



DEPARTMENT OF THE ARMY
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
OFFICE OF THE STAFF JUDGE ADVOCATE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF:

08 October 2003

AFYB-JA-AL

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion

SUBJECT: AR 15-6 Investigation Legal Review

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the circumstances surrounding the possible use of excessive force by [REDACTED] while interrogating a detainee at the Division Consolidation Collection Point. I make the following determinations:

- a. The proceedings comply with the legal requirements.
 - b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.
 - c. Sufficient evidence supports the findings.
 - d. The recommendations are consistent with the findings.
2. The investigation is legally sufficient.
3. The point of contact is the undersigned at (DNVT) 534 [REDACTED]

[REDACTED]
CPT, JA
Administrative Law Attorney

6592



DEPARTMENT OF THE ARMY
104TH MILITARY INTELLIGENCE BATTALION
4th INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323-2628

REPLY TO
ATTENTION OF

AFYB-MIB-CDR

6 NOV 2003

MEMORANDUM FOR Staff Sergeant [REDACTED] b657c5
104TH Military Intelligence
Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Written Reprimand

1. You are hereby reprimanded for your failure to properly supervise detainee interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). [REDACTED] and [REDACTED] assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring [REDACTED] and [REDACTED] were properly trained and that they were aware of and abided by the Geneva Convention and other documents which detail the permissible treatment of detainees. You did not set the proper leadership climate, in that you inadvertently led [REDACTED] to believe that you yourself perhaps condoned certain practices that were outside the established regulations. [REDACTED] is not a trained interrogator, yet he was allowed to force a detainee to cause bodily harm to himself, again, while under your tutelage.

2. Your failure to establish a proper leadership climate and failure to properly supervise interrogation activities under your purview are beneath the standards of professionalism I expect from non-commissioned officers. As NCOIC of the DCCP, it is your duty to train and supervise junior interrogators and interpreters as well as supervise their activities to ensure they do not harm detainees. In this case, you assigned a known difficult interrogation task to a very junior and inexperienced interrogator, but you failed to discern what techniques he would use during the interrogation. You are in a very delicate duty position where you or your subordinates could become subject to discharge or criminal prosecution for violating the rights of detainees. These acts could also bring extreme discredit upon the U.S. Army. The incidents where [REDACTED] and [REDACTED] abused the detainee show a lack of supervisory judgment on your part. b657c5

3. This reprimand is imposed as an administrative measure and not as punishment pursuant to the Uniform Code of Military Justice. You are advised that in accordance with Army Regulation (AR) 600-37, paragraph 3-4, it is my intention to direct that this reprimand be filed in your local Military Personnel Records Jacket (MPRJ).

4. You will acknowledge receipt of this reprimand IAW AR 600-37 by completing the first memorandum and returning it through your chain of command no later than ten days from the date of service. Any matters in extenuation, mitigation, or rebuttal must accompany your acknowledgment. You were provided a copy of the documents that form the basis of the written reprimand. I do not intend to file them with this reprimand.

Encl
AR 15-6 Investigation

[REDACTED]
LTC, MI
Commanding

b627c2
13 Nov - make
decision not
to file 6593
026

AFYB-MIB-H

MEMORANDUM THRU

Commander, HHOC, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized),
Tikrit, Iraq 09323-2628

FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit,
Iraq 09323-2628

b657cs
SUBJECT: Written Reprimand - [REDACTED] [REDACTED] 104th Military
Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323

b657cs
[REDACTED] I have read and understand the unfavorable information presented against me and I elect to
submit the enclosed written statement or documents in my behalf. I understand that this reprimand
will be filed in my Unit File.

OR

_____ I have read and understand the unfavorable information presented against me and elect not to
make a statement. I understand that this reprimand will be filed in my Unit File.

b657cs
[REDACTED]
SSG, USA
Respondent

09 NOV 03

DATE

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DEPARTMENT OF THE ARMY
104TH MILITARY INTELLIGENCE BATTALION
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323-2628

AFYB-MIB-CDR

9 NOV 2003

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division
(Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Rebuttal of [REDACTED] to Written Reprimand

b657c5 1. I understand that I am being reprimanded for failure to properly supervise [REDACTED] and [REDACTED] during interrogations at the TF IH DCCP. I understand that, as NCOIC of the Interrogation Control Element (ICE), it is ultimately my responsibility to ensure that interrogations are conducted in adherence to guidelines established by the Department of the Army. I accept this responsibility. However, even after a very thorough 15-6 investigation, I feel that the incidents surrounding this reprimand are being oversimplified.

b657c5 2. Paragraph one of the written reprimand states that I am responsible for ensuring that [REDACTED] and [REDACTED] were properly trained. I feel this is untrue. My element is conducting real-world interrogation operations; in a very active combat zone during a resistance movement by a well-funded, hostile, armed force in the early stages of a major insurgency; with very few assets. This being my fourth combat tour in twelve years, I can say with confidence that this is not the environment for training.

