

**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 Metro Park, Springfield, Virginia	2. DATE (YYYYMMDD) 2004/06/04	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS MA1/E-6	
8. ORGANIZATION OR ADDRESS Navy Air Station, Sigonella, Italy			

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

I am currently a Master of Arms First Class (MOS "0000") (Navy equivalent of Army Military Policeman) and I hold the additional specialty of Dog Handler (MOS "2005"). I am currently assigned Naval Air Station Sigonella, Italy. I was deployed to Abu Ghraib (AG) Detention Facility, Iraq, on about 20 or 21 Nov 03 and served there as a Dog Handler until I departed on 2 Apr 04. I was the team leader of a three person/three dog navy team. Although there was initially some confusion as to whom we would be assigned when we first arrived, we were placed under the 320th Military Police (MP) Battalion (BN) for command and control. In the later part of Jan 04, the 16th MP BN came in and replaced the 320th MP BN. In discussions with [REDACTED] the acting 320th S-3 and the 320th XO (whose name I'm not sure of), our mission was to be part of the Internal Reaction Force (IRF) which was part of the 229th MP Company, explosive detection and gate security, and support other units like the 82nd Airborne. The Navy dogs were trained in patrol and explosive detection. After about the third or fourth day at AG, I implemented the team work schedule and we became fully operational. On 24 Nov 03, there was a riot at AG and we had just finished our part in getting the situation back under control. We were on standby when we got the call for the IRF to saddle-up and report to the Hard Site to respond to an incident. I responded with about 10 to 12 personnel from the 229th MP Company. All three Navy dog teams responded, along with the two Army dog teams. We arrived at the Hard Site at about 2000 hours. During the brief, I found out there had been a shooting. Although I don't know exactly when the shooting took place, I had the impression it was relatively fresh. [REDACTED] was the acting IRF NCOIC while [REDACTED] the IRF OIC, was on leave at the time. When we arrived at the Hard Site, the situation was chaos. I could hear yelling and screaming and doors slamming, and there were people running in and out of the site. Some of the detainees were in their cells hand-cuffed to the cell doors or their bunks, and some were out in the hallway, hand-cuffed to the open cell doors. We entered the area to the left of the Hard Site, which I later learned to be Cell Block 1A, and the area was in disarray with mattresses, clothes, and trash thrown all over the place. There was one individual that appeared to be in charge, but I don't know who it was. He was about five foot, six inches to five foot, seven inches tall, medium build, medium to light complexion, with blond hair in a "high and tight" style. I heard people referring to him as "captain", but I don't know who he was. He was the same person who provided us the briefing of what was happening and said that a weapon had been smuggled into the Hard Site and Intel reported that there might be hand grenades in the cells. The navy dogs, being trained for explosive detection, were used to search the cells. The MPs would unlock the cells for us to enter, but I was concerned that, given the small size of the cells and close proximity of the hand-cuffed detainees, that one of the detainees might get bitten. I instructed the MPs to un-cuff the detainees and move them out of the way. I announced myself as I entered each cell space, and whenever possible I positioned myself between my dog and the detainee. No explosives were ever detected and we exited the Hard Site after completing the explosives search. We were standing outside the Hard Site in a debriefing when someone (I don't know who) called for a dog. I re-entered the Hard Site, but went to the right hand side of the Hard Site, later identified to me as Cell Block 1B, on the top tier. When I got to the top tier, I met two soldiers in woodland BDUs that I assumed were MPs. I asked them where the search was and without saying anything, they pointed to a cell. When I got closer to the cell door, I heard yelling and screaming and my dog became agitated. I looked into the cell and saw four people inside. There were two males in civilian clothes squatting on the cell floor, a female in DCUs standing, who I later learned was an interpreter, and a male who I took to be a detainee squatting in the back right corner. All three were yelling at the detainee. The cell was lit only from the light coming in from the passageway. My dog [REDACTED] was barking a lot because there was a lot of stimuli with all the yelling and commotion. My dog lunged and I struggled to regain control of him. One of the men then said words to the effect "You see that dog there, if you don't tell me what I want to know, I'm gonna get that dog on you." I then realized that I had not been called for a search. About this time, the two men and the woman began to step out of the cell. I backed-up to allow them to exit, but there was not much room on the tier. After they came out, my dog lunged and pulled me into the cell and I was worried because I realized there was still someone inside the cell. I regained control of my dog and as I exited the cell I heard someone yell "get that dog out of there." When I exited, I found [REDACTED] a 229th MP Company sergeant with whom I worked, standing there and he asked me what was going on. I told him I didn't know, but that this didn't seem right. The two men and the woman re-entered the cell and as I was still talking to [REDACTED] suddenly got the sensation that my dog was not there. I looked down

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

DATED 2004/06/04

10. STATEMENT (Continued)

to find that my dog had the female's forearm in her mouth. I regained control of my dog and asked the female if the dog had bitten her. She said, "No, no, no. The dog did not bite me." I asked her if she was sure and repeatedly asked if the dog had bitten her. She repeatedly stated that the dog had not bitten her. She pushed up her sleeve and I could see that there was no blood, no marks or bite marks on her skin, and no torn clothing. I made sure she did not need any medical attention. The female then returned into the cell and I looked at [REDACTED] and said, "We're fl\*\*\*ing out of here." I departed the area and got to the bottom of the stairs when I heard someone call "where's the dog", but I didn't return and went to the debrief site. I did not return the Hard Site that night. A few days later, I received a phone call from the 320th MP TOC saying that the Hard Site had requested a dog. I asked for what, and the response was "interrogation" or "interrogations". I explained that our dogs didn't do that and that I could not fill that request. I received similar calls about once every two weeks or slightly more frequently, that the Hard Site was requesting dogs. I received about eight calls in total over those next three or four weeks. I met with my two team members and instructed them that if they received calls for support at the Hard Site, they were not to respond, unless it was for explosive detection. They also had to go as a two person team with one dog, and they had to notify me about the request. I personally never went back to the Hard Site for explosive detection, but my two team members did once or twice for explosive detection searches, notifying me right after. I did return to the Hard Site for Internal Reactions Force responses with my dog, and for training without my dog. No one from MI ever requested dogs from me directly, and all requests came through the 320th TOC. In the later part of Dec 03, I met with COL PAPPAS who wanted to know what my dogs' capabilities were. I explained their capabilities and he never asked if they could be used in interrogations. I provided COL PAPPAS with a copy of the SOP for the Navy dogs, a copy of which I have also provided to investigating officers this day. I was shown two photographs during my interview today. I picked out an "ID Card" photograph of an individual that I believe is one of the men in the cell that made the statement about getting the dog on the detainee, but I am not 100% sure. I identified the same individual in a digital photograph identified to me as "photograph 11, file CG LAPS MARKS". I am also pretty sure that the female in that same photograph ("photograph 11, file CG LAPS MARKS") is the same female that was in the cell during that incident and whose arm was in my dog's mouth. I understand that MG FAY has directed that I not discuss details of this inquiry with anyone other than those investigators I know to be directly involved in this inquiry, or with my legal counsel. I have nothing further to add to this statement. [REDACTED]

END OF STATEMENT

NOT  
USED

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of June, 2004  
at Manassas, Virginia

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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