

**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 38th Military Police Detachment (CID), Camp Victory	2. DATE 4 June 2004	3. TIME 0751	4. FILE NO
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS HHD, 54th MT BN		
6. SSN [REDACTED]	7. GRADE/STATUS SPC/Res		

**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 Criminal Investigation Division and wanted to question me about the following offense(s) of which I am suspected/accused: Dereliction of Duty, Failure to Obey an Order or Regulation

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
- If for personnel subject of 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.

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.

9. COMMENTS (Continue on reverse side)  
 Have you been advised of your rights in the past 30 days? No

**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)		2. SIGNATURE OF SUSPECT/ACCUSED
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR Prisoner Interrogation Team (PIT)(CID) 75th Military Police (DET) (CID)(-), BCCF

**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

STATEMENT OF [REDACTED]

TAKEN AT 36<sup>th</sup> MP Det (CID) DATED 4 June 2004

9. STATEMENT (Continued)

A: No, entering in IA was by authorization of interrogator only. Although, as stated before, this could be easily circumvented.

Q: Describe the interaction, both professional & personal (Social / off duty) between the MI and MP personnel?

A: Professionally: There was a lack of communication between us after "last" was misplaced."

Personally: Animosity existed after an incident where [REDACTED] found out [REDACTED] about a liquor / prostitution operation by the MPs. However, there was friendly / unfriendly interaction on case by case scenarios.

Q: Did you ever hear about an Intm Order who sexually assaulted a detainee?

A: Never

Q: Did you ever witness / hear about [REDACTED] having sex with a female detainee?

A: Never

Q: Do you have anything else to add to this statement?

A: Nothing, /// END of STATEMENT /// [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT OF

[REDACTED]

TAKEN AT 384 MP Det (C10)

DATED 4 June 2014

DC

9 STATEMENT (Continued)

Kept naked to "humble them" this was a practice instituted by Mrs. Lator, the ~~head~~<sup>sup</sup> MI command forbade the use of this practice.

Q: Was it standard practice to strip some upon arrival and keep them naked and to offer clothing as an inducement to cooperate?

A: Yes, initially, as related above the practice was utilized to "humble" detainees. Later, about a month after the JDIC came into existence, the practice was forbidden. Any intermediate or MI operative known to use the practice would have received the proper punishment.

Q: Were some stripped as part of their "inprocessing" to 1A or was this done only at the inprocessing / screening center?

A: They were stripped and kept naked at isolation after in-processing.

Q: Were some stripped for short periods by either MI or MPs, if so, who approved such action?

A: As described above only during in-processing.

Q: Did you ever discuss or witness a discussion with any supervisors or receive verbal/written approval to strip a detainee?

A: No

Q: Who within MI, knew of the practice to strip detainees, [REDACTED]

A: The individual interrogators and analysts. As sure. As far as higher I don't know.

Q: Outside of scheduled interrogations, how tight were procedures for access to Tier 1A?

A: Anyone could walk in at any time, as long as the MPs allowed it. Although MI leadership forbade it, it was easily circumvented.

Q: Were logs maintained or could one circumvent procedures?

A: There was a log created, but access was granted by MPs. One could always just walk in.

Q: Was it common practice, and by whom, to visit the cell block off duty or off shift?

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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STATEMENT OF [REDACTED] TAKEN AT 38th MP DET (CID) DATED 4 June 2004 CONTINUED

Q: Approval to use dogs was by whom and at what level?

A: Col Rogers was aware of the use of dogs, but I don't know whether he was the final authority.

Q: Were the dogs muzzled?

A: I don't know.

Q: Were the dogs present or actively used to "fear up" at detention?

A: I was told the dogs were used to bark and growl at detainees to induce a collection of intelligence or confession.

Q: Did you use sleep deprivation or know others using it as an interrogation method and who approved it, at what level?

A: I remember being an analyst, I never used it, and don't specifically recall who or when the method was used. However, I remember hearing that it was done. I do recall the approach used at the Corp Interrogation Facility @ Bagram International Airport, also under the jurisdiction of 325 MI + 519 MI.

Q: Did you work with OGA or have knowledge of OGA "ghost detainees"?

A: [REDACTED] are several of the interrogators that at one time or another helped in the interrogations headed by OGA.

Q: Did you witness or hear about circumstances of OGA abuse/humiliation of detainees?

A: Never.

Q: Describe the leadership, control &amp; oversight of you and your section?

A: I do not recall my section sergeant and above him the leadership and who was in the room. I was loosely directed &amp; supervised. I know that at the top are [REDACTED] and [REDACTED].

Q: Did they know about what was being done to the detainees?

A: I can't say about the rest of the incidents. But the way that I was present at, none the [REDACTED] leadership was underway. [REDACTED] OR

Q: Were they 1) "in the loop" 2) "looking the other way" 3) "oblivious"?

