

SWORN STATEMENT			
For use of this form, see AR 180-45; 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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Abu Ghraib, Iraq, APO AE 09335	2004/04/2	1530	
5. LAST NAME, FIRST NAME, MIDDLE NAME		6. SSN	7. GRADE/STATUS
			CPT/O3 USAR
8. ORGANIZATION OR ADDRESS			
OSJA, CJTF-7, Abu Ghraib Correctional Facility, Abu Ghraib, Iraq, APO AE 09335			
9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>_____ made me aware that he discovered within the JIDC a thumb drive containing photos depicting dead anti-coalition forces and captured anti-coalition forces on the battlefield. _____ asked me if this was a violation of the UCMJ, Army Regulation 190-8, or international law. Based upon what he told me, I advised him that it was not. Based on what _____ told me, I gave him my opinion that the photos were not unlawful. Because there was no legal basis to seize the private property of a service member, I told _____ it was proper to return the thumb drive to its owner. I did not review the photos. I agree that I should have reviewed them prior to giving advice.</p> <p>Q. Do you have anything else to add to the statement?</p> <p>A. Yes. Since there was no violation of the UCMJ, Army Regulations, or international law, there would be no legal basis to seize property from a soldier under Military Rule of Evidence 316. _____ had no choice but to return them. I would never advise a commander or leader to seize personal property from a soldier without a legal basis to do so. As a matter of policy, I agree that it is inappropriate for service members to photograph bodies on the battlefield and persons detained during an action, however to my knowledge it is not illegal or violative of any regulations. _____ gave me a detailed description of the photos and I based my advice on that description.</p> <p>_____ end of statement</p>			
10. EXHIBIT		11. INITIALS OF PERSON MAKING STATEMENT	
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____"		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.			

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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AG0000394

STATEMENT OF

TAKEN AT

Abu Ghraib

Int

DATED 27 April 2004

9. STATEMENT (Continued)

Nothing

follows

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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of April, 2004 at Abu Ghraib Correction Facility

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

UCMJ, Article 136  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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