD TO HAVE THESE ORDERS REPEATED. I MOVED TO ONE SIDE AND TOOK A KNEE SO AS TO BE ABLE TO SEE MORE OF THE OPERATION THAT WAS ONGOING. AT ONE POINT I HEARD LOUD ARABIC COMING FROM THE DETAINEE CONTROL POINT I LOOKED TO SEE ONE OF THE GUARDS QUICKLY GET TO HIS FEET IN FRONT OF THE NEAR SECURITY MAN, PVT [REDACTED], PVT [REDACTED] STRUCK THIS MAN WITH THE BACK OF HIS HAND THEN RETURNED HIM TO HIS KNEES. THE PLATOON LEADER 2LT [REDACTED] GAVE ME INSTRUCTIONS TO REPLACE PVT [REDACTED]. I THEN MOVED PFC [REDACTED] IN TO NEAR SECURITY AND PVT [REDACTED] TO OVERWATCH. AS I WAS DOING THIS I EXPLAINED [REDACTED] AND [REDACTED] THAT YOU CANNOT STRIKE POWS AND WHY. SOON AFTER WE WERE COMPLETE WITH THE MISSION, WE RETURNED ALL THE WEAPONS AND RELEASED THE DETAINEES, LOADED THE VEHICLES AND RETURNED TO THE COMPANY STAGING AREA. DURING THE PLATOON AAR LT [REDACTED] ENFORCED THAT WE DO NOT STRIKE DETAINEES (SAFEWARD) AND THE SS.

SD [REDACTED] b7C, b6  
SEC [REDACTED]

On your opinion or judgment why did PVT [REDACTED] strike the detainee?  
SELF DEFENSIVE. THE DETAINED SECURITY GUARD HAD CONTINUED TO TALK IN ARABIC, HAD SPIT ON PVT [REDACTED] AND WAS GETTING TO HIS FEET [REDACTED] b7C, b6

S OF PERSON MAKING STATEMENT: \_\_\_\_\_  
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PAGE 2 OF 4

PAGES 8  
EXHIBIT 2  
01788



STATEMENT OF [REDACTED]

TAKEN AT 1330

FILE NUMBER: D397-04-C00023-67282

DATED 3/24/04 CONTINUED

b7c, b6

Q. What happened after PVT [REDACTED] FACE IN WHAT COULD BE AN AGGRESSIVE MANNER.

A: HE RETURNED HIM TO A KNEELING POSITION THE INSTRUCTIONS TO 'STAY DOWN' & 'STAY QUIET' WERE REPEATED I CHANGED GUARD POSITIONS TO REDUCE TENSION.

Q. What action was taken to ensure PVT [REDACTED] on anyone did not do something of this nature again.

A: AN AAR WAS CONDUCTED WITH ALL SQUAD LEADERS WE DISCUSSED THE WHYS OF THE ISS AND PUT [REDACTED] THE FOCUS ON SAFEGUARDING EPUS.

Q. Did you think PVT [REDACTED] was attempting to abuse the detainee, or was he defending himself?

A: DEFENDING HIMSELF; PVT [REDACTED] IS A YOUNG AMIABLE MAN WHO MAINTAINED AN EXCELLENT RAPPORT WITH ALL THE ARABIC PEOPLE HE CAME IN CONTACT WITH, I DO NOT BELIEVE HE INTENDED MORE THAN TO GET THE GUARDS ATTENTION AND RESTORE HIM TO HIS KNEELING POSITION AND RE-ESTABLISH CONTROL OF THE DETAINEE.

Q. Do you have anything else to add to this statement?

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

b7c, b6A

OF PERSON MAKING STATEMENT: [REDACTED]

b7c, b6A

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PAGE 3 OF 4

PAGES

EXHIBIT 2  
01789

b7c, b6, b4

NOT USED

NOT USED

NOT USED

NOT USED

AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

1. Military Police Det (CID)  
2. 8-12221, Randolph Street  
3. Bragg, NC 28310  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of June, 20 04 at BLOS B-1221, Rm 2150 1330

(Signature of Person Administering Oath)

SA [REDACTED]  
(Typed Name of Person Administering Oath)  
Dated 30 Jun 04  
10 USC 936 (b) (4)  
(Authority To Administer Oaths)

PAGE 4 OF 4 PAGES

10

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EXHIBIT 01790

# RIGHT 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.

0397-04-CID023 6728

#### 1. LOCATION

Bldg 8-1221 Room 215

#### 2. DATE

02 Nov 04

#### 3. TIME

10:35

#### 4. FILE NO.

0397-04-CID023-6728

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

[REDACTED]

#### 8. ORGANIZATION OR ADDRESS

B Co 21325th AIR

#### 6. SSN

[REDACTED]

#### 7. GRADE/STATUS

E3/AD

Fort Bragg NC 28310

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

### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army

Command

Criminal Investigation

suspected/accused: ASSAULT

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 questions or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- 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)

Have you been advised of your legal rights within the last 30 days? [REDACTED]

### 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)

##### 1b. ORGANIZATION OR ADDRESS AND PHONE

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

##### 2b. ORGANIZATION OR ADDRESS AND PHONE

#### 3. SIGNATURE OF INTERVIEWEE

#### 4. SIGNATURE OF INVESTIGATOR

#### 5. TYPED NAME OF INVESTIGATOR

#### 6. ORGANIZATION OF INVESTIGATOR

87th MP DET (C10)  
Fort Bragg NC 28310

### Section C. Non-waiver

- I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

#### 2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

LAW ENFORCEMENT SENSITIVE

EXHIBIT

3 11  
01791

|   |                                      |               |                                   |
|---|--------------------------------------|---------------|-----------------------------------|
| LOCATION<br>Bldg 8122 Room 215                              | DATE<br>7 JUN 84                     | TIME<br>12:08 | FILE NUMBER<br>039701-01003-67282 |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>[REDACTED]            | SOCIAL SECURITY NUMBER<br>[REDACTED] |               | GRADE/STATUS<br>E3A0              |
| ORGANIZATION OR ADDRESS<br>B 21325 ATR, Fort Bragg NC 28310 |                                      |               |                                   |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I WAS WITH MY COMPANY ON A MISSION, BUT BEFORE THAT WE WERE BRIEF ON THE RULES OF ENGAGEMENT. JUST LIKE EVERY OTHER MISSION THEY WERE SHOUT, SHOVE, WARNING SHOT, & SHOOT. WITH THE REST OF THE BRIEFING. WHEN WE GOT OF THE TRUCKS THE FIRST ROOM WE CLEARED HAD FOUR GUYS IN IT. WE TOOK CONTROL OF THEM & SEARCHED, SILENCED, & ZIP TIED THEM. ONE OF THEM DIDN'T REALLY FIGHT BACK BUT RESISTED WHEN THEY TRIED TO ZIP TIE THEM HIM. THEN WE TOOK THEM OUTSIDE & THEY TOLD ME & ANOTHER SOLDIER TO PULL SECURITY ON THEM. SO THE REST OF THE PLATOON WENT ON THE WITH CLEARING. THE DETAINEES WERE SHOUTING & SCREAMING AT US & MAKING TOO MUCH NOISE SO WE SPOKE TO THEM IN ARABIC & ENGLISH TO BE QUIET. THEY WOULDN'T. I HEARD THE PL SCREAM KEEP THEM QUIET. BUT CAME TO FIND OUT HE WAS TALKING TO SOMEONE ELSE. I THOUGHT IT WAS DIRECTED TOWARDS ME B/C THE DETAINEES WOULDN'T BE QUIET. SO WE YELLED AT THEM TO BE QUIET. SO ONE OF THE DETAINEES SPIT AT MY FEET & BEGAN TO STAND UP. HE DIDN'T STAND ALL THE WAY UP BUT OFF OF ONE KNEE. SO I FELT THREATENED & FELT I CAN'T LET HIM GET OFF HIS KNEES WHILE YELLING SO AS I WAS YELLING I WE BY MY ROE & SHOVED WITH ONE HAND ON THE TOP OF HIS HEAD AS TO WARN HIM NOT TO STAND UP & HE WENT BACK DOWN TO HIS KNEES. HE QUITE QUIET.

|  |   |                   |
|--|---|-------------------|
| BIT  | INITIALS OF PERSON MAKING STATEMENT<br>[REDACTED] | PAGE 1 OF 4 PAGES |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE LABELED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE TYPED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. |   |                   |

FORM 2823

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

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EXHIBIT 312  
01792

STATEMENT OF [REDACTED] TAKEN AT 1208

FILE NUMBER: 037-04-C10023-67282  
DATED 7 Jan 04 CONTINUED b7c, b6, b7d

YELLING AS LOUD AS HE WAS & STAYED ON HIS KNEES ARGUING & COMPLAINING BUT QUIETER UNTIL THE MISSION WAS OVER & WE RELEASED THEM I FELT AS IF HE HAD GOTTEN UP I WOULD BE IN DANGER SO I DID WHAT I FELT NECESSARY TO PROTECT MYSELF & MY FELLOW SOLDIERS ACCORDING TO THE ROE.

Q SA [REDACTED] b7c, b6, b7d

A: PFC [REDACTED]

Q: Why were the detainees detained?

A: I CAN'T REMEMBER EXACTLY WHY BUT WE ALWAYS DETAIN FOR SECURITY & THE SAFETY OF OURSELVES IF NOTHING ELSE.

Q: How many people were with you when you cleared the building?

A: 30 PEOPLE FROM MY PLATOON

Q: What happened after they were zippered tied in the building?

A: WE BROUGHT THEM OUTSIDE & THE SQUAD LDR LEFT ME & ANOTHER SOLDIER TO PULL SECURITY ON THEM. WHO WAS THE OTHER PERSON WITH YOU?

A: I'M NOT SURE BUT IT WAS SOMEBODY FROM MY PLT.

Q: What happened after you brought them outside & before the rest of the platoon left to continue clearing buildings?

A: AFTER WE ZIP TIED THEM ME & THE OTHER OTHERS IN MY SQUAD TOOK THE DETAINEES OUTSIDE & IN FRONT OF THE BUILDING & SAT THEM ON THERE KNEES IN A LINE ACROSS US WITH THERE HANDS BEHIND THERE BACK ZIP TIED. MY SQUAD LDR LEFT ME AND ANOTHER SOLDIER TO PULL SECURITY ON THEM & CONTINUED ON WITH THE MISSION ONE OF THEM GOT SOAD LAOWED, SPIT AT MY FEET BEGAN STAND UP. THEN AS I WAS SHOUTING I SHOVED THE MANS HEAD WITH MY RIGHT HAND & THE MAN WENT BACK DOWN TO HIS KNEES. I FELT LIKE I WAS [REDACTED]

S OF PERSON MAKING STATEMENT: [REDACTED]

LAW ENFORCEMENT SENSITIVE  
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PAGE 2 OF 4 PAGES b7c, b6, b7d

EXHIBIT B3065

01793

STATEMENT OF [REDACTED] TAKEN AT 1208

FILE NUMBER: 0397-04-C000367282  
DATED 7/20/04 CONTINUED b7c, b6

[REDACTED] IN DANGER SO I USED THE FORCE NECESSARY TO CONTROL HIS MOVEMENT UPWARDS TOWARDS ME.

Q. When you put the force you used was excessive?

A. NO I DO NOT, THE MAN WENT DOWN ON HIS KNEES ON HIS OWN I JUST TAPPED HIM TO WORK HIM.

Q. Were the detainees released?

A. YES THEY WERE AT THE END OF THE MISSION.

Q. Once they were released were there any other incidents?

A. ASKING WHY ARE YOU HERE WHAT DID WE DO JUST LIKE EVERY OTHER DETAINEE AS FAR AS I SAW

Q. Did you ever back hand, or your right hand, to the head, while deployed?

A. NO, I HAVE NOT, IN THIS SITUATION I FELT I DID WHAT I HAD TO DO TO CONTROL THE SITUATION THIS IS THE ONLY TIME I HAD TO SHOVE A [REDACTED] DETAINEE IN THE HEAD TO PUT HIM BACK ON HIS KNEES.

Q. Was SFC [REDACTED] present when this incident took place?

A. SFC [REDACTED] WAS THERE BUT I DO NOT RECALL WHERE HE WAS DURING THE MISSION.

Q. When you hear he witnessed the incident?

A. I PERSONALLY DID NOT SEE HIM WHEN THE INCIDENT TOOK PLACE. BUT HE COULD HAVE BEEN THERE TO SEE IT HAPPEN I JUST DIDN'T SEE HIM.