A: Judging from the incidents I was present at, the leadership seems oblivious.

Q: Did you observe detainees kept naked for periods of time in the cells?

A: Yes, initially, when the JDIC was first stood up detainees were

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT OF

TAKEN AT 38th MP DET (CID) DATED 4 June 2004 CONTINUED

"soften up" a detainee?

A Never

Q Is it common to have MP's assist in interrogations?

A Only at the special request of MI, with proper authorization, are MPs <sup>the</sup> called for assistance (ie change of environment / or sleep deprivation)

Q At the above incident, did anyone hit, punch or otherwise assault the detainees on the floor?

A Aside from the use of the football by [REDACTED] No.

Q Did you know who the detainees were, their ISN etc?

A No, I don't recall names or identification numbers.

Q Who was taking the pictures?

A ~~No~~ I don't know.

Q Who routinely took pictures within the cell blocks?

A No, there were standing orders against pictures of detainees.

Q Who appeared to be the leader / instigator of this incident?

A [REDACTED] gave the orders, followed by those present, and <sup>led</sup> ~~followed~~ by [REDACTED]

Q Did this appear to be part of an interrogation (MI) or security matter (MP)?

A No, this was described to me as a protest which ~~was~~ <sup>is</sup> being incited by [REDACTED]

Q To whom did you report / inform about this incident and what happened as a result?

A I informed [REDACTED]

Q Were there any other incidents such as the one you described?

A I never witnessed any other incident so the one related in this statement.

Q Did you observe, know of or hear about detainees wearing only underwear, women's underwear or only a blanket?

A Never

Q Were dogs used for interrogation, if so, under what circumstances?

A Yes, they were. With the proper authorization, special interest detainees were transferred to the "bunkers" team. The dogs were used to sedate the detainees into confessing or providing intelligence.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT OF [REDACTED] TAKEN AT 38th MP DET (CID) DATED 4 June 2004 CONTINUED

[REDACTED] asks me [REDACTED] you are not going to tell anyone? I stay and exit. The next day I tell [REDACTED] about the incident. She then tells the MP N/1C [REDACTED] about the incident, and tells me. The issue is never pursued higher through the MI chain of command, as they were never informed.

Q [REDACTED]

A [REDACTED]

Q Prior to this statement, were you advised of your right to legal counsel?

A Yes, I was.

Q Other than the incident detailed above, were you present at any other incidents where detainees were forced into a "human pyramid"?

A Never

Q Was this the only incident you witnessed?

A Yes

Q Why did you not report this to your commander?

A Utilized your judgment, tried to take care of issue at a local level.

Q What was the purpose for you being present during this incident?

A I was invited for entertainment, to enjoy the show of force against detainees.

Q Did you ever take any photographs of the detainees?

A Never

Q Who was present during the above incident?

A [REDACTED]

Q Who was throwing the football at the detainees?

A [REDACTED] was the only person I recall throwing the ball.

Q Did you <sup>see</sup> participate in the above incident, in any way?

A As a witness, instruction on the carrying out of any instruction was never carried out by myself.

Q Was any other organization [REDACTED] present during the abuse?

A No, only the M<sup>1</sup> and M<sup>2</sup> unit had soldiers present that night.

Q Did you or any other MI person (civilian or military) tell the MP's to

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel

LOCATION 38th Military Police Detachment (CID)	DATE 4 Jun 2004	TIME 1203	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS SPC
ORGANIZATION OR ADDRESS HHD, 504 MIDDE			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On or about the 24<sup>th</sup> of October 2003, was invited by [redacted] to witness the punishment of three (3) detainees suspected of raping / sexually assaulting another male detainee in Camp Vigilant B (Gen. population). Accepting his invitation, he and I walked to the isolation bay. Inside were [redacted] and a civilian interpreter, [redacted]. There was another SPC, ~~was~~ unidentified, but wearing green BDUs. He was holding a speaker box, shouting into a dark room, dubbed as "the hole." The SPC in green BDUs started profanities and insults to (3) three naked detainees. [redacted] spoke with [redacted] and the detainees were brought out and instructed to crawl on their stomachs and scrub, dragging their genitals on the floor. They were told to roll left to right. [redacted] would sprinkle / pour water on the detainees rolled. He then grabbed a football, climbed to the second tier and pelted the detainees below. Below the detainees were hand cuffed together in such a way to mimic homosexual relations. [redacted] + the men [redacted] the SPC in green asked for a confession, promising to stop this punishment if the detainees confessed. They using their feet, [redacted] the men showed the detainees hips to further mimic sexual relations. The instructions / requests were aided in full by the interpreter [redacted]. At some point one of the detainees began to bleed from his face - possibly the right [redacted] asked if the punishment should be stopped. [redacted] answered to continue. ~~During~~ witnessing about 15 minutes of the incident, I tell [redacted] that I am ready to leave.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ 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 1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

