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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately 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 FORT CAMPBELL, KY 42223 2. DATE (YYYYMMDD) 20040712 3. TIME 1435 4. FILE NUMBER
 7. GRADE/STATUS W2/ACTIVE
 5. ORGANIZATION OR ADDRESS ODA 531, 5th SFG, FORT CAMPBELL, KY 42223

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

I was involved in a interrogation of a detainee in an adjoining room. After I was finished I talked to [REDACTED] in the hallway about General Mahowish. We came up with the tactic to place a large number of people in the room [REDACTED]

[REDACTED] 12-15 persons entered the room and began asking questions. General Mahowish stood up at this time. [REDACTED]

[REDACTED] General Mahowish was also being slapped and hit after the yelling began. General Mahowish fell to the floor shortly after the yelling and hitting began. When General Mahowish went down [REDACTED]

[REDACTED] I went forward with the intent to hold the General down; still. I placed my hands on his [REDACTED] and his waist. If I felt this.

10. EXHIBIT

PAGE 1 OF 00 PAGESADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]

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

DATED

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resistance or movement from him I would hit or
exert more force to his midsection. [REDACTED]

[REDACTED] leg free. I stood up and
pushed away from the General.

While I was down, there was a flurry of
motion around me. I was hit and pushed in the
back as others came forward to subdue the
General. During these moments the General was
hit and pressure was ~~was~~ placed. I do not
know how long this scuffle took.

After a stood up I looked at [REDACTED] and we both shook
our heads. The interrogation was over at this time.
Two guards escorted General Mahowish back to
the holding area, 200 meters away. General Mahowish
and his two escorts walked past 3 ACR Commander
and a camera man with a large T.V. camera.

There were foam pipe insulation present in the
room. I am sure that these were used during
the scuffle. [REDACTED]

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Q: I cannot place a name to the person holding these foamies. I believe the entire incident lasted 10-15 minutes.

Q: Did you hit Mahowash during the interrogation?

A: No

Q: [redacted]

A: [redacted]

Q: Did you see anyone hit Mahowash with the black foamie during interrogation?

A: No

Q: [redacted]

A: [redacted]

Q: [redacted]

A: yes

Q: Did any US personnel hit Mahowash during interrogation?

A: NO.

Q: How long did the physical part of the interrogation last?

A: 5 to 6 minutes.

Q: Who else was present in the room?

A: [redacted] myself, [redacted] [redacted] [redacted] The following were in

the hallway and asked to come in. I do not know

their exact placement. [redacted], 2 SACE guards.

Q: Did you draw a sketch depicting the approximate locations of the personnel involved in the Mahowash interrogation during this interview?

A: yes. [redacted]

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Q. Prior to Mowhoush kicking, was he being assaulted?
 A. The General was being hit by the persons around him with open and closed hands.

The General was not responding to any of the questions.

1. Where was Mowhoush being hit?

1. Above the waistline.

2. Was Mowhoush being hit as a means of obtaining information?

1. Yes.

2. The conversation was between Lue and myself. Once the decision was made

1. No.

2. After he went to the floor.

1. Did you ever see anyone else strike a detainee as a means of obtaining information?

1. After he went to the floor.

1. Did you ever see anyone else strike a detainee as a means of obtaining information?

A. No, I had slapped a detainee to show that I

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APPROVED FOR RELEASE DATE: 05-56

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his was an open ~~hand~~ hand slap, not forceful.

This happened on three different occasions

Q. Will any of your team members strike Mowhouse at any time?

A. No. not prior to the General going down. After he went down Aaron ~~assaulted~~ helped hold him down, to my right.

Q. Why is this statement different than your previous statements?

A. I do not want information to be added to or made to be worse than stated. It has been my experience that words can be twisted and the true meaning lost.

Q. How have you been treated during this interview?

A. As a soldier.

Q. Have you been offered the opportunity to eat and use the latrine?

A. Yes.

Q. Is there anything you would like to add to this statement?

A. No. /// END OF STATEMENT ///

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STATEMENT (Continued)

NOT USED

AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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 UNDER THE THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 12th day of July, 2004.

87th MP Det (CIB), Fort Bragg, NC
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4)

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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"CIVIS"

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CID - SA-3958
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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Fort Campbell, KY 42223 **DATE:** 12 JUL 09 **TIME:** 0900, [redacted]
FILE NUMBER: 00027-03-CID679-64999-5H1
NAME (Last, First MI): [redacted] **GRADE/STATUS:** W2/Active
ORGANIZATION OR ADDRESS: Operations Detachment Alpha (ODA) 531, 5th Special Forces Group, Fort Campbell, KY 42223

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/ [redacted]: Aggravated Assault; Conspiracy; Misprision of a Serious Offense; False Official Statement; False Swearing// [redacted]

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 questions 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.

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:** Have you ever been advised of your legal rights and requested legal counsel? NO, [redacted]

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.

87th MP Det (CID), Fort Bragg, NC
 Witness# 2

Signature of Witness

1000TH MP BN (CID)
FORT CAMPBELL, KY 42223

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

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