Q. Were you ever removed or replaced by another soldier during or after the incident?

A. I WAS NOT REMOVED UNTIL IT WAS TIME TO LOAD ON THE TRUCKS SO WE COULD LEAVE. B/C THE MISSION WAS DONE I WAS DONE GUARDING THEM.

Q. Were you ever told that your actions were inappropriate?

A. I WAS SPOKEN TO AFTER THE MISSION I DON'T REMEMBER WHAT WAS SAID, BUT I DO KNOW IT WAS NEVER BRANCHED AGAIN OVER THERE [REDACTED]

NAME OF PERSON MAKING STATEMENT: [REDACTED]  
LAW ENFORCEMENT SENSITIVE  
FOR OFFICIAL USE ONLY

PAGE 3 OF 4 PAGES

EXHIBIT 3 01794 b7c, b6 14

STATEMENT OF [REDACTED]

FILE NUMBER: 0397-01-00023-67282

STATEMENT (Continued)

TAKEN AT 1208

DATED 7/20/01 CONTINUED

b7c b67

Q. Did you intend to cause harm to the detainee?

A. NO. IT WAS A WARNING.

Q. Do you have anything else to add to this statement?

A. NO. I DO NOT!!! END OF STATEMENT!!!

## AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
 WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME.  
 THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE  
 STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT,  
 ID WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law  
 to administer oaths, this 7<sup>th</sup> day of June, 20 01  
 at Bldg 8-1221, Room 215, 1208

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

7<sup>th</sup> Military Police Det (CID)  
 da 8-12221, Randolph Street  
 Ft Bragg, NC 28310

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Dated 136 (b) (6) DCN J

10 USC 936 (b) (4)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

15

LAW ENFORCEMENT SENSITIVE  
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EXHIBIT

3

01795



|  |                                      |               |                                     |
|--|--------------------------------------|---------------|-------------------------------------|
| LOCATION<br>C-6231 Room 131  | DATE<br>9 Jun 04                     | TIME<br>15:21 | FILE NUMBER<br>D397-01-CID-23-67282 |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>[REDACTED]                   | SOCIAL SECURITY NUMBER<br>[REDACTED] |               | GRADE/STATUS<br>E4/AD               |
| ORGANIZATION OR ADDRESS<br>B Company 7325 AIR, Fort Bragg NC 28310 |                                      |               |                                     |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During my deployment to Iraq I was guarding 4 to 5 detainees with PFC [REDACTED] at a warehouse in Baghdad. We initially went into the compound were a weapons cashay was supposed to be and we entered the first house and found 4 to 5 made Iraqi's. We detained these men and put them in flex cuff's. Then we took them outside separated them as much as we could and were told to stay with them until the compound was cleared. During the time we were watching these detainees they would not keep quiet so following our (POE) rules of engagement which was shoot, show, shoot, shoot again. We shouted at the detainees to keep quiet they would not do so, we continued to shout at them and then one of the detainees spit at PFC [REDACTED] and then he tried to stand and come at him at this time PFC [REDACTED] with his right hand open using his palm pushed the detainee back down to his knees. Then shortly afterwards everyone came back we let the detainees go and we loaded on trucks and left the compound.

SA [REDACTED] b7c b6 b1

SPC [REDACTED]

What was the mission?

To find and confiscate weapons, because we had intel that there was a weapons cashay in the compound.

How many people did your platoon detain?

4 to 5

Were they detained inside or outside of the building?

We flex cuffed the detainees inside the building then we put them outside and separated them until the compound was cleared.

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

PAGE 1 OF 2 PAGES

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

FORM 2823

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

LAW ENFORCEMENT SENSITIVE  
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EXHIBIT 4 16  
01796



Q. With their hands behind their backs,

A. Yes, they were being resistant and showing verbal hostility.

Q. Was the detainee who was struck one of the individuals who showed hostility?

A. Yes, he was showing verbal hostility would not and wouldn't shut up he also had to be escorted outside.

Q. What caused the detainee to spit on [REDACTED]?

A. His hands were tied and he couldn't do anything else, he was very angry.

Q. Did you think PFC [REDACTED] acted correctly?

A. Definitely he did exactly what he was supposed to do he followed his ROE to the letter. The detainee tried to get up and PFC [REDACTED] told him in Arabic to shut up, and got on his knees the detainee did not listen so PFC [REDACTED] pushed him on the forehead with the palm of his hand and the detainee went back to his knees.

Q. Do you have anything else to add to this statement?

A. NO // END OF STATEMENT //

## 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of June, 2004, at 1521, C-6231 RM 131.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136 (b)(4) DEMS  
10 USC 936 (b)(4)  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

Military Police Det (CID)  
8-12221, Randolph Street  
Bragg, NC 28310  
ORGANIZATION OR ADDRESS

SIGNATURE OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

LAW ENFORCEMENT SENSITIVE  
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b7C/b6 17

|   |                                      |               |                                   |
|---|--------------------------------------|---------------|-----------------------------------|
| LOCATION<br>C-6231, Room 131  | DATE<br>9 Nov 04                     | TIME<br>1100G | FILE NUMBER<br>1397-04-0003-27282 |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>[REDACTED]                      | SOCIAL SECURITY NUMBER<br>[REDACTED] |               | GRADE/STATUS<br>02/1LT            |
| ORGANIZATION OR ADDRESS<br>B Company 2/325th AIC Joint Bragg NC 28310 |                                      |               |                                   |

b7C, b6

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was the platoon leader for 3rd platoon B 2-325 from APR 03 until MAY 04. In JUN-JUL 03 3rd platoon was attached to 1/1 CAV 1 AD. One mission was to conduct a raid on a compound based on intel that the facility was being used to store and traffic insurgent's weapons. After entering the compound we found 4-5 Iraqi males and at least one AK-47 rifle. The Iraqis were placed under watch of a security detail while the rest of the platoon continued the raid. From a position about 50 meters away I could still hear the Iraqi men and security detail yelling at each other. I yelled over to the guards that no one over there should be talking. A short while after I gave that order I saw PFC [REDACTED] strike one Iraqi who appeared to be trying to stand up. I don't know where any other soldiers were standing when this happened. The Iraqi men were further separated and there were no further incidents. We finished the raid. As we were leaving the Iraqis told my translator that the other Iraqi man was trying to stand because his knees hurt. We did not detain any of the Iraqi men or keep the weapon. Back at the command post I talked to PFC [REDACTED] and his NCO support channel. PFC [REDACTED] told me he saw the man refusing his orders and rising toward him as a threat. I concluded PFC [REDACTED] was reacting to perceived threat and acted in accordance with the ROE. He used the minimum force needed. Given that the number of Iraqis was greater than the number of guards I felt PFC [REDACTED] used great restraint in not knocking out the Iraqi. His actions did prevent further incident and arising from the other Iraqi men. I verbally counseled PFC [REDACTED] on the proper escalation of force under the ROE and I saw no need for further action. In mission out brief to the 1/1 CAV chain of command I [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 3 PAGES

b7C, b6A

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

FORM 2823

1 JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

18

LAW ENFORCEMENT SENSITIVE  
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EXHIBIT 5

01798

167  
STATEMENT OF [REDACTED]

TAKEN AT

Fort Bragg

FILE NUMBER: 0397-04-010023-67282

DATED 9 Jan 04 CONTINUED b7C, b6

told them what happened on the raid to include the resistance from the Iraqi men and the actions of the soldiers. The chain of command saw it as a finished issue and supported the actions of 3rd platoon. No further actions were taken.

D. SO [REDACTED] b7C, b6

A. [REDACTED] 167

D. During the time the platoon was securing the building, were any of the detainees showing hostility?

A. The Iraqi guards were verbally and physically resistant during the entire mission. It seemed they felt they were friends to the Americans and that they felt insulted that we would even suspect them of supporting insurgents. Up to the moment we left the facility the men were still yelling at us in Arabic.

1. After the incident took place, was PFC [REDACTED] separated from the mission or was he allowed to continue with his mission?

A. PFC [REDACTED] was allowed to continue with his mission. There were no further uprisings from the Iraqis.

Would you happen to know the names of the persons involved?

A. None of the Iraqi men were actually detained. We held them under security while the compound was searched but we released all of them based on my tactical decision. Because no one was detained or arrested, no names were recorded.

Were there any other incidents after PFC [REDACTED] took control of the situation?

A. We had no further incidents with any of PFC [REDACTED] conduct.

Did you think there was a communication barrier?

A. The communication barrier was the sole reason for the incident. The Iraqis did not speak enough English to convey their thoughts, the soldiers to include PFC [REDACTED] could not comprehend Arabic and the only translator for the mission was located with me the entire time. Only after the [REDACTED]

5 OF PERSON MAKING STATEMENT: [REDACTED]

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PAGE 2 OF 3 PAGES

EXHIBIT 5

01799

Incident through the translator did the fact surface that the Iraqi man's knees hurt and he wanted to shift positions. D. No further info. PFC [REDACTED] acted appropriately? A. I fully support the actions of PFC [REDACTED] and applaud his use of restraint in dealing with the Iraqi man. He was one of a few US soldiers tasked with securing a larger group of uncooperative if not hostile Iraqi men. When the man appeared to lunge at PFC [REDACTED] the soldier's options were to hit him or shoot him dead. Given the infinite number of possible things that could have followed one Iraqi jumping up at a guard I feel that if PFC [REDACTED] strike to the man did not resolve the issue that at least one or more of the [REDACTED] felt threatened and he reacted instantly and appropriately. PFC [REDACTED] did an outstanding job that day and throughout the deployment in OIF. D. No further anything else to add to this statement? A. No // END OF STATEMENT // [REDACTED]

AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

Military Police Det (CID)  
8-12221, Randolph Street  
Bragg, NC 28310  
ORGANIZATION OR ADDRESS

ALS OF PERSON MAKING STATEMENT

[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of June, 2004 at Ft Bragg, NC 28310

[REDACTED] b7c, b6  
(Signature of Person Administering Oath)

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

Article 136(b)(4) UCMJ  
10 USC 936 (b) (4)  
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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EXHIBIT 5 01800

AGENTS INVESTIGATION REPORT  
CID REGULATION 195-1

0397-04-CID023-67282

Narrative:

b7c, b6  
About 0930, 14 Jul 04, SA [REDACTED] coordinated with MAJ [REDACTED] Executive Officer, 2/325<sup>th</sup> Airborne Infantry Regiment (AIR), Fort Bragg, NC (FBNC), who provided this office with the Commander Inquiry conducted by CPT [REDACTED] Investigating Officer, Headquarter and Headquarters Company (HHC), 2/325<sup>th</sup> AIR, FBNC pertaining to the allegation of Detainee Abuse by PFC [REDACTED] B Company, 2/325 AIR, FBNC while they were deployed to Iraq and the Rules of Engagement Card utilized and carried by all soldiers in 2/325<sup>th</sup> AIR. Further coordinated revealed LTC [REDACTED] Commander, 2/325<sup>th</sup> AIR, FBNC concurred with CPT [REDACTED] finding that PFC [REDACTED] acted appropriately and did not assault any detainees as originally reported. MAJ [REDACTED] related the chain of commands intent was to take no action against PFC [REDACTED] as he did not commit any violations of law. (See 15-6 and ROE card for details)

b7c, b6  
About 1100, 14 Jul 04, SA [REDACTED] briefed all aspects of this investigation to CPT [REDACTED] Staff Judge advocate, 82<sup>nd</sup> Airborne Division, FBNC wherein he provided the legal opinion that PFC [REDACTED] did not commit any violation of law and acted appropriately. CPT [REDACTED] further stated he agreed with this offices decision to unfound all offenses which PFC [REDACTED] was titled with pertaining to this investigation. b7c, b6

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE #:

SA [REDACTED] b7c, b2, b6

SIGNATURE

ORGANIZATION:

87<sup>th</sup> MP Det (ABN) (CID)  
3d Military Police Group (CID)  
Building 8-1221 Randolph Street  
Fort Bragg, NC 28310

DATE

14 Jul 04

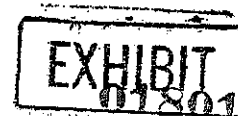
EXHIBIT 6 (1 of 1)

CID FORM 94

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Protective Marking is Excluded from  
Automatic Termination (Para 13 AR 34-16)

