

SECRET(b)(6)
(b)(7)(c)(b)(1)
(b)(3)

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FORT CAMPBELL, KY 42223	DATE 10 JUL 04	TIME 2235	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME			GRADE/STATUS E6/ACTIVE
ORGANIZATION OR ADDRESS OPERATIONS DETACHMENT ALPHA (DDA), 515/5TH SPECIAL FORCES GROUP (SFG)			
I, [REDACTED] , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
I WASST ATTACHED TO DDA 531 AFTER HEARING A RADIO MSG THAT MY FRIEND SFC [REDACTED] HAD BEEN SERIOUSLY WOUNDED IN ACTION. ON APPROX. 3 DAYS BEFORE THE DEATH OF GEN MAHOWESH MYSELF AND SSG [REDACTED] HAD TO RETURN TO THE TRAIN STATION TO PICK UP SOME EQUIPMENT ON THE WAY BACK TO THE DETENTION FACILITY WE WERE INTERCEPTED BY TWO UH-60 GUNSHIPS WHICH DESPITE OUR RECOGNITION SYMBOLS BEING DISPLAYED AIM THEIR WEAPONS AT US AND PROCEEDED TO FOLLOW US TO THE DETENTION FACILITY. AT THIS TIME I ASSISTED IN A COUPLE OF INTERVIEWS. AT THE END OF THE LAST INTERVIEW MYSELF AND [REDACTED] WALK DOWN THE HALL TO SEE IF THERE WERE ANY OTHER INTERVIEWS GOING ON AT WHICH TIME WE WALKED IN ON GEN. MAHOWESH BEING INTERVIEWED [REDACTED] IN ONE OF THE LARGER ROOMS. THIS ROOM WAS FILLED WITH PEOPLE THE GEN AT THIS TIME WAS STANDING AGAINST A WALL AND WAS BEING ASKED QUESTIONS BY [REDACTED] WHO WERE HITTING HIM IN THE FACE AND MIDSECTION AND ALSO IN THE THIGHS THE TALLER [REDACTED] A RUBBER HOSE IN HIS HAND, THEY CONTINUED TO ASK QUESTIONS AND SLAP THE GEN IN THE FACE AND STRIKE IN THE MIDSECTION. SOME ONE THEN SAID FOR THEM TO SIT HIM DOWN AT WHICH TIME THE GEN TOOK APPROX 4 STEPS AND THEN DROPPED TO THE GROUND WHEN THEY TRIED TO HELP HIM TO HIS FEET HE KICKED IN AN ATTEMPT TO HIT SOMEONE AT WHICH TIME HE GOT RUSHED BY EVERYONE AND WAS ALSO STRUCK BY THE HOSE THE HE WAS TAKEN BACK OUT TO HIS PEN. Q: [REDACTED] A: [REDACTED] Q: Did you strike Gen Mowhoush? A: NO Q: Describe [REDACTED] you saw hitting Mowhoush?			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 4 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2823

SUPERSEDES DA FORM 100-1, JAN 62, WHICH WILL BE USED.

SECRET

DOA 71-1

DATED
10 JUL 04

~~SECRET~~

Q: Why was Mowhoush being struck?

A: FROM WHAT I SAW BECAUSE HE WAS GIVING THEM THE WRONG ANSWERS
Q: Were they hitting him as part of the interrogation?

A: FROM WHAT I COULD TELL YES

Q: How were [redacted] hitting Mowhoush?

A: OPEN HAND SLAP TO FACE, CLOSED FIST TO MIDSECTION, KNEES TO THE THIGH AREA

Q: How many times did they hit Mowhoush?

A: AT LEAST A DOZEN IN AROUND 5-10 MIN

Q: Did [redacted] hit Mowhoush about the same number of times?

A: YES

Q: Was anyone giving [redacted] instructions?

A: NO

Q: Did anyone else strike Mowhoush as part of interrogation?

A: NO

Q: Who was in the room with you?

A: CW2 [redacted] [redacted] HEAVY SET WOMAN [redacted] GEN. MAHOWISH

Q: How many people were in the room?

A: AT LEAST 15

Q: What happened when Mowhoush kicked out?

A: EVERYONE WHO WAS IN THE ROOM RAN OVER TO GET HIM

Q: Who did you see go over to get the General?

A: COULDN'T SEE IT WAS A BIG CROWD AND ALL I SAW WERE BACKS

Q: What types of blows did Mowhoush receive while he was being subdued?

A: I SAW THE HOSE SO I KNOW HE WAS HIT WITH THAT AND HE GOT KICKED
BUT I COULD NOT TELL WHO WAS DOING WHAT BECAUSE OF ALL THE PEOPLE

Q: How long did it take to subdue Mowhoush?

A: LESS THAN A MIN.

Q: What happened immediately after that [redacted]

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71-2
DOA-

~~SECRET~~DATED
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A: MYSELF AND OTHERS HELPED HIM TO HIS FEET AND THE GUARDS LED HIM
OUT TO HIS PEN.
Q: Was Mowhoush yelling in pain when []
were hitting him?

