

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: KBR
2. DATE: 01 Jan 06
3. TIME: 1500
4. FILE NO.
5. NAME (Last, First, MI): [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: E-3/E. Moran

EXL

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 HHC, 2-327 IN and wanted to question me about the following offense(s) of which I am suspected/accused: FOF Reken Amc [Redacted]

EXB

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

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

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

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

- or -

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

EXB

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

3. SIGNATURE OF INTERVIEWEE

EXB

b. ORGANIZATION OR ADDRESS AND PHONE

4. SIGNATURE OF INVESTIGATOR

B Co 2/327 1 BCT

2a. NAME (Type or Print)

5. TYPED NAME OF INVESTIGATOR

EXB

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR

HHC, 2-327 IN

HHC, 2-327 IN

Section C. Non-waiver

1. I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

EX2
EX6
EX6

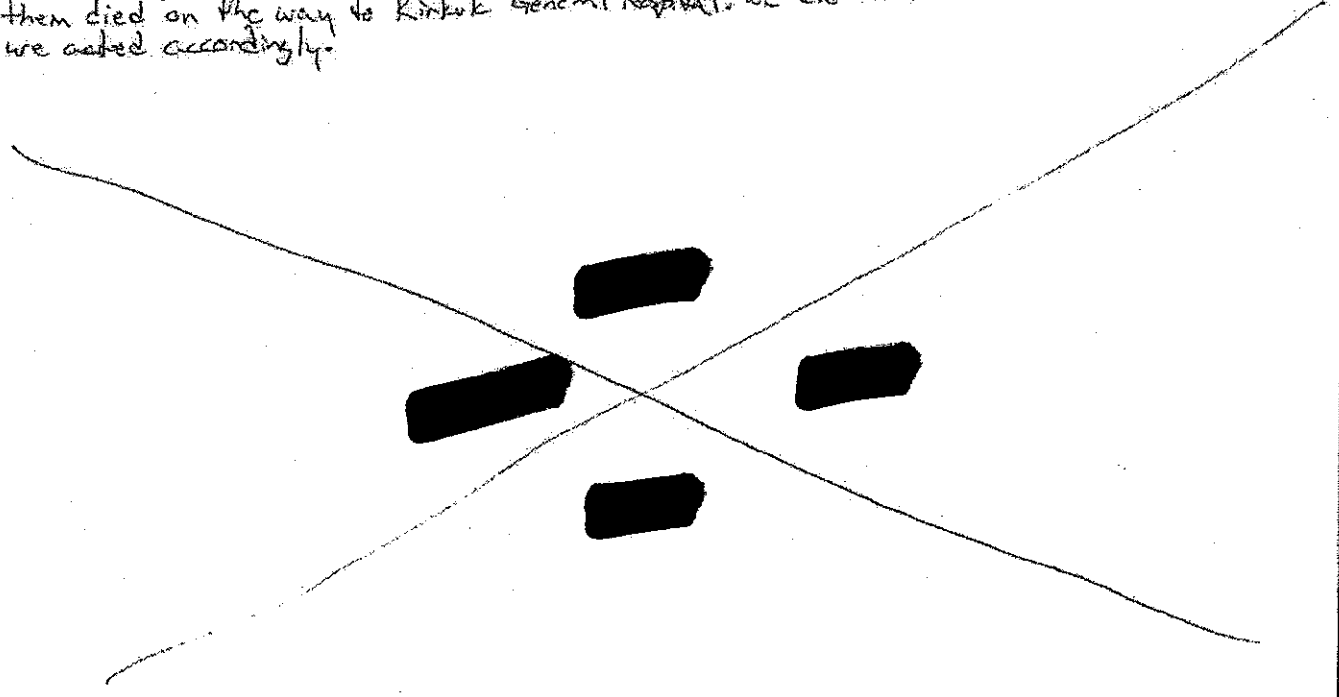
1. LOCATION
2. DATE (YYYYMMDD) 2006 Jan, 01 1500
3. TIME
4. FILE NUMBER
5. LAST NAME (LAST NAME)
6. SSN
7. GRADE/STATUS E-3 / Rifleman
8. ORGANIZATION OR ADDRESS B Co 2/327 1 BCT

EX6
EX6

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

We were trying to help the Iraqi Police contain a riot near their building to prevent anything from happening to them and ourselves. We pulled onto a side street to flank the rioters and to hopefully secure the area better. About a half hour after our arrival a white four door car traveling south ignored our commands to stop and given the current situation at the time, [REDACTED] engaged the vehicle and myself and the rest of soldiers present began to engage. Given the situation, rocks being thrown at us consistently, fires in the streets, and anything that they could get their hands on being placed in the middle of the streets to stop us, we took the necessary actions to maintain our personal security. Three people were shot, one in the vehicle and two across the street from our location. The driver died on the scene and the other two were brought to our location where our medics and GFF personnel treated them. One of them died on the way to Kirkuk General Hospital. We did what we were trained to do and we acted accordingly.