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**Page(s)**

22-29

**Referred to:**

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101

MS. JACQUELINE SCOTT  
[scottj@centcom.smil.mil](mailto:scottj@centcom.smil.mil)  
(813) 827-5341/2830

**SWORN STATEMENT**

4-CID023 67282

LOCATION

BAG 8122 ROOM 215

LAST NAME, FIRST NAME, MIDDLE NAME

DATE

1 JUN 04

TIME

12:08

FILE NUMBER

0397-04-CID023-

GRADE/STATUS

E3A0

ORGANIZATION OR ADDRESS

B 2/325 AIR 1st Bnagg WC 2830

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I WAS WITH MY COMPANY ON A MISSION. BUT BEFORE THAT WE WERE BRIEF ON THE RULES OF ENGAGEMENT. JUST LIKE EVERY OTHER MISSION THEY WERE SHOUT, SHOVE, WARNING SHOT, & SHOOT. WITH THE REST OF THE BRIEFING. WHEN WE GOT OF THE TRUCKS THE FIRST ROOM WE CLEARED HAD FOUR GUYS IN IT. WE TOOK CONTROL OF THEM & SEARCHED, SILENCED, & ZIP TIED THEM. ONE OF THEM DIDN'T REALLY FIGHT BACK BUT RESISTED WHEN THEY TRIED TO ZIP TIE THEM HIM. THEN WE TOOK THEM OUTSIDE & THEY TOLD ME & ANOTHER SOLDIER TO PULL SECURITY ON THEM. SO THE REST OF THE PLATOON WENT ON THE WITH CLEARING. THE DETAINEES WERE SHOUTING & SCREAMING AT US & MAKING TOO MUCH NOISE SO WE SPOKE TO THEM IN ARABIC & ENGLISH TO BE QUIET. THEY WOULDN'T. I HEARD THE PL SCREAM KEEP THEM QUIET. BUT CAME TO FIND OUT HE WAS TALKING TO SOMEONE ELSE. I THOUGHT IT WAS DIRECTED TOWARDS ME B/C THE DETAINEES WOULDN'T BE QUIET. SO WE YELLED AT THEM TO BE QUIET. SO ONE OF THE DETAINEES SPIT AT MY FEET & BEGAN TO STAND UP. HE DIDN'T STAND ALL THE WAY UP BUT OFF OF ONE KNEE. SO I FELT THREATENED & FELT I CAN'T LET HIM GET OFF HIS KNEES WHILE YELLING SO AS I WAS YELLING I WE BY MY ROE & SHOVED WITH ONE HAND ON THE TOP OF HIS HEAD AS TO WARN HIM NOT TO STAND UP & HE WENT BACK DOWN TO HIS KNEES. HE QUITE QUIET.

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 4 PAGES

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

FORM 2823

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

EXHIBIT 7 (601803) Exhibit A

30

DATED 7 Jun 04 CONTINUED

b7c, b6, b7d

STATEMENT OF [REDACTED] TAKEN AT 1208

[REDACTED] YELLING AS LOAD AS HE WAS & STAYED ON HIS KNEES ARGUING & COMPLAINING BUT QUIETER UNTIL THE MISSION WAS OVER & WE RELEASED THEM. I FELT AS IF HE HAD GOTTEN UP I WOULD BE IN DANGER SO I DID WHAT I FELT NECESSARY TO PROTECT MYSELF & MY FELLOW SOLDIERS ACCORDING TO THE ROE.

Q: SA [REDACTED] b7c, b6, b7d

A: PFC [REDACTED]

Q: Why were the detainees detained?

A: I CAN'T REMEMBER EXACTLY WHY BUT WE ALWAYS DETAIN FOR SECURITY & THE SAFETY OF OURSELVES IF NOTHING ELSE.

Q: How many people were with you when you cleared the building?

A: 30 PEOPLE FROM MY PLATOON

Q: What happen after they were zip tied in the building?

A: WE BROUGHT THEM OUTSIDE & THE SQUAD LDR LEFT ME & ANOTHER SOLDIER TO PULL SECURITY ON THEM. I AM NOT SURE BUT IT WAS SOMEBODY FROM MY PLT.

Q: What happened after you brought them outside &amp; before the rest of the platoon left to continue clearing buildings?

A: AFTER WE ZIP TIED THEM ME & THE OTHER OTHERS IN MY SQUAD TOOK THE DETAINEES OUTSIDE & IN FRONT OF THE BUILDING & SAT THEM ON THERE KNEES IN A LINE FACING US WITH THERE HANDS BEHIND THERE BACK ZIP TIED. MY SQUAD LDR LEFT ME AND ANOTHER SOLDIER TO PULL SECURITY ON THEM & CONTINUED ON WITH THE MISSION. ONE OF THEM GOT LOW, SPIT AT MY FEET, BEGAN STAND UP. THEN AS I WAS SHOUTING I SHOWED THE MANS HEAD WITH MY RIGHT HAND & THE MAN WENT BACK DOWN TO HIS KNEES. I FELT LIKE I WAS [REDACTED]

OF PERSON MAKING STATEMENT: [REDACTED]  
LAW ENFORCEMENT SENSITIVE  
FOR OFFICIAL USE ONLY

b7c, b6, b7d



STATEMENT OF [REDACTED]

TAKEN AT 1208

FILE NUMBER:

DATED 7/20/04

CONTINUED

b7C, b6

IN DANGER SO I USED THE FORCE NECESSARY TO CONTROL HIS MOVEMENT UPWARDS TOWARDS ME.

Q. Did you feel the force you used was excessive?

A: NO, I DO NOT, THE MAN WENT DOWN ON HIS KNEES ON HIS OWN I JUST TAPPED HIM TO WARN HIM.

Q. Were the detainees released?

A: YES THEY WERE AT THE END OF THE MISSION.

Q. Once they were released were there any other incidents?

A: ASKING WHY ARE YOU HERE WHAT DID WE DO JUST LIKE EVERY OTHER DETAINEE AS FAR AS I SAW.

Q. Did you ever back hand, or your right hand to the head, while deployed?

A: NO, I HAVE NOT, IN THIS SITUATION I FELT I DID WHAT I HAD TO DO TO CONTROL THE SITUATION. THIS IS THE ONLY TIME I HAD TO SHAKE A [REDACTED] DETAINEE IN THE HEAD TO PUT HIM BACK ON HIS KNEES.

Q. Was SFC [REDACTED] present when this incident took place?

A: SFC [REDACTED] WAS THERE BUT I DO NOT RECALL WHERE HE WAS DURING THE MISSION.

Q. Did you know if he witnessed the incident?

A: I PERSONALLY DID NOT SEE HIM WHEN THE INCIDENT TOOK PLACE. BUT HE COULD HAVE BEEN THERE TO SEE IT HAPPEN I JUST DIDN'T SEE HIM.

Q. Were you ever removed or replaced by another soldier during or after the incident?

A: I WAS NOT REMOVED UNTIL IT WAS TIME TO LOAD ON THE TRUCKS SO WE COULD LEAVE. B/C THE MISSION WAS DONE I WAS DONE GUARDING THEM.

Q. Were you ever told that your actions were inappropriate?

A: I WAS SPOKEN TO AFTER THE MISSION I DON'T REMEMBER WHAT WAS SAID, BUT I DO KNOW IT WAS NEVER BRANCHED AGAIN OVER THERE [REDACTED]

OF PERSON MAKING STATEMENT: [REDACTED]  
LAW ENFORCEMENT SENSITIVE  
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STATEMENT OF [REDACTED]  
(Continued)

TAKEN AT 1208

FILE NUMBER  
DATED 7/2/01 CONTINUED b7c/b6

Q. Did you intend to cause harm to the detainee?

A. NO. IT WAS A WARNING.

Q. Do you have anything else to add to this statement?

A. NO. I DO NOT. // END OF STATEMENT. // [REDACTED]

## AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

Military Police Det (CID)

B-12221, Randolph Street

Brass, NC 28310

ORGANIZATION OR ADDRESS

LS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7<sup>th</sup> day of June, 20 01 at Bldg 8-1221, Room 215, 1208

[REDACTED] b7c/b6  
(Signature of Person Administering Oath)

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

10 USC 936 (b) (4)  
(Authority To Administer Oaths)

PAGE 4 OF 4 PAGES

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EXHIBIT 17

(9 01806

**SWORN STATEMENT**

|  |  |                                      |              |                         |
|--|--|--------------------------------------|--------------|-------------------------|
| LOCATION<br>C-6231 Room 131  |  | DATE<br>9/20/04                      | TIME<br>1100 | FILE NUMBER<br>67282    |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>[REDACTED]                       |  | SOCIAL SECURITY NUMBER<br>[REDACTED] |              | GRADE/STATUS<br>021/1LT |
| ORGANIZATION OR ADDRESS<br>B Company, 2/325th AIC, Fort Bragg NC 28310 |  |                                      |              |                         |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

I was the platoon leader for 3rd platoon B 2-325 from APR03 until MAR04. In JUN-JUL03 3rd platoon was attached to 1/1 CAV 1 AD. One mission was to conduct a raid on a compound based on intel that the facility was being used to store and traffic insurgent's weapons. After entering the compound we found 4-5 Iraqi males and at least one AK-47 rifle. The Iraqis were placed under watch of a security detail while the rest of the platoon continued the raid. From a position about 50 meters away I could still hear the Iraqi men and security detail yelling at each other. I yelled over to the guards that no one over there should be talking. A short while after I gave that order I saw PFC [REDACTED] strike one Iraqi who appeared to be trying to stand up. I don't know where any other soldiers were standing when this happened. The Iraqi men were further separated and there were no further incidents. We finished the raid. As we were leaving the Iraqis told my translator that the other Iraqi man was trying to stand because his knees hurt. We did not detain any of the Iraqi men or keep the weapon. Back at the command post I talked to PFC [REDACTED] and his NCO support channel. PFC [REDACTED] told me he saw the man refusing his orders and rising toward him as a threat. I concluded PFC [REDACTED] was reacting to perceived threat and acted in accordance with the ROE. He used the minimum force needed. Given that the number of Iraqis was greater than the number of guards I felt PFC [REDACTED] used great restraint in not knocking out the Iraqi. His actions did prevent further incident and arising from the other Iraqi men. I verbally counseled PFC [REDACTED] on the proper escalation of force under the ROE and I saw no need for further action. In mission out brief to the 1/1 CAV chain of command I [REDACTED]

|  |                   |
|--|-------------------|
| INITIALS OF PERSON MAKING STATEMENT<br>[REDACTED]  | PAGE 1 OF 3 PAGES |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  |                   |
| BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE ED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. |                   |
| DA FORM 2823, 1 JAN 68, WHICH WILL BE USED   |                   |
| EXHIBIT 7 01807  |                   |

STATEMENT OF

TAKEN AT

FILE NUMBER:

DATED

CONTINUED

told them what happened on the raid to include the resistance from the Iraqi men and the actions of the soldiers. The chain of command saw it as a finished issue and supported the actions of 3rd platoon. No further actions were taken.

D. SA [REDACTED] b7c b6 b1

A. [REDACTED] 1LT [REDACTED]

Q. During the time the platoon was securing the building, were any of the detainees showing hostility?

A. The Iraqi guards were verbally and physically resistant during the entire mission. It seemed they felt they were friends to the Americans and that they felt insulted that we would even suspect them of supporting insurgents. Up to the moment we left the facility the men were still yelling at us in Arabic.

Q. After the incident took place, was PFC [REDACTED] permitted to continue with his mission?

A. PFC [REDACTED] was allowed to continue with his mission. There were no further uprisings from the Iraqis.

Q. Would you happen to know the names of the persons detained?

A. None of the Iraqi men were actually detained. We held them under security while the compound was searched but we released all of them based on my tactical decision. Because no one was detained or arrested, no names were recorded.