A: DON'T REMEMBER

Q: How hard were [] hitting Mowhoush?

A: MODERATE, HARD ENOUGH TO GET A RESPONSE BUT NOT HARD ENOUGH TO KNOW
OUT

Q: Why didn't you hit Mowhoush?

A: BECAUSE EVERYONE BEAT ME TO IT

Q: Why were you not entirely honest in your previous
statements?

A: OPSEC, I WASN'T SURE WHAT COULD BE SAID ABOUT []

Q: Did you see [] OR [] hit Mowhoush?

A: NO

Q: Did you kick Mowhoush?

A: NO

Q: Did you grab Mowhoush?

A: YES, TO HELP HIM UP

Q: Did Holleyman tell you he hit Mowhoush?

A: NO, BUT HE TOLD ME HE WAS IN THE ROOM SO I GATHERED HE DID

Q: Did you discuss what to say in your previous statements
with []A: YES, ABOUT SPELLING THE GEN. NAME AND ABOUT ^{NOT} SAYING ANYTHING ABOUT
[]

Q: Did [] tell you he hit Mowhoush?

A: NO

Q: Did you discuss what to say in your previous
statements with []

A: NO

Q: Did you ever hit a detainee during an interrogation?

A: YES, IN RESPONSE TO AN AGGRESSIVE ACT TOWARD ME.

Q: Who was that detainee?

A: I DO NOT REMEMBER []

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DOA 71-3

[]
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Q: Describe further the detainee's aggressive act and your response.

A: DURING THE INTERROGATION THE DETAINEE AGGRESSIVELY ROSE UP AND APPROACHED ME IN A THREATENING MANNER AT WHICH TIME I STRUCK HIM IN THE MIDSECTION TO BACK HIM UP. I STRUCK HIM WITH MY CLOSED FIST.

Q: Would you characterize your use of force as appropriate?

A: YES

Q: Did you see anyone strike Mowhoush outside of the incident you have already described?

A: A [] GUARD HAD AN ASP AND HAD MAHWISH GOING UP AND DOWN THE STAIRS AND STRUCK HIM A COUPLE OF TIMES IN THE BUTTOCKS AND BACK OF HIS THIGHS WITH THE ASP

Q: Describe the guard you saw hitting Mowhoush?

A: A WHITE MALE IN DCUs

Q: How hard did he hit Mowhoush?

A: MODERATE POP TO GET HIM TO GO UP THE STAIRS

Q: Did you see [] strike other detainees during interrogation?

A: YES, AT 4-5 DETAINEES

Q: Describe what you saw.

A: ONE DETAINEE WAS FOR AT LEAST 45 MIN AND HIT HIM [] IN THE FACE AND BODY WITH THREE HANDS, FISTS, KNEES AND A RUBBER HOSE. THE OTHERS WERE JUST WITH HANDS, FISTS, AND KNEES.

Q: On any of these occasions were US personnel participating in the interrogations?

A: YES, I WAS IN AND OUT OF THE [] ROOM AND [] WERE INTERVIEWING A DETAINEE. [] WAS WRITING NOTES AS THE INTERVIEW WENT ON [] WOULD SLAP THE DETAINEE A COUPLE TIMES AND [] HIT HIM WITH THE HOSE [] STOPPED THEM

Q: Did you see any other US personnel in interrogations with [] when [] hit a detainee?

A: YES, []
Q: Who does [] work for?

A: HE TOLD ME HE WAS A CONTRACTOR FOR THE AGENCY

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DOA 71-4

~~SECRET~~

DATED

10 JUL 04

Q. Did you ever see any US personnel use physical force as an interrogation technique?

A: [redacted] TOLD ME [redacted] HAD USED FORCE DURING AN INTERROGATION. NO I HAVEN'T SEEN ANY US PERSONNEL USE FORCE DURING AN INTERROGATION.

Q. What did [redacted] tell you [redacted] did?

A: HE BROKE A DETAINEE'S ARM

Q. Do you know where this happened?

A: NO

Q. Did you draw a sketch of the interrogation of Mowhoush during this interview?

A: YES

Q. How many [redacted] were located in Al Qaim?

A: I [redacted] REMEMBER [redacted] BUT MAY HAVE BEEN MORE

Q. Were all [redacted] involved in hands on interrogations?

A: I SAW THE [redacted] THAT WERE WITH MAHOWISH MORE THAN ONCE AND THE [redacted] ONE ONLY ONCE

Q. Describe the [redacted]?

A: [redacted]

Q. How have you been treated during this interview?

A: VERY WELL

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

A: YES

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

A: NO // END OF STATEMENT [redacted]

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NOA 71-5

~~SECRET~~

STATEMENT (Continued)

NOT USED

DAVIT

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT. 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.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of JULY, 2004 at FORT CAMPBELL, KY 42223