EX6
EX6



10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF _____ PAGES

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

9. STATEMENT (Continued)

[The main body of the statement is crossed out with a large 'X' and contains several blacked-out redactions.]

206

AFFIDAVIT

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

(Signature of Person Making Statement)

EX6

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

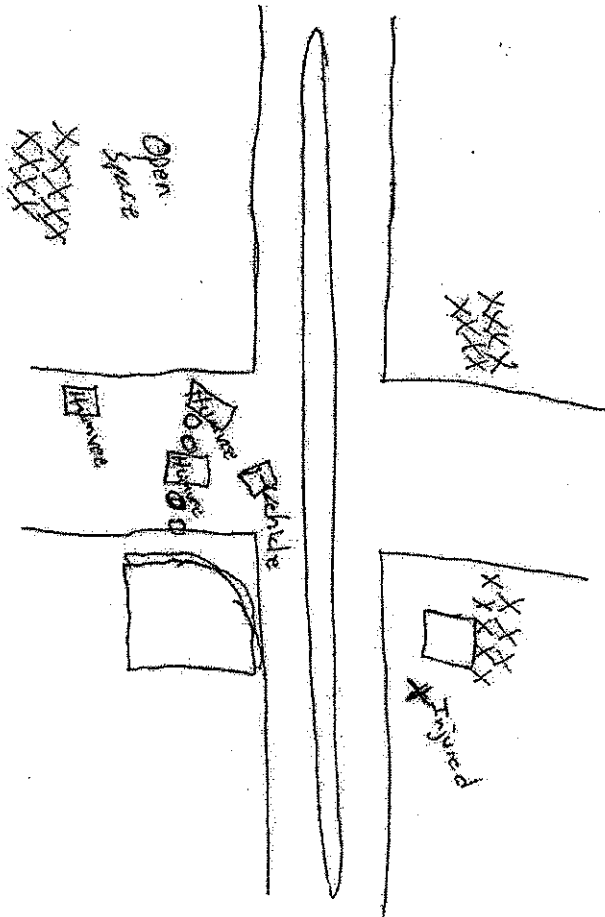
EX6

INITIALS OF PERSON MAKING STATEMENT _____

PAGE OF PAGES



026



EXG

[REDACTED] → [REDACTED] (Patrol L DE)

- move to gain better of situation
- turned cars around previously
- crowd tried to stop cars

EXG

[REDACTED] fired first

fire 22-25 rds 3-5 seconds

- pissed off b/c people were throwing stuff - hysterical
- car ignored (crowd)

yelled at him

- did what had to do (protect myself)

- fired at hood

- 2-3 mins afterward

○ - saw on street victim fall down

- rocks being thrown @ CF

EXG

- worked on sucking chest wound w/ [REDACTED]

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ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION KPB	2. DATE 1 Jan 06	3. TIME 1500	4. FILE NO.
5. [REDACTED]	8. ORGANIZATION OR ADDRESS 2nd Plt B Co 2/327 Inf		
6. [REDACTED]	7. GRADE/STATUS E7 / GVARACC		

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 HHC, 2-327 and wanted to question me about the following offense(s) of which I am suspected/accused: EGF (Behavior Area Brief)

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

- 1. I do not have to answer any question or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. 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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]	EXC
b. ORGANIZATION OR ADDRESS AND PHONE	2nd Plt B Co 2/327 Inf	4. SIGNATURE OF INVESTIGATOR	[REDACTED] EXC
2a. NAME (Type or Print)	[REDACTED] 1LT, FA	5. TYPED NAME OF INVESTIGATOR	[REDACTED] 1LT EXC
b. ORGANIZATION OR ADDRESS AND PHONE	HHC, 2-327 IN [REDACTED]	6. ORGANIZATION OF INVESTIGATOR	HHC, 2-327

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
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THE WAIVER

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COMMENTS *(Continued)*

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 2006 01 01 3. TIME 1500 4. FILE NUMBER
5. LAST NAME - FIRST NAME - MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E7 / GUNNER
8. ORGANIZATION OR ADDRESS 2nd Plt B Co 2/327 Inf

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

We, 2nd Plt, 3rd Sqd, responded to a riot at Bahemama. Around 1500 we were received by 2nd Sqd and moved to flank behind the rioters. We pulled up in a side street behind the main body of the riot and were immediately hit with rocks. My position was the rear gunner on the 50 Cal and I was hit twice by rocks from the open area to the right. I heard the squad behind me yelling "Kief" and "Stop" to a white car approaching our position. When the car got to approximately 10-15 meters of the lead truck I heard the squad begin to fire on the car. I turned around to see the last few rounds impact the car and [redacted] yelling to cease fire. I then turned back around and continued to pull rear security.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

EX 6

STATEMENT OF [REDACTED] TAKEN AT Kirkuk Hotel Base DATED 01 Jan 06

9. STATEMENT (Continued)

EX 6

[REDACTED] was then pulled out of my truck to administer first aid to two young men who were injured in the shooting. I could not see who all worked on the Iraqis because I was pulling rear security on the crowd that had gathered and began to throw rocks again. After 15-20 minutes the leadership decided to take the casualties to Kirkuk General Hospital in our Humvees. The Iraqi that was put in my truck died on the way to the hospital. We arrived at Kirkuk General and down loaded both bodies and continued back to the riot scene.