Q. Were there any other incidents after PFC [REDACTED] took control of the situation?

A. We had no further incidents with any of PFC [REDACTED] conduct.

Q. Was there a communication barrier?

A. Yes, there was a communication barrier. The communication barrier was the sole reason for the incident. The Iraqis did not speak enough English to convey their thoughts, the soldiers to look PFC [REDACTED] could not comprehend Arabic and the only translator the mission was located with me the entire time. Only after the [REDACTED]

OF PERSON MAKING STATEMENT: [REDACTED]  
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STATEMENT OF [redacted] TAKEN AT [redacted] FILE NUMBER: [redacted] CONTINUED:  
STATEMENT (Continued)  
[redacted] incident through the translator did the fact surface that the Iraqi man's knees hurt and he wanted to shift positions.  
Q. Do you think PFC [redacted] acted appropriately?  
A. I fully support the actions of PFC [redacted] and applaud his use of restraint in dealing with the Iraqi man. He was one of a few US soldiers tasked with securing a larger group of uncooperative if not hostile Iraqi men. When the man appeared to lunge at PFC [redacted] the soldiers options were to hit him or shoot him dead. Given the infinite number of possible things that could have followed one Iraqi jumping up at a guard I feel that if PFC [redacted] strike to the man did not resolve the issue that at least one or more of the Iraqi men would have died from gun fire from other soldiers. PFC [redacted] felt threatened and he reacted instantly and appropriately. PFC [redacted] did an outstanding job that day and throughout the deployment in OIF.  
Q. Do you have anything else to add to this statement?  
A. No. // END OF STATEMENT. // [redacted]

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

WITNESSES:

[redacted]  
(Signature of Person Making Statement)  
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of June 2004 at C-12201 RA 151 11600

ORGANIZATION OR ADDRESS

Military Police Det (CID)  
63-12221, Randolph Street  
Bragg, NC 28310  
ORGANIZATION OR ADDRESS

[redacted] b7c b61  
(Signature of Person Administering Oath)

SA [redacted]  
(Typed Name of Person Administering Oath)  
Article 136 (b)(4) OCM  
10 USC 936 (b)(4)  
(Authority To Administer Oaths)

ALS OF PERSON MAKING STATEMENT

AW ENFORCEMENT SENSITIVE  
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DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

LOCATION: C-6231 Room 131

DATE: 9 Jan 04

TIME: 15:21

FILE NUMBER: 04-CID023 6728

LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]

ORGANIZATION OR ADDRESS: B COMPANY 3/325 AIR, Fort Bragg NC 28310

SOCIAL SECURITY NUMBER: [REDACTED]

GRADE/STATUS: E4/AD

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During my deployment to Iraq I was guarding 4 to 5 detainees with PFC [REDACTED] at a warehouse in Baghdad. We initially went into the compound where a weapons cache was supposed to be and we entered the first house and found 4 to 5 made Iraqi's. We detained these men and put them in Alex Cuff's. Then we took them outside and put them as much as we could and were told to stay with them until the compound was cleared. During the time we were watching these detainees they would not keep quiet so following our (ROE) rules of engagement which was shoot, show, shoot, shoot again. We shouted at the detainees to keep quiet they would not do so, we continued to shout them and then one of the detainees spit at PFC [REDACTED] and then he tried to stand and come at him at this time PFC [REDACTED] with his right hand open using his palm pushed the detainee back down to his knees. Then shortly afterwards everyone came back we let the detainees go and we loaded up on trucks and left the compound.

SA [REDACTED]  
SPC [REDACTED]

What was the mission?  
To find and confiscate weapons, because we had Intel that there was a weapons cache in the compound.  
How many people did your platoon detain?  
4 to 5  
Were they detained inside or outside of the building?  
We Alex Cuffed the detainees inside the building then we put them outside and separated them until the compound was cleared.

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."

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

DA FORM 2823

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EXHIBIT 7-13 of 20 01810

b7C, b6

Q. Were any of the detainees showing hostility?

A. Yes, they were being resistant and showing verbal hostility.

Q. Was the detainee who was struck one of the individuals who showed hostility?

A. Yes, he was showing verbal hostility would not shut up he also had to be escorted outside.

Q. What caused the detainee to spit on [REDACTED]?

A. His hands were tied and he couldn't do anything else he was very angry.

Q. Did you think PFC [REDACTED] acted correctly?

A. Definitely he did exactly what he was supposed to do he followed his ROE to the letter. The detainee tried to get up and PFC [REDACTED] told him in Arabic to shut up and get on his knees the detainee did not listen so PFC [REDACTED] pushed him on the forehead with the palm of his hand and the detainee went back to his knees.

Q. Do you have anything else to add to this statement?

A. NO // END OF STATEMENT //

## AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

Military Police Det (CID)  
18-12221, Randolph Street  
Bragg, NC 28310  
ORGANIZATION OR ADDRESS

SIGNED BY PERSON MAKING STATEMENT

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of June, 2004, at 1521, C-6231 RM 131.

(Signature of Person Administering Oath)

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

Article 136(b)(6) DCMS  
10 USC 936(b)(4)  
(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

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EXHIBIT 17 (14-01811)

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|   |  |                                      |              |                       |
|---|--|--------------------------------------|--------------|-----------------------|
| LOCATION<br>BLO 8121 LN 215   |  | DATE<br>31 Jul 04                    | TIME<br>1330 | FILE NUMBER<br>67016  |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>[REDACTED]  |  | SOCIAL SECURITY NUMBER<br>[REDACTED] |              | GRADE/STATUS<br>E7/AD |
| ORGANIZATION OR ADDRESS<br>HHC 2D Battalion, 325th Airborne Infantry Regiment, BIC 2336 |  |                                      |              |                       |

IN MARCH OF 2003 MY UNIT 2<sup>DBN</sup> 325<sup>TH</sup> AIR DEPLOYED FROM FORT BRAGG, NC TO ARAR SAUDI ARABIA TO STAGE FOR THE INVASION OF IRAQ, IN ARAR WE CONTINUED TO TRAIN AND CLIMATE FOR OPERATION IRAQI FREEDOM. ON 01 APRIL WE CONDUCTED AN AIR MOVEMENT TO TEAL AIRBASE, AND A CONVOY TO ASSAMANA, IRAQ THERE WE CONDUCTED AN ATTACK IN SECTOR TO SECURE THE MSR TO ALLOW FOR VEHICLE MOVEMENT THROUGH THE CITY, MY PLATOON SECURED SEVERAL BLOCKS IN THE CITY, CLEARING ROOM TO ROOM THROUGH OUR ENTIRE SECTOR OVER SEVERAL DAYS AFTER ABOUT 2 WEEKS OF PATROLING, ROUTE SECURITY AND WEAPONS RAIDS, WE MOVED TO AD-DIWANIYA WHERE WE PICKED UP SECURITY OPERATIONS CONDUCTED PATROLS AND ESTABLISHED NUMEROUS OVERWATCH AND SECURITY POSITION AND TRAFFIC CONTROL POINTS WE THEN MOVED TO AR RAMADI TO RELIEVE 3<sup>RD</sup> ID FORCES IN SECTOR. CONDUCTING SIMILAR OPERATIONS WITH A FOCUS ON CROWD CONTROL AND POLICE SUPPORT. IN ABOUT MID-MAY WE ARRIVED IN BAGHDAD, ONCE IN BAGHDAD WE WERE ASSIGNED TO MAINTAIN SECURITY IN THE AL-DOURA AREA WITH THE COMPANY RECEIVING THE NATIONAL STEEL COMPANY AND AL-DOURA REFINERY AS OUR PRIMARY SECURITY FOCUS. INITIALLY MY UNIT WAS ATTACHED TO 75<sup>TH</sup> REGIMENT IN ARAR, SAUDI ARABIA, THEN AT TEAL WE REJOINED OUR BRIGADE AND DIVISION AND WHEN WE ENTERED BAGHDAD WE CAME UNDER 1<sup>ST</sup> ARMOR DIVISION. AS AN ATTACHMENT OF 1<sup>ST</sup> ARMOR WE WERE REQUIRED TO PROVIDE A PLATOON MINUS TO SUPPORT 1/1 CAV AT CAMP STRIKER NEAR BAGHDAD INTERNATIONAL AIRPORT TO PROVIDE DISMOUNTS FOR DAILY PATROLS AND OPERATIONS. DURING ONE OF THESE OPERATIONS, A SEARCH OF A WAREHOUSE COMPLEX TO LOCATE WEAPONS IN SOUTH BAGHDAD OPERATING AS AN INDEPENDENT ELEMENT BUT ATTACHED TO 1/1 CAV. WE ENTERED A COURTYARD WITH ABOUT EIGHT WAREHOUSES FOUR ON EITHER SIDE A REAR WALL AND A FENCED FRONT WALL. FOR THIS OPERATION OUR PLANNED ENTRY METHOD WAS A 'KNOCK AND ENTER' WITH SHOTGUN BREACH AS A BACKUP WE ARRIVED [REDACTED]

|   |                   |
|---|-------------------|
| INITIALS OF PERSON MAKING STATEMENT<br>[REDACTED] | PAGE 1 OF 4 PAGES |
|---|-------------------|

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

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EXHIBIT 17 (15-01812)

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STATEMENT OF

TAKEN AT

FILE NUMBER:

DATED

CONTINUED

IN THREE VEHICLE, DISMOUNTED AND ORGANIZED, WHILE I WAS PLACING VEHICLES AND ENSURING SECURITY, THE PLATOON LEADER CONDUCTED THE INITIAL ENTRY OF THE COMPOUND AND SECURITY OFFICE. THEY SECURED FOR FOUR OR FIVE PERSONNEL AND THREE AK-47 ASSAULT RIFLES. ONE OF THE PERSONNEL SPOKE PASSABLE ENGLISH BY THE TIME I ENTERED THE COMPOUND THE IRAQIS WERE ALREADY SECURE AND THE PL WAS EXPLAINING WHAT WE WERE DOING TO THE ENGLISH SPEAKER. THE IRAQIS WERE MOVED TO A CENTRAL LOCATION AND PLACED UNDER A TWO MAN SECURITY TEAM CONSISTING OF PFC [REDACTED] A DISTANT OVERWATCH MAN AND PVT [REDACTED] A NEAR SECURITY MAN, THE IRAQIS WERE NOT TIED BUT THEY WERE PLACED IN A KNEELING POSITION WITH THEIR HANDS BEHIND THEIR NECKS AND TOLD IN ENGLISH AND IN ARABIC TO STAY DOWN AND TO BE QUIET. SEVERAL TIMES THEY HAD TO HAVE THESE ORDERS REPEATED. I MOVED TO ONE SIDE AND TOOK A KNEE SO AS TO BE ABLE TO SEE MORE OF THE OPERATION THAT WAS ONGOING. AT ONE POINT I HEARD LOUD ARABIC COMING FROM THE DETAINEE CONTROL POINT I LOOKED TO SEE ONE OF THE GUARDS QUICKLY GET TO HIS FEET IN FRONT OF THE NEAR SECURITY MAN, PVT [REDACTED], PVT [REDACTED] STRUCK THIS MAN WITH THE BACK OF HIS HAND THEN RETURNED HIM TO HIS KNEES. THE PLATOON LEADER 2LT [REDACTED] THEN RETURNED INSTRUCTIONS TO REPLACE PVT [REDACTED], I THEN MOVED PFC [REDACTED] TO NEAR SECURITY AND PVT [REDACTED] TO OVERWATCH. AS I WAS DOING THIS I EXPLAINED TO [REDACTED] AND [REDACTED] THAT YOU CANNOT STRIKE PWs AND LHM. SOON AFTER WE WERE COMPLETE WITH THE MISSION, WE RETURNED ALL THE WEAPONS AND RELEASED THE DETAINEES, LOADED THE VEHICLES AND RETURNED TO THE COMPANY STAGING AREA. DURING THE PLATOON AAR LT [REDACTED] ENFORCED THAT WE DO NOT STRIKE DETAINEES (SAFEWARD) AND THE SS.

SA [REDACTED] b7c b61  
SEC [REDACTED]

On your opinion or judgment why did PVT [REDACTED] do the detainee?  
SELF DEFENSIVE. THE DETAINEE SECURITY GUARD HAD CONTINUED TO TALK IN ARABIC, HAD SPIT ON PVT [REDACTED] AND WAS GETTING TO HIS FEET [REDACTED]

3. OF PERSON MAKING STATEMENT:  
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PAGE 2 OF 4  
EXHIBIT 7

PAGES

01813

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STATEMENT OF

FILE NUMBER:

TAKEN AT

DATED

CONTINUED b7c, b6

Q. What happened after PVT [REDACTED] FACE IN WHAT COULD BE AN AGGRESSIVE MANNER.

A: HE RETURNED HIM TO A KNEELING POSITION THE INSTRUCTIONS TO 'STAY DOWN' + 'STAY QUIET' WERE REPEATED I CHANGED GUARD POSITIONS TO REDUCE TENSIONS.