BTE MP Det (CIA), Fort Bragg, NC
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4)

(Authority To Administer Oaths)

PAGE 0 OF 0 PAGES

U.S. Government Printing Office: 1993 O-49-027/80-444

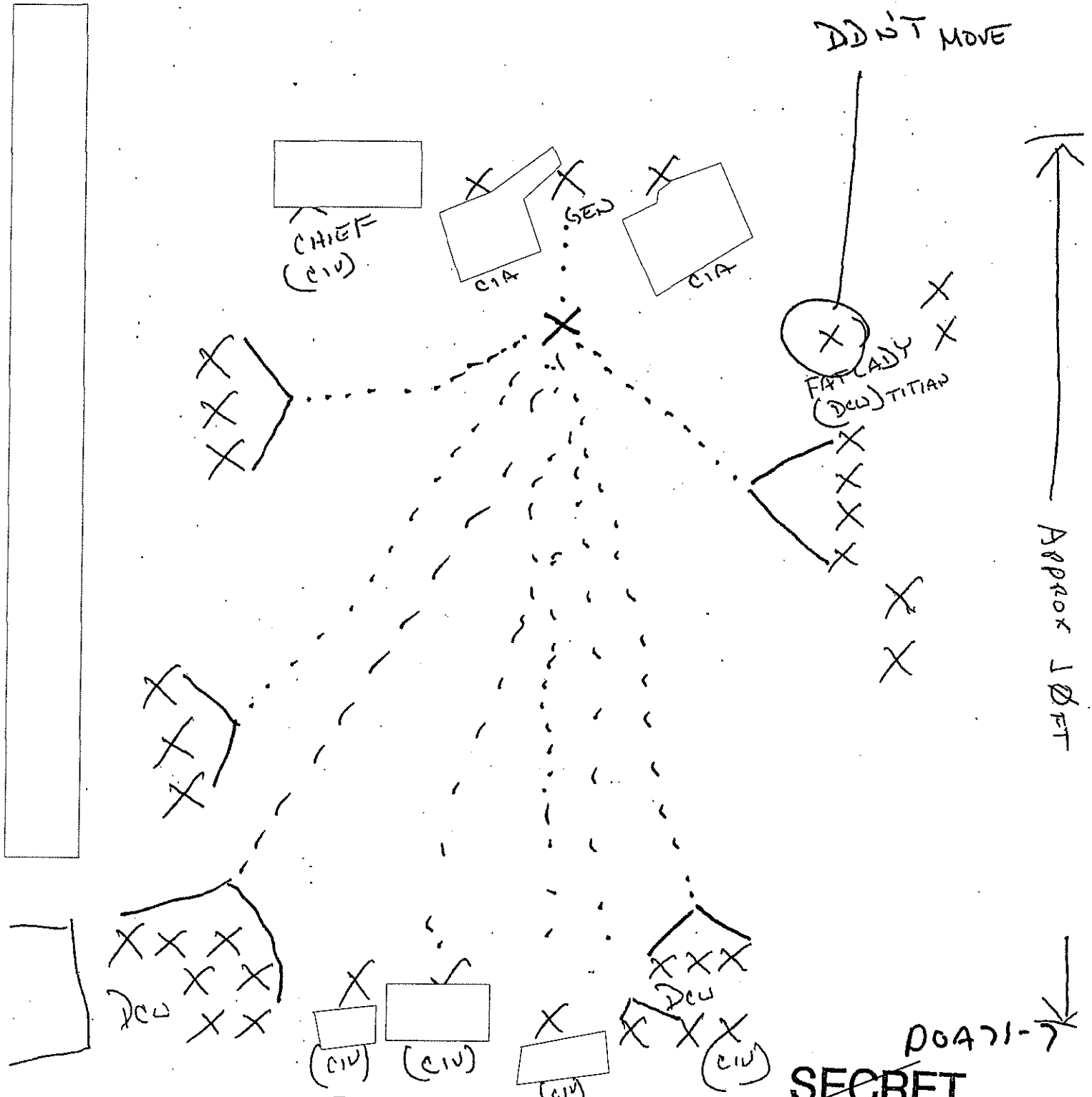
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DOA71-6

~~SECRET~~

2 1/2 IN. WIDE
FLEXIBLE

10 JULY 74



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 voluntary.

LOCATION: Fort Campbell, KY 42223 DATE: 10 JUL 04 TIME: 1530
 FILE NUMBER: 00027-03-CID679-64999-5H1
 NAME (Last, First MI): SSN: GRADE/STATUS: E6/Active
 ORGANIZATION OR ADDRESS: Operations Detachment Alpha (ODA) 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/accused: Aggravated Assault; Conspiracy; Misprision of a Serious Offense; False Official Statement; False Swearing//

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 S/A

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. BN

Witness# 2

Signature of Witness

Signature of Investigator/Special Agent

SA

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

FOR OFFICIAL USE ONLY

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