[REDACTED]

EX 6

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

EX6

STATEMENT OF

[REDACTED]

TAKEN AT Alsek Patrol Base DATED 01 Jan 06

9. STATEMENT (Continued)

EX6

[REDACTED STATEMENT CONTENT]

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

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

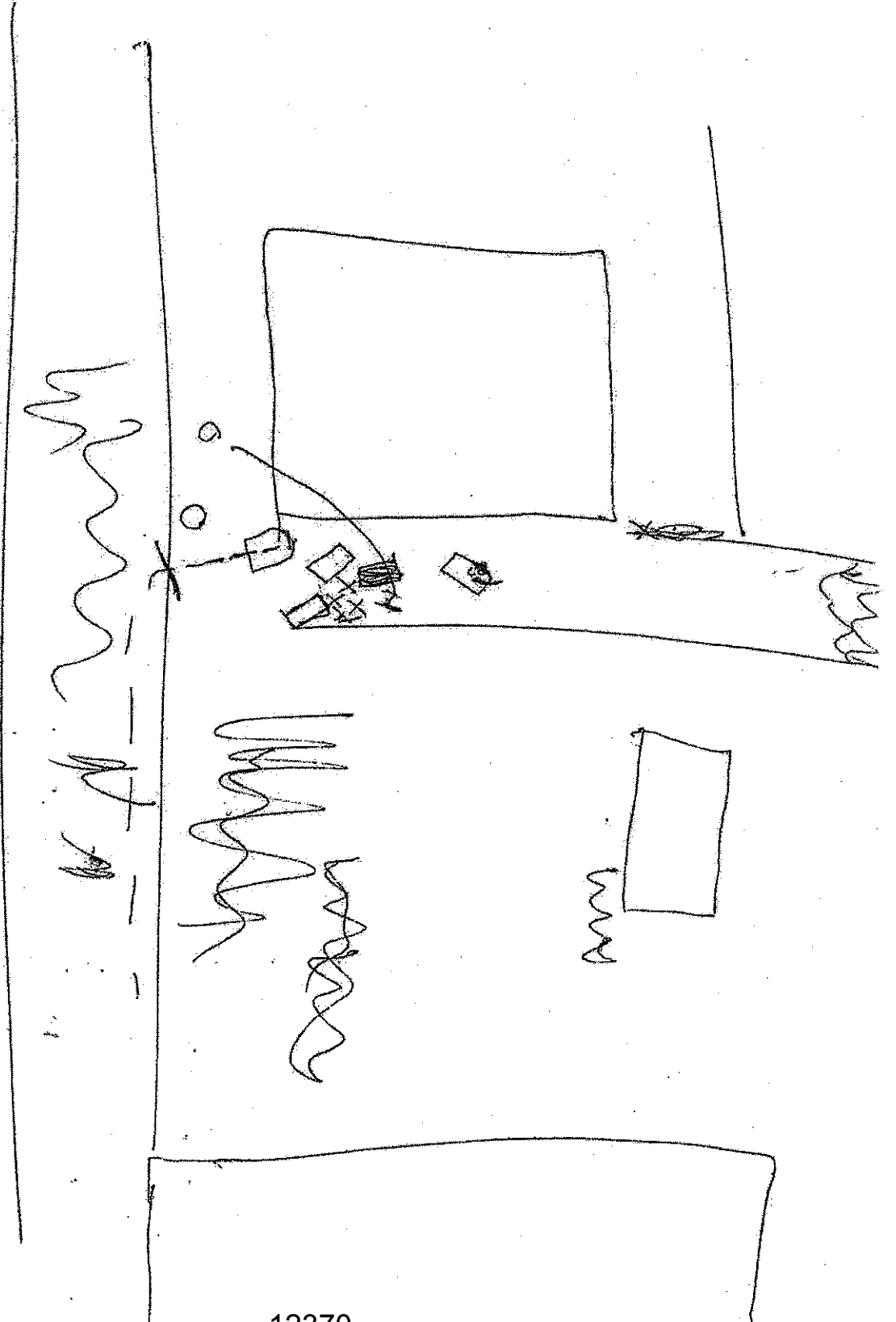
ORGANIZATION OR ADDRESS

[REDACTED AUTHORITY]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

EX6



DAB

12370

[REDACTED]

- did not fire

[REDACTED]

- Throwing rocks

- sgd yelled vehicle to stop

- 15m when fired

[REDACTED]

- 150 rds fired - for 20 sec.

- crowd was yelling to stop

- notice young men hurt - LNs brought to position

Springs / goggles

- Iraqi cutting shirt

[REDACTED]

soaking chest wound

- 20 mins before near 20 bGD

called for FMLA : civilian ambulances