Q. What action was taken to ensure PVT [REDACTED] on [REDACTED] did not do something of this nature again.

A: AN AAR WAS CONDUCTED WITH ALL SQUAD LEADERS WE DISCUSSED THE WAYS OF THE 55<sup>th</sup> AND PUT [REDACTED] THE FOCUS ON SAFEGUARDING EPWS.

Q. Did you think PVT [REDACTED] was attempting to abuse the detainee or was he defending himself?

A: DEFENDING HIMSELF; PVT [REDACTED] IS A YOUNG AMARIC MAN WHO MAINTAINED AN EXCELLENT RAPPORT WITH ALL THE ARABIC PEOPLE HE CAME IN CONTACT WITH, I DO NOT BELIEVE HE INTENDED MORE THAN TO GET THE GUARDS ATTENTION AND RESTORE HIM TO HIS KNEELING POSITION AND RE-ESTABLISH CONTROL OF THE DETAINEE.

Q. Do you have anything else to add to this statement?

A: No. /// END OF STATEMENT /// [REDACTED] b7c, b6

S OF PERSON MAKING STATEMENT: [REDACTED] b7c, b6

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EXHIBIT 17(17 of 20)  
PAGES 01814

STATEMENT OF  
STATEMENT (Continued)

TAKEN AT

FILE NUMBER:  
DATED

CONTINUED:

NOT USED

b7c, b6A

NOT USED

NOT USED

NOT USED

AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE  
STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT  
AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

Military Police Det (CID)  
8-12221, Randolph Street  
Braod, NC 28310  
ORGANIZATION OR ADDRESS

PLS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law  
to administer oaths, this 3rd day of June, 2004  
at 805B-1221, RM2150 1330

Signature of Person Administering Oath

SA [Redacted]  
(Typed Name of Person Administering Oath)  
Article 136(b)(4) USCMJ  
10 USC 936 (b) (4)  
(Authority To Administer Oaths)

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DATE 03 JUN 2004

FROM SAC USACIDC 87TH MP DET FT BRAGG NC

TO: DIR USACRC FT BEL VOIR VA //CICR-ZA//  
 CG USACIDC FT BEL VOIR VA //CIOP-ZA//  
 CDR USACIDC 3D MP GRP FT GILLEM GA  
 CHIEF OF STAFF, 82ND AIRBORNE DIVISION, COL [REDACTED]  
 CID CRIMINAL INTELLIGENCE CENTER (MR [REDACTED])  
 COMMUNITY PROVOST MARSHAL, FORT BRAGG (LTC [REDACTED])  
 PMO BLOTTER CLERK  
 PMO OPERATIONS SGT (MSG [REDACTED])  
 PROVOST MARSHAL 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
 SJA, 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
 CDR USACIDC 10TH MP BN FT BRAGG NC  
 CHIEF OF STAFF, 18TH AIRBORNE CORPS, (COL [REDACTED])  
 COMMANDER, 10TH MILITARY POLICE BN, FORT BRAGG, NC (LTC [REDACTED])  
 DEPUTY GARRISON COMMANDER, FBNC (MR [REDACTED])

b7C, b6A

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/SSI - 0397-2004-CID023-67282  
 - 5Y2B7 / 5C2B

DRAFTER: [REDACTED]

RELEASER: [REDACTED]

b7C, b6A

## 1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 APR 2003, 0001 - 30 APR 2003, 2359; WAREHOUSE, BAGHDAD, IRAQ

2. DATE/TIME REPORTED: 02 JUN 2004, 1300

## 3. INVESTIGATED BY:

SA [REDACTED]

b7C, b2, b6A

## 4. SUBJECT:

1. [REDACTED] PFC [REDACTED]  
 COMPANY, 2/325TH AIRBORNE INFANTRY REGIMENT, 82D AIRBORNE DIVISION,  
 FORT BRAGG, NC 283105000; FC; FAIL TO OBEY GENERAL ORDER, ASSAULT (NFI)

## 5. VICTIM:

1. UNKNOWN, ; ASSAULT (NFI)

2. U.S. GOVERNMENT; CJTF-7; FAIL TO OBEY GENERAL ORDER

b7C, b6A

b7C, b6A

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EXHIBIT

(19 of 20)

Exhibit 01816 43

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# 6. INVESTIGATIVE SUMMARY:

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

THIS INVESTIGATION WAS INITIATED UPON NOTIFICATION FROM HQ, U.S. ARMY CRIMINAL INVESTIGATION COMMAND WHO RECEIVED INFORMATION FROM THE INSPECTOR GENERAL'S OFFICE THAT SFC [REDACTED] HHC, 2/325TH AIRBORNE INFANTRY REGIMENT (AIR), FORT BRAGG, NC 28310 (FBNC), WITNESSED A DETAINEE BEING ABUSED BY PFC [REDACTED] WHILE DEPLOYED TO IRAQ.

PRELIMINARY INVESTIGATION REVEALED THAT WHILE ON A SEARCH FOR WEAPONS MISSION OF A BAGHDAD WAREHOUSE, PFC [REDACTED] PLATOON ENCOUNTERED APPROXIMATELY 5 SECURITY GUARDS WITH WEAPONS WHO WERE PERFORMING SECURITY ON THE WAREHOUSE. THE PLATOON SECURED THE FIVE GUARDS, ENTERED THE BUILDING AND SECURED THE WAREHOUSE FACILITY, WHICH WAS TO ALLEGEDLY HELD A WEAPONS CACHE. THE PLATOON THEN ESCORTED THE FIVE SECURITY GUARDS OUTSIDE TO A MORE SECURE ENVIRONMENT ACCORDING TO SOP. WHILE OUTSIDE, THE GUARDS WERE ORDERED TO TAKE A KNEE OR SIT DOWN AND BE QUIET. ONE SECURITY GUARD BEGAN TO GET LOUD AND AGGRESSIVE IN ARABIC, CAME TO HIS FEET AND SPIT ON PFC [REDACTED]. PFC [REDACTED] THEN RESPONDED WITH A RIGHT BACK HAND STRIKE TO THE TOP OF THE GUARDS HEAD. SFC [REDACTED] THEN INFORMED PFC [REDACTED] THAT HE [REDACTED] KNEW HE WAS NOT ALLOWED TO STRIKE THE DETAINEES. THE DETAINEES WERE RETURNED THEIR WEAPONS AND RELEASED.

PFC [REDACTED] IS CURRENTLY ON EMERGENCY LEAVE AND HIS INTERVIEW IS SCHEDULED FOR 7 JUN 04.

INVESTIGATION CONTINUES BY USACIDC.

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

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

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EXHIBIT

(2 of 20)  
018174

# CFLCC ROE CARD

1. On order, enemy military and paramilitary forces are declared hostile and may be attacked subject to the following instructions:

- Positive Identification (PID) is required prior to engagement. PID is a reasonable certainty that the proposed target is a legitimate military target. If no PID, contact your next higher commander for decision.
- Do not engage anyone who has surrendered or is out of battle due to sickness or wounds.
- Do not target or strike any of the following except in self-defense to protect yourself, your unit, friendly forces, and designated persons or property under your control:
  - Civilians
  - Hospitals, mosques, churches, shrines, schools, museums, national monuments, and any other historical and cultural sites
- Do not fire into civilian populated areas or buildings unless the enemy is using them for military purposes or if necessary for your self-defense. Minimize collateral damage.
- Do not target enemy infrastructure (public works, commercial communication facilities, dams), Lines of Communication (roads, highways, tunnels, bridges, railways) and Economic Objects (commercial storage facilities, pipelines) unless necessary for self-defense or if ordered by your commander. If you must fire on these objects to engage hostile force, disable and disrupt but avoid destruction of these objects, if possible.

# CFLCC ROE CARD

2. The use of force, including deadly force, is authorized to protect the following:

- Yourself, your unit, and friendly forces
- Enemy Prisoners of War
- Civilians from crimes that are likely to cause death or serious bodily harm, such as murder or rape
- Designated civilians and/or property, such as personnel of the Red Cross/Crescent, UN, and US/UN supported organizations.

3. Treat all civilians and their property with respect and dignity. Do not seize civilian property, including vehicles, unless you have the permission of a company level commander and you give a receipt to the property's owner.

4. Detain civilians if they interfere with mission accomplishment or if required for self-defense.

5. CENTCOM General Order No. 1A remains in effect. Looting and the taking of war trophies are prohibited.

## REMEMBER

- Attack enemy forces and military targets.
- Spare civilians and civilian property, if possible.
- Conduct yourself with dignity and honor.
- Comply with the Law of War. If you see a violation, report it.

These ROE will remain in effect until your commander orders you to transition to post-hostilities ROE.

AS OF 311330Z JAN 03

**A**

## CFLCC RULES FOR USE OF FORCE

NOTHING IN THESE RULES LIMITS YOUR INHERENT AUTHORITY AND OBLIGATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF, YOUR UNIT, AND OTHER US FORCES.

**HOSTILE FORCES:** NO forces have been declared hostile.

**HOSTILE ACTORS:** You may engage persons who commit hostile acts or show hostile intent with the minimum force necessary to counter the hostile act or demonstrated hostile intent and to protect US Forces.

**Hostile act:** An attack or other use of force against US forces or a use of force that directly precludes/impedes the mission/duties of US Forces.

**Hostile intent:** The threat of imminent use of force against US forces or the threat of force to preclude/impede the mission/duties of US Forces.

You may use force, up to and including deadly force, against hostile actors:

- In self-defense;
- In defense of your unit, or other US Forces;
- To prevent the theft, damage, or destruction of firearms, ammunition, explosives, or property designated by your commander as vital to national security. (Protect other property with less than deadly force.)

UNCLASSIFIED as of 011800Z NOV 03

## CFLCC RULES FOR USE OF FORCE

NOTHING IN THESE RULES LIMITS YOUR INHERENT AUTHORITY AND OBLIGATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF, YOUR UNIT, AND OTHER US FORCES.

4. ESCALATION OF FORCE: When possible, use the following degrees of force against hostile actors:

- SHOUT;** verbal warnings to HALT or "QIF" (pronounced "COUGH").
- SHOVE;** physically restrain, block access, or detain.
- SHOW;** your weapon and demonstrate intent to use it.
- SHOOT;** to remove the threat of death/serious bodily injury or to protect designated property. IF YOU MUST FIRE:

- Fire only aimed shots. **NO WARNING SHOTS.**
- Fire no more rounds than necessary.
- Fire with due regard for the safety of innocent bystanders.
- Take reasonable efforts not to destroy property.
- Stop firing as soon as the situation permits.

5. CROWDS: Control civilian crowds, mobs, or rioters interfering with US Forces with the minimum necessary force. When circumstances permit, attempt the following steps to control crowds:

- Repeated warnings to HALT or "QIF" (pronounced "COUGH").
- Show of force, including riot control formation.
- Blocking of access, or other reasonable use of force necessary under the circumstances and proportional to the threat.

6. DETAINEES: You may stop, detain, search, and disarm persons as required to protect US Forces. Detainees will be turned over to the Military Police or Kuwait Police ASAP.

7. Treat all persons with respect and dignity.

UNCLASSIFIED as of 011800Z NOV 03

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EXHIBIT 88 45

**FOR OFFICIAL USE ONLY**  
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DATE 15 JUL 2004

FROM SAC USACIDC 87TH MP DET FT BRAGG NC

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//  
CDR USACIDC 3D MP GRP FT GILLEM GA  
CHIEF OF STAFF, 82ND AIRBORNE DIVISION, COL [REDACTED]  
CID CRIMINAL INTELLIGENCE CENTER (MR [REDACTED])  
COMMUNITY PROVOST MARSHAL, FORT BRAGG (LTC [REDACTED])  
PMO BLOTTER CLERK  
PMO OPERATIONS SGT (MSG [REDACTED])  
SJA, 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
DEPUTY GARRISON COMMANDER, FBNC (MR [REDACTED])  
PROVOST MARSHAL 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
CHIEF OF STAFF, 18TH AIRBORNE CORPS, (COL [REDACTED])  
COMMANDER, 10TH MILITARY POLICE BN, FORT BRAGG, NC (LTC [REDACTED])  
CDR USACIDC 10TH MP BN FT BRAGG NC  
CDR USACIDC CURRENT OPNS (DETAINEE ABUSE CASES)

b7C, b6A

SUBJECT: CID REPORT OF INVESTIGATION - 2D STATUS/SSI -  
0397-2004-CID023-67282 - 5Y2B7 / 5C2B

DRAFTER: [REDACTED]  
RELEASER: [REDACTED] b7C b6A

b7C, b6A

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 APR 2003, 0001 - 30 APR 2003, 2359; WAREHOUSE, BAGHDAD, IRAQ

2. DATE/TIME REPORTED: 02 JUN 2004, 1300

3. INVESTIGATED BY:

SA [REDACTED]  
SA [REDACTED] > b7C, b2, b6A

4. SUBJECT:

1. [REDACTED] PFC [REDACTED]  
[REDACTED] MALE; WHITE; B COMPANY, 2/325TH AIRBORNE  
INFANTRY REGIMENT, 82D AIRBORNE DIVISION, FORT BRAGG, NC 283105000; FC;  
FAIL TO OBEY GENERAL ORDER (UNFOUNDED), ASSAULT (UNFOUNDED)

> b7C, b6A

5. VICTIM:

1. UNKNOWN, ; ASSAULT (UNFOUNDED) (NFI)

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2. U.S. GOVERNMENT; CJTF-7; FAIL TO OBEY GENERAL ORDER  
(UNFOUNDED)

6. INVESTIGATIVE SUMMARY:

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

THIS INVESTIGATION WAS INITIATED UPON NOTIFICATION FROM HQ, U.S. ARMY CRIMINAL INVESTIGATION COMMAND, FORT BELVOIR, VA WHO RECEIVED INFORMATION FROM THE INSPECTOR GENERAL'S OFFICE THAT SFC [REDACTED] HHC, 2/325TH AIRBORNE INFANTRY REGIMENT (AIR), FORT BRAGG, NC 28310 (FBNC), WITNESSED A DETAINEE BEING ABUSED BY PFC [REDACTED] WHILE THEY WERE DEPLOYED TO IRAQ. b7c, b6

2ND STATUS:

THIS STATUS REPORT WAS FORWARDED TO UNFOUND THE ALLEGATION OF ASSAULT AND FAILURE TO OBEY GENERAL ORDER BY PFC [REDACTED] b7c b6 b5

ON 7 JUN 04, PFC [REDACTED] WAS INTERVIEWED UNDER RIGHTS ADVISEMENT AND RELATED HE SHOVED AN UNRULEY IRAQI TO THE GROUND WHEN HE (THE IRAQI) ATTEMPTED TO GET UPFROM THE GROUND AFTER BEING DETAINED FOR POSSIBLE TERRORIST ACTS.

ON 14 JUL 04, THE SPECIAL AGENT IN CHARGE CONDUCTED AN OPERATIONAL REVIEW OF THE CASE FILE AFTER RECIEVING THE 15-6 INVESTIGATION REPORT AND THE RULES OF ENGAGMENT DICTATED BY CFLCC. UPON REVIEW OF THE AFOREMENTIONED DOCUMENTS COUPLED WITH THE EYEWITNESS ACCOUNTS OF THE INCIDENT, COORDINATION WITH THE CHAIN OF COMMAND, AND THE STAFF JUDGE ADVOCATE, IT WAS DETERMINED PFC [REDACTED] ACTED IN A MANNER APPROPRIATE TO THE CIRCUMSTANCES AND DID NOT COMMIT ANY VIOLATIONS OF LAW. b7c b6 b5

INITIAL:

PRELIMINARY INVESTIGATION REVEALED THAT WHILE ON A SEARCH FOR WEAPONS MISSION OF A BAGHDAD WAREHOUSE, PFC [REDACTED] PLATOON ENCOUNTERED APPROXIMATELY 5 SECURITY GUARDS WITH WEAPONS WHO WERE PERFORMING SECURITY ON THE WAREHOUSE. THE PLATOON SECURED THE FIVE GUARDS, ENTERED THE BUILDING AND SECURED THE WAREHOUSE b7c b6 b5

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1cbb6  
FACILITY, WHICH WAS TO ALLEGEDLY HELD A WEAPONS CACHE. THE PLATOON THEN ESCORTED THE FIVE SECURITY GUARDS OUTSIDE TO A MORE SECURE ENVIRONMENT ACCORDING TO SOP. WHILE OUTSIDE, THE GUARDS WERE ORDERED TO TAKE A KNEE OR SIT DOWN AND BE QUIET. ONE SECURITY GUARD BEGAN TO GET LOUD AND AGGRESSIVE IN ARABIC, CAME TO HIS FEET AND SPIT ON PFC [REDACTED] PFC [REDACTED] THEN RESPONDED WITH A RIGHT BACK HAND STRIKE TO THE TOP OF THE GUARDS HEAD. SFC [REDACTED] THEN INFORMED PFC [REDACTED] THAT HE [REDACTED] KNEW HE WAS NOT ALLOWED TO STRIKE THE DETAINEES. THE DETAINEES WERE RETURNED THEIR WEAPONS AND RELEASED. b7c, b6 b7c, b6

b7c, b6  
PFC [REDACTED] IS CURRENTLY ON EMERGENCY LEAVE AND HIS INTERVIEW IS SCHEDULED FOR 7 JUN 04.

INVESTIGATION CONTINUES BY USACIDC.

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

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

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01821 48

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DATE 03 JUN 2004

FROM SAC USACIDC 87TH MP DET FT BRAGG NC

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//  
CG USACIDC FT BELVOIR VA //CIOP-ZA//  
CDR USACIDC 3D MP GRP FT GILLEM GA  
CHIEF OF STAFF, 82ND AIRBORNE DIVISION, COL [REDACTED]  
CID CRIMINAL INTELLIGENCE CENTER (MR [REDACTED])  
COMMUNITY PROVOST MARSHAL, FORT BRAGG (LTC [REDACTED])  
PMO BLOTTER CLERK  
PMO OPERATIONS SGT (MSG [REDACTED])  
PROVOST MARSHAL 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
SJA, 82ND AIRBORNE DIVISION (MAJ [REDACTED])  
CDR USACIDC 10TH MP BN FT BRAGG NC  
CHIEF OF STAFF, 18TH AIRBORNE CORPS, (COL [REDACTED])  
COMMANDER, 10TH MILITARY POLICE BN, FORT BRAGG, NC (LTC [REDACTED])  
DEPUTY GARRISON COMMANDER, FBNC (MR [REDACTED])

b7C, b6, 4

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/SSI - 0397-2004-CID023-67282  
- 5Y2B7 / 5C2B

DRAFTER: [REDACTED]

RELEASER: [REDACTED]

b7C, b6, 1

b7C, b6, 4

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 APR 2003, 0001 - 30 APR 2003, 2359; WAREHOUSE, BAGHDAD, IRAQ

2. DATE/TIME REPORTED: 02 JUN 2004, 1300

3. INVESTIGATED BY:

SA [REDACTED]

b7C, b2, b6, 1

4. SUBJECT:

1. [REDACTED] PFC [REDACTED] B

b7C, b6, 5

COMPANY, 2/325TH AIRBORNE INFANTRY REGIMENT, 82D AIRBORNE DIVISION,  
FORT BRAGG, NC 283105000; FC ; FAIL TO OBEY GENERAL ORDER, ASSAULT (NFI)

5. VICTIM:

1. UNKNOWN, ; ASSAULT (NFI)

2. U.S. GOVERNMENT; CJTF-7; FAIL TO OBEY GENERAL ORDER

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6. INVESTIGATIVE SUMMARY:

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

THIS INVESTIGATION WAS INITIATED UPON NOTIFICATION FROM HQ, U.S. ARMY CRIMINAL INVESTIGATION COMMAND WHO RECEIVED INFORMATION FROM THE INSPECTOR GENERAL'S OFFICE THAT SFC [REDACTED] HHC, 2/325TH AIRBORNE INFANTRY REGIMENT (AIR), FORT BRAGG, NC 28310 (FBNC), WITNESSED A DETAINEE BEING ABUSED BY PFC [REDACTED] WHILE DEPLOYED TO IRAQ. b7C, b6 b7C b65

PRELIMINARY INVESTIGATION REVEALED THAT WHILE ON A SEARCH FOR WEAPONS MISSION OF A BAGHDAD WAREHOUSE, PFC [REDACTED] PLATOON b7C b65 ENCOUNTERED APPROXIMATELY 5 SECURITY GUARDS WITH WEAPONS WHO WERE PERFORMING SECURITY ON THE WAREHOUSE. THE PLATOON SECURED THE FIVE GUARDS, ENTERED THE BUILDING AND SECURED THE WAREHOUSE FACILITY, WHICH WAS TO ALLEGEDLY HELD A WEAPONS CACHE. THE PLATOON THEN ESCORTED THE FIVE SECURITY GUARDS OUTSIDE TO A MORE SECURE ENVIRONMENT ACCORDING TO SOP. WHILE OUTSIDE, THE GUARDS WERE ORDERED TO TAKE A KNEE OR SIT DOWN AND BE QUIET. ONE SECURITY GUARD BEGAN TO GET LOUD AND AGGRESSIVE IN ARABIC, CAME TO HIS FEET AND SPIT ON PFC [REDACTED] PFC [REDACTED] THEN RESPONDED WITH A RIGHT BACK HAND STRIKE TO THE TOP OF THE GUARDS HEAD. SFC [REDACTED] THEN b7C b64 INFORMED PFC [REDACTED] THAT HE [REDACTED] KNEW HE WAS NOT ALLOWED TO STRIKE THE DETAINEES. THE DETAINEES WERE RETURNED THEIR WEAPONS AND RELEASED. b65 b65

PFC [REDACTED] IS CURRENTLY ON EMERGENCY LEAVE AND HIS INTERVIEW IS SCHEDULED FOR 7 JUN 04. b7C, b64

INVESTIGATION CONTINUES BY USACIDC.

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

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

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018230

# CID ACTION REPORT

0397-2004-CID023

INITIATION DATE/TIME: 6/3/2004 9:13:52 AM

**SUBJECT/KEY ENTITY:**

; ASSAULT (NFI)

PFC

FC

UNKNOWN, ; ASSAULT (NFI)

## Assault

PFC [REDACTED] allegedly struck a detainee with a back to the head

b7C, b7D

b7c, b65

2 JUL 2004

CASE REVIEWED BY  
EVIDENCE CUSTODIAN



PAGE of PAGES

SEQUENCE NUMBER  
0397-04-C10023-

| VICTIM / WITNESS FORMS (DD Form 270-1) (Annotate on AAS) |  |             |  |        |  |           |  |             |  |
|--|--|-------------|--|--------|--|-----------|--|-------------|--|
| Last Name  |  | Date Issued |  | Circle |  | Last Name |  | Date Issued |  |
|  |  |             |  | V W    |  |           |  |             |  |
|  |  |             |  | V W    |  |           |  |             |  |
|  |  |             |  | V W    |  |           |  |             |  |

| MISCELLANEOUS ACTIVITY |  |  |  |  |           |  |  |  |  |
|------------------------|--|--|--|--|-----------|--|--|--|--|
| Action                 |  |  |  |  | Completed |  |  |  |  |
|                        |  |  |  |  |           |  |  |  |  |

| CONTACTS / PHONE NUMBERS |                 | INVESTIGATIVE STANDARDS                    |
|--------------------------|-----------------|--|
| Activity / Person        | Phone Number    |  |
| [REDACTED]               | 432- [REDACTED] | INTERVIEW VICTIM/EYE WITNESS 24 hours      |
| [REDACTED]               | 432- [REDACTED] | EVIDENCE DEPOSITED 1 duty day              |
| [REDACTED]               | 432- [REDACTED] | LAB REQUESTS 5 duty days                   |
| [REDACTED]               | 432- [REDACTED] | REF'S SENT OUT 5 duty days                 |
| [REDACTED]               | 432- [REDACTED] | MEANINGFUL INV ACTIVITY 10 duty days       |
| [REDACTED]               | 432- [REDACTED] | REF FOLLOW UP 15 duty days                 |
| [REDACTED]               | 432- [REDACTED] | KNOWN SUBJ & UNFOUNDED FINALS 15 duty days |
| [REDACTED]               | 432- [REDACTED] | UNKNOWN SUBJ FINALS 30 work days           |
| [REDACTED]               | 432- [REDACTED] | ACTION TAKEN FINALS 30 work days           |

b7c, b6A

AGENTS ACTIVITY SUMMARY  
(CID Regulation 195-1)

Control Number

0397- 04-CID023- 67282

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

21 JUL 04 [redacted] *W.C. Ho*

CIS REVIEWED, TO WPC

21 July 04 *W.C. Ho* Copies & distro made.  
[redacted] Closed.  
To Evidence.

|                       |                                   |
|-----------------------|-----------------------------------|
| TIME, DATE, AND AGENT | SUMMARY OF INVESTIGATIVE ACTIVITY |
|-----------------------|-----------------------------------|

07/14/2004 09:30

[REDACTED]  
1:00 INV

About 0930, 14 Jul 04, SA [REDACTED] coordinated with MAJ [REDACTED] Executive Officer, 2/325th Parachute Infantry Regiment (PIR), Fort Bragg, NC (FBNC), who provided this office with the Commander Inquiry conducted by CPT [REDACTED] Investigating Officer, Headquarter and Headquarters Company (PHC), 2/325th PIR, FBNC pertaining to the allegation of Detainee Abuse by PFC [REDACTED] B Company, 2/325 PIR, FBNC while they were deployed to Iraq and the Rules of Engagement Card utilized and carried by all soldiers in 2/325th PIR. Further coordinated revealed LTC [REDACTED] Commander, 2/325th PIR, FBNC concurred with CPT [REDACTED] finding that PFC [REDACTED] acted appropriately and did not assault any detainees as originally reported. MAJ [REDACTED] related the chain of commands intent was to take no action against PFC [REDACTED] as he did not commit any violations of law. (See 15-6 and ROE card for details)

b7C, b6, b4

07/15/2004 09:10

[REDACTED]  
0:01 INV

About 1100, 14 Jul 04, SA [REDACTED] briefed all aspects of this investigation to CPT [REDACTED] Staff Judge advocate, 82nd Airborne Division, FBNC wherein he provided the legal opinion that PFC [REDACTED] did not commit any violation of law and acted appropriately. CPT [REDACTED] further stated he agreed with this offices decision to unfound all offenses which PFC [REDACTED] was titled with pertaining to this investigation.

Send Investigative Report for Approval

*will Draft Final Report ASAP the turn in for Review and Dispatch.*  
*Final Report Drafted*  
*STAT & Final To SAC For Dispatch.*  
*Please CC: MAJ [REDACTED] @bragg.arm.mil*  
*when dispatching Final Report & STAT.*  
*This is CAT 1/SSI.*

15 Jul 04  
SAC Rev

Rev.  
Sent Status report.

[REDACTED] b7C, b6, b4  
AC Rev  
JUL 04

Rev. Sent Final, to CIS.  
No evidence collected.  
No 4833 required

b7C, b6, b4

Hard copies of Final w/Exhibits need to be mailed to HQUSACIDC + to 3d mp Group (through BN) due to case being CAT 7 Monitoring investigation.



## AGENT'S ACTIVITY SUMMARY

Control Number

0397-2004-L-023-67282

TIME, DATE, AND AGENT

## SUMMARY OF INVESTIGATIVE ACTIVITY

07/09/2004 15:40

0:10 INV

b7c b6

- 1 Acknowledge TC, ASAC and SAC reviews:
- 2 Obtain 15-6, ROE, SJA Coordination and add POB and close.
- 3 Corrected AIR, (remove SJA and CMD Coordinations)
- 4 Added POB
- 5 To TC for reassignment and completion of investigative leads.

b7c, b6

12 Jun

b7c b6

TC Norton

1. File assigned to SA [REDACTED]
2. complete #2 above + close

12 Jul 04

b7c b6

TC Norton

1. CPT [REDACTED] no longer at unit  
contacted him at cell # [REDACTED]  
he stated he gave 15-6  
to XO (NFI) who he would  
have to look up # for  
and contact this office  
back.

12 Jul 04

b7c b6

Contacted unit MAJ [REDACTED]  
has the 15-6 yet he is conducting field  
operations till 1200 13 Jul 04. SA [REDACTED] b7c b6  
sent an email to MAJ [REDACTED] requesting  
he contact this office. b7c, b6

## AGENTS ACTIVITY SUMMARY

(CID Regulation 195-1)

Control Number

0397-04-CI023-67282

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

25 Jun 04

b7C, b6, b1

TC Review

1. we have <sup>3</sup> witness statements that say [redacted] used the appropriate amount of force given the situation.
2. The IG report does not match the actual incident. Same unit.
3. Obtain 15-6 + ROE and close ASAP.
4. ID of Iraqi guard is R/L.
5. Get STA opinion and CDR intent ASAP.
6. TO CA for closure.

29 Jun 04

b7C, b6, b1

ASAC RUW: Concur w/TC Guidance.  
Get w/STA, then close. Don't forget  
to do STAT.

|                       |                                   |
|-----------------------|-----------------------------------|
| TIME, DATE, AND AGENT | SUMMARY OF INVESTIGATIVE ACTIVITY |
|-----------------------|-----------------------------------|

06/04/2004 09:00  
[REDACTED] b7c b61  
[REDACTED] About 0900, 4 Jun 04, SA [REDACTED] was contacted by CPT [REDACTED] Trail Counsel, 82D Airborne Division Staff Judge Advocate, Fort Bragg, NC, who related he declined to give an opinion on the case until after PFC [REDACTED] interview.

About 1035, 7 Jun 04, PFC [REDACTED] was advised of his legal rights which he waived and rendered a sworn statement detailing the events which caused him to strike the detainee. (See Rights Waiver Certificate and Sworn Statement for details)

Attempted to contact CPT [REDACTED] left mess.

About 1521, 9 Jun 04, SA [REDACTED] conducted a witness interview of SPC [REDACTED] B Co, 2/325th AIR, FBNC who related he witnessed PFC [REDACTED] strike the detainee after the detainee spat on him and tried to come to his feet in an aggressive manner. (See Sworn Statement for details)

About 1600, 9 Jun 04, SA [REDACTED] conducted a witness interview of 1LT [REDACTED] PFC [REDACTED] Platoon Leader, B Co, 2/325th AIR, FBNC who related he witnessed PFC [REDACTED] strike the detainee after the detainee refused to keep quiet, remain on his knees as instructed and attempt to come to his feet in an aggressive manner. 1LT [REDACTED] related PFC [REDACTED] was justified in his actions and under the circumstances showed much restraint in dealing with the situation (See Sworn Statement for details)

About 1610, 9 Jun 04, SA [REDACTED] briefed CPT [REDACTED] on the aspects of this investigation.

About 1620, 9 Jun 04, SA [REDACTED] briefed CPT [REDACTED] 15-6 Investigating Officer, HHC, 2/325th AIR, FBNC on the aspects of this investigation and provided him with all related sworn statements pertaining to this investigation.

AGENT'S COMMENTS: CPT [REDACTED] related he would provide this office with any documentation regarding striking a detainee and the Rules of Engagement followed by the battalion while deployed.

Attempted to contact CPT [REDACTED] left mess  
CRC Name Check Requested for [REDACTED]

06/11/2004 15:56

0:01 ADM b7c b61

06/11/2004 15:59

0:01 INV b7c b61

06/11/2004 16:01

0:01 INV b7c b61

06/11/2004 16:05

1:00 IA b7c b61

Recorded data pertaining to [REDACTED]

Recorded data pertaining to [REDACTED]

Updated case, typed AIR to TC for review and reassignment.

b7c, b61

b7c, b61

|                          |                                   |                                 |
|--------------------------|-----------------------------------|---------------------------------|
| AGENT'S ACTIVITY SUMMARY |                                   | Control Number 0397-2004-CID023 |
| TIME, DATE, AND AGENT    | SUMMARY OF INVESTIGATIVE ACTIVITY |                                 |

06/03/2004 18:15

Recorded data pertaining to Unknown,

0:01 INV

b7C, b64

[REDACTED] b7C b64

Rev.

SAC Rev

sent initial

3 Jan 04

Send lead to Iraq to ~~attempt to identify~~ the security guards after we found and interviewed [REDACTED]

Get with personnel in the office & see if they have copy of regulation regarding hitting detainees.

7 Jun 04

CIL REVIEW, TOTIC

[REDACTED]  
b7C b64

b7C, b64

|                          |                                   |                                 |
|--------------------------|-----------------------------------|---------------------------------|
| AGENT'S ACTIVITY SUMMARY |                                   | Control Number 0397-2004-CID023 |
| TIME, DATE, AND AGENT    | SUMMARY OF INVESTIGATIVE ACTIVITY |                                 |

06/02/2004 13:00

1:00 INV

b7C b61

BASIS FOR INVESTIGATION: This investigation was initiated upon notification from HQ, U.S. Army Criminal Investigation Command, Inspector General's Office reported SFC [REDACTED] Headquarters and Headquarters Company, (HHC), 2D Battalion, 325th Infantry Regiment, Fort Bragg, NC 28310 (FBNC) reported he witnessed a detainee being struck by a soldier while deployed to Iraq.

b7C, b64

Preliminary investigation revealed while on a search for weapons mission of a Baddad warehouse. PVT [REDACTED] platoon encountered approximately 5 security guards with weapons who were performing security on the warehouse. The platoon entered the building and secured the warehouse facility. Upon completion of detainment, the security guards were escorted outside to a more secure environment according to SOP. While outside the guards were ordered to take a knee or sit down and be quiet. One security guard began to get loud and aggressive in Arabic and came to his feet. While coming to his feet in a aggressive manner, with his hands behind his head, the guard spit on PVT [REDACTED]. PVT [REDACTED] reacted with a right back hand strike to the top of the guards head.

b7C b65

b7C b65

About 0830, 3 Jun 04, SA [REDACTED] attempted to contact SFC [REDACTED] but met with negative results. Left mess with the Staff Duty.

b7C b6-1

About 1330, 3 Jun 04, SA [REDACTED] conducted a witness interview of SFC [REDACTED] who related he witnessed PVT [REDACTED] strike a detainee upon the head with a right back hand. He related he did not think PVT [REDACTED] intended to abuse the detainee but reacted to the aggression of the detainee. (See Sworn Statement for details)

b7C b6-1

Case Initiation

06/03/2004 09:15

0:01 INV

b7C b6-2

06/03/2004 15:00

0:30 INV

06/03/2004 15:41

0:01 INV

06/03/2004 15:41

0:01 ADM

06/03/2004 16:05

0:01 INV

06/03/2004 16:05

0:01 ADM

06/03/2004 17:00

0:01 INV

06/03/2004 17:37

0:01 INV

b7C b6-2

About 1500, 3 Jun 04, SA [REDACTED] updated CPT [REDACTED] Commander, B 2/35th on the aspects of this investigation.

b7C b6-1

SA [REDACTED] requested personnel data information on PFC [REDACTED] Recorded data pertaining to [REDACTED]

b7C b6-1

CRC Name Check Requested for: [REDACTED]

Recorded data pertaining to [REDACTED]

CRC Name Check Requested for: [REDACTED]

Recorded data pertaining to UNKNOWN,

Recorded data pertaining to UNKNOWN,

b7C, b64

AUTHORITY:

Title 10, United States Code Section 3012 (g)

DATA REQUIRED BY PRIVACY ACT

ROUTINE USES: Your social security number and other personal information are used as an additional/alternate means of identification to facilitate and retrieve

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security # is voluntary

0397-04-CID 023 67282

|              |                 |          |                 |             |               |          |            |          |          |
|--------------|-----------------|----------|-----------------|-------------|---------------|----------|------------|----------|----------|
| 1. Rec Code: | 2. Action Code: | 3. Date: | 4. Rel to Case: | 5. Control: | 6. Sequence # | 7. Year: | 8. Office: | 9. ROI # | Offense: |
|--------------|-----------------|----------|-----------------|-------------|---------------|----------|------------|----------|----------|

INDIVIDUAL DATA

|                             |  |  |                             |  |  |                               |  |  |                        |  |  |
|-----------------------------|--|--|-----------------------------|--|--|-------------------------------|--|--|------------------------|--|--|
| 10. Last Name:              |  |  | 11. First Name:             |  |  | 12. Middle Name:              |  |  | 13. Grade/Rank:        |  |  |
| 14. Social Security Number: |  |  | 15. Other ID Number:        |  |  | 16. Date of Birth:            |  |  | 17. POB City:          |  |  |
| 18. POB St:                 |  |  | 19. POB Zip:                |  |  | 20. Sex:                      |  |  | 21. Race:              |  |  |
| 22. Ethnic:                 |  |  | 23. Height:                 |  |  | 24. Weight:                   |  |  | 25. Hair:              |  |  |
| 26. Eye Color:              |  |  | 27. Citizen:                |  |  | 28. Educ:                     |  |  | 29. Prior Record:      |  |  |
| 30. Marital:                |  |  | 31. MOS:                    |  |  | 32. Job Description/Location: |  |  | 33. MC:                |  |  |
| 34. Security Clr:           |  |  | 35. Physical Marks/Tattoos: |  |  | 36. Spouse Military:          |  |  | 37. Branch:            |  |  |
| 38. Alias/Nicknames:        |  |  | 39. Alias/Nicknames:        |  |  | 40. Unit/ Organization:       |  |  | 41. Unit Phone Number: |  |  |
| 42. Military Service:       |  |  | 43. Sub Unit:               |  |  | 44. Forw/ City:               |  |  | 45. State:             |  |  |
| 46. Country:                |  |  | 47. Zip Code APO:           |  |  | 48. Home Address:             |  |  | 49. City:              |  |  |
| 50. State:                  |  |  | 51. Country:                |  |  | 52. Zip Code APO:             |  |  | 53. JLV:               |  |  |
| 54. Family Rel:             |  |  | 55. Last Name:              |  |  | 56. First Name:               |  |  | 57. Middle Name:       |  |  |
| 58. Social Security:        |  |  | 59. Grade/Rank:             |  |  | 60. MC:                       |  |  | 61. Unit:              |  |  |
| 62. City:                   |  |  | 63. State:                  |  |  | 64. ZIP/APO:                  |  |  | 65. Phone:             |  |  |
| 66. Wk:                     |  |  | 67. Hm:                     |  |  | 68. Offense Code:             |  |  | 69. UFC:               |  |  |
| 70. Offense Code:           |  |  | 71. LFC:                    |  |  | 72. Offense Code:             |  |  | 73. UFC:               |  |  |

|                         |  |  |                        |  |  |                       |  |  |                   |  |  |
|-------------------------|--|--|------------------------|--|--|-----------------------|--|--|-------------------|--|--|
| 40. Unit/ Organization: |  |  | 41. Unit Phone Number: |  |  | 42. Military Service: |  |  | 43. Sub Unit:     |  |  |
| 44. Forw/ City:         |  |  | 45. State:             |  |  | 46. Country:          |  |  | 47. Zip Code APO: |  |  |
| 48. Home Address:       |  |  | 49. City:              |  |  | 50. State:            |  |  | 51. Country:      |  |  |
| 52. Zip Code APO:       |  |  | 53. JLV:               |  |  | 54. Family Rel:       |  |  | 55. Last Name:    |  |  |
| 56. First Name:         |  |  | 57. Middle Name:       |  |  | 58. Social Security:  |  |  | 59. Grade/Rank:   |  |  |
| 60. MC:                 |  |  | 61. Unit:              |  |  | 62. City:             |  |  | 63. State:        |  |  |
| 64. ZIP/APO:            |  |  | 65. Phone:             |  |  | 66. Wk:               |  |  | 67. Hm:           |  |  |

|                      |  |  |                                  |  |  |                                  |  |  |                                |  |  |
|----------------------|--|--|----------------------------------|--|--|----------------------------------|--|--|--------------------------------|--|--|
| 68. Offense Code:    |  |  | 69. UFC:                         |  |  | 70. Offense Code:                |  |  | 71. LFC:                       |  |  |
| 72. Offense Code:    |  |  | 73. UFC:                         |  |  | 74. Category:                    |  |  | 75. Type:                      |  |  |
| 76. Recovered:       |  |  | 77. Value:                       |  |  | 78. Insurer:                     |  |  | 79. Policy:                    |  |  |
| 80. Year/Date Expir: |  |  | 81. Model:                       |  |  | 82. Vehicle Style:               |  |  | 83. # of Doors:                |  |  |
| 84. Color:           |  |  | 85. Size:                        |  |  | 86. VLN:                         |  |  | 87. License Plate:             |  |  |
| 88. State:           |  |  | 89. DOD Decal Number:            |  |  | 90. Date / Time Interview START: |  |  | 91. Date / Time Interview END: |  |  |
| 92. Disposition:     |  |  | 93. Place of Interview:          |  |  | 94. Telephone:                   |  |  | 95. ETS:                       |  |  |
| 96. PCS/DEROS:       |  |  | 97. Date / Time Interview START: |  |  | 98. Date / Time Interview END:   |  |  | 99. Disposition:               |  |  |

|                                   |  |  |                                 |  |  |                          |  |  |                                   |  |  |
|-----------------------------------|--|--|---------------------------------|--|--|--------------------------|--|--|-----------------------------------|--|--|
| 96. Offense Code:                 |  |  | 97. UFC:                        |  |  | 98. Offense Code:        |  |  | 99. UFC:                          |  |  |
| 100. Offense Code:                |  |  | 101. LFC:                       |  |  | 102. Offense Code:       |  |  | 103. UFC:                         |  |  |
| 104. Category:                    |  |  | 105. Type:                      |  |  | 106. Recovered:          |  |  | 107. Value:                       |  |  |
| 108. Insurer:                     |  |  | 109. Policy:                    |  |  | 110. Year/Date Expir:    |  |  | 111. Model:                       |  |  |
| 112. Vehicle Style:               |  |  | 113. # of Doors:                |  |  | 114. Color:              |  |  | 115. Size:                        |  |  |
| 116. VLN:                         |  |  | 117. License Plate:             |  |  | 118. State:              |  |  | 119. DOD Decal Number:            |  |  |
| 120. Date / Time Interview START: |  |  | 121. Date / Time Interview END: |  |  | 122. Disposition:        |  |  | 123. Place of Interview:          |  |  |
| 124. Telephone:                   |  |  | 125. ETS:                       |  |  | 126. PCS/DEROS:          |  |  | 127. Date / Time Interview START: |  |  |
| 128. Date / Time Interview END:   |  |  | 129. Disposition:               |  |  | 130. Place of Interview: |  |  | 131. Telephone:                   |  |  |

|                                   |  |  |                                 |  |  |                          |  |  |                                   |  |  |
|-----------------------------------|--|--|---------------------------------|--|--|--------------------------|--|--|-----------------------------------|--|--|
| 124. Telephone:                   |  |  | 125. ETS:                       |  |  | 126. PCS/DEROS:          |  |  | 127. Date / Time Interview START: |  |  |
| 128. Date / Time Interview END:   |  |  | 129. Disposition:               |  |  | 130. Place of Interview: |  |  | 131. Telephone:                   |  |  |
| 132. Category:                    |  |  | 133. Type:                      |  |  | 134. Recovered:          |  |  | 135. Value:                       |  |  |
| 136. Insurer:                     |  |  | 137. Policy:                    |  |  | 138. Year/Date Expir:    |  |  | 139. Model:                       |  |  |
| 140. Vehicle Style:               |  |  | 141. # of Doors:                |  |  | 142. Color:              |  |  | 143. Size:                        |  |  |
| 144. VLN:                         |  |  | 145. License Plate:             |  |  | 146. State:              |  |  | 147. DOD Decal Number:            |  |  |
| 148. Date / Time Interview START: |  |  | 149. Date / Time Interview END: |  |  | 150. Disposition:        |  |  | 151. Place of Interview:          |  |  |
| 152. Telephone:                   |  |  | 153. ETS:                       |  |  | 154. PCS/DEROS:          |  |  | 155. Date / Time Interview START: |  |  |
| 156. Date / Time Interview END:   |  |  | 157. Disposition:               |  |  | 158. Place of Interview: |  |  | 159. Telephone:                   |  |  |

|                                   |  |  |                                 |  |  |                          |  |  |                                   |  |  |
|-----------------------------------|--|--|---------------------------------|--|--|--------------------------|--|--|-----------------------------------|--|--|
| 152. Telephone:                   |  |  | 153. ETS:                       |  |  | 154. PCS/DEROS:          |  |  | 155. Date / Time Interview START: |  |  |
| 156. Date / Time Interview END:   |  |  | 157. Disposition:               |  |  | 158. Place of Interview: |  |  | 159. Telephone:                   |  |  |
| 160. Category:                    |  |  | 161. Type:                      |  |  | 162. Recovered:          |  |  | 163. Value:                       |  |  |
| 164. Insurer:                     |  |  | 165. Policy:                    |  |  | 166. Year/Date Expir:    |  |  | 167. Model:                       |  |  |
| 168. Vehicle Style:               |  |  | 169. # of Doors:                |  |  | 170. Color:              |  |  | 171. Size:                        |  |  |
| 172. VLN:                         |  |  | 173. License Plate:             |  |  | 174. State:              |  |  | 175. DOD Decal Number:            |  |  |
| 176. Date / Time Interview START: |  |  | 177. Date / Time Interview END: |  |  | 178. Disposition:        |  |  | 179. Place of Interview:          |  |  |
| 180. Telephone:                   |  |  | 181. ETS:                       |  |  | 182. PCS/DEROS:          |  |  | 183. Date / Time Interview START: |  |  |
| 184. Date / Time Interview END:   |  |  | 185. Disposition:               |  |  | 186. Place of Interview: |  |  | 187. Telephone:                   |  |  |

NOTES:  
LOCAL

b7c, b6, b4

# INVESTIGATIVE REPORT

AUTHORITY:

Title 10, United States Code Section 3012 (g)

DATA REQUIRED BY PRIVACY ACT

ROUTINE USES: Your social security number and other personal information are used as an additional means of identification to facilitate and retrieval.

0397-04-0023-67282

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security # is voluntary

|                             |                               |             |                   |                             |                      |                      |                      |                      |                      |
|-----------------------------|-------------------------------|-------------|-------------------|-----------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 1. Rec Code:                | 2. Action Code:               | 3. Date:    | 4. Rel to Case:   | 5. Control:                 | 6. Sequence #        | 7. Year:             | 8. Office            | 9. ROI #             | Offense:             |
| 10. Last Name:              |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 11. First Name:             |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 12. Middle Name:            |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 13. Grade/Rank:             |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 14. Social Security Number: |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 15. Other ID Number:        |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 16. Date of Birth:          |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 17. POB City:               |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 18. POB St:                 |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 19. POB Zip:                |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 20. Sex:                    | 21. Race:                     | 22. Ethnic: | 23. Height:       | 24. Weight:                 | 25. Hair:            | 26. Eye Color:       | 27. Citizen:         | 28. Educ:            | 29. Prior Record:    |
| 30. MOS:                    | 31. Job Description/Location: | 32. MC:     | 33. Security Clr: | 34. Physical Marks/Tattoos: | 35. Spouse Military: | 36. Spouse Military: | 37. Spouse Military: | 38. Spouse Military: | 39. Spouse Military: |
| 37. Alias/Nicknames:        |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 38. Alias/Nicknames:        |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 39. Alias/Nicknames:        |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 40. Unit/ Organization:     |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 41. Unit Phone Number:      |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 42. Military Service:       |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 43. Sub Unit:               |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 44. Fort/City:              |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 45. State:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 46. Country:                |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 47. Zip Code APO:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 48. Home Address:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 49. City:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 50. State:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 51. Country:                |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 52. Zip Code APO:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 53. JLV:                    |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 54. Family Rel:             |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 55. Last Name:              |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 56. First Name:             |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 57. Middle Name:            |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 58. Social Security:        |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 59. Grade/Rank:             |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 60. MC:                     |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 61. Unit:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 62. City:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 63. State:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 64. ZIP/APO:                |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 65. Phone:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 66. Offense Code:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 67. UFC:                    |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 68. Offense Code:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 69. UFC:                    |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 70. Offense Code:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 71. LFC:                    |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 72. Offense Code:           |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 73. UFC:                    |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 74. Category:               |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 75. Type:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 76. Recovered:              |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 77. Value:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 78. Insurer:                |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 79. Year:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 80. Make:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 81. Model:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 82. Vehicle Style:          |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 83. # of Doors:             |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 84. Color:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 85. Size:                   |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 86. VIN:                    |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 87. License Plate:          |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 88. State:                  |                               |             |                   |                             |                      |                      |                      |                      |                      |
| 89. DOD Decal Number:       |                               |             |                   |                             |                      |                      |                      |                      |                      |

NOTES:  
Insel Design

LAST HIV TEST:

3D FORM 44R...Online version.

FHTX, 1999

12

01835