b657c5 b657c5 3. [REDACTED] has been assigned to the 104th Military Intelligence Battalion for over two years as a member of the Battalion S3. I am assigned to D Co. and [REDACTED] has never been under my supervision until approximately one month before the incident occurred. As the de facto senior Human Intelligence Collector (97E) for the 4th Infantry Division, and being aware of [REDACTED] duty position in the Battalion S3, I made two attempts, in January 2001 to include [REDACTED] in Sergeant's Time training with D Co. at Fort Hood (There was no MOS training in the S3 for a Human Intelligence Collector). Both of these attempts were unsuccessful due to resistance by his supervisors. These two years would have been the proper time to train [REDACTED] not during real-world operations.

b657c5 b657c5 4. Paragraph one of the reprimand states that I "... inadvertently led [REDACTED] to believe that..." I myself "...perhaps condoned certain practices that were outside the established regulations". Given specific phrases that I had said to [REDACTED] I recall a conversation that I had with [REDACTED]. However, the topic of this conversation was a contingency plan for a separate interrogation facility, in the event alternative interrogation techniques were authorized and ordered into effect at our echelon. At no point did the topic become the techniques themselves. The facility could not be manned by personnel from Mobile Interrogation Team (MIT) 91, as most did not have a sufficient level of competency. At the time, given my extremely limited assets, [REDACTED] was a prime candidate for this facility. As I recall, I made it clear to [REDACTED] that alternative techniques must be authorized by higher echelons, on a case-by-case basis, and then only at certain facilities. If [REDACTED] took my statements to

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b657c5 mean anything more than what I said, that was not my intention. I do not feel that I said anything to [REDACTED] that would lead a reasonable person to believe that I condoned any practices outside regulations.

b657c5 5. [REDACTED] is a 98G Voice Interceptor, attached to the 104th Military Intelligence Battalion as a linguist. He is neither trained, nor authorized to conduct interrogations. I trained [REDACTED] on his duties as an interpreter during interrogation operations and he has always performed admirably and with dedication. There was no reason, whatsoever, to think that [REDACTED] would harm the detainee or allow him to be harmed. During the incident in question, [REDACTED] was under the immediate supervision of the team leader of MIT 91 and assistant NCOIC of the ICE, [REDACTED] (223rd MI BN), who was supposed to be conducting the interrogation. My duties are such that I cannot supervise more than a small fraction of the interrogations or screenings carried out by my element. I am forced to delegate supervisory responsibilities during the majority of operations.

b647c4 6. Paragraph two of the reprimand states that I "...assigned a known difficult interrogation task to a very junior and inexperienced interrogator". While this is true, the truth of it is rather relative. All interrogations at the TF IH CCP are difficult due to several factors that have been brought up, through Tac HUMINT Ops, many times. Suggestions made to rectify these problems have been, and continue to be, ignored. With the exception of myself, all interrogators at the TF IH ICE were, and most remain, inexperienced at actual interrogation. The intelligence exploitation of detainees at the TF IH CCP has been limited, largely, to cursory and in-depth screenings of detainees due to insufficient personnel, time and resources. Relatively speaking, few formal interrogations have been carried out, and all of these have been individuals targeted as being of potentially high intelligence value. After two to three weeks of observation and assessment of [REDACTED] performance during joint screenings and interrogations, prior to the incident, [REDACTED] was found to have a level of methodological proficiency above most of the other interrogators at the ICE and had, in fact (as I noted to [REDACTED] on one occasion), exhibited a preference for "soft" approaches. In short, [REDACTED] is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICE.

b657c5 b647c4 b657c5 7. Paragraph two of the reprimand also states that I "...failed to discern what techniques [REDACTED] would use during the interrogation". I do not feel that this is entirely accurate. When discussing the pending interrogation with [REDACTED], he stated that he planned to use a "harsh approach". This is a term used frequently among interrogators to refer to such hostile approach techniques as "Fear-Up (harsh)" and "Pride and Ego-Down", or a combination thereof. Considering the approaches used previously against MP2496, and their relative ineffectiveness, I felt, and still feel, at that time, a "harsh approach" was in order. Additionally, interrogators are never required to have individual approaches approved by the ICE. An interrogation is an extremely fluid process that requires the interrogator to, in turn, be extremely flexible. While all interrogators must inform me as to the general approach they plan to use, as [REDACTED] did, limiting interrogators to specific, preplanned approaches and techniques is not feasible during a proper interrogation. Some standard interrogation processes, which may be identified in FM 34-52 INTELLIGENCE INTERROGATION, are no longer applicable and may very well be counterproductive, due to this FM's application being Major Theater War operations. In many cases it is not applicable to the modern battlefield. I believe this is one of the reasons that it is no longer printed. To my knowledge, no FM covers counterinsurgency interrogation operations.

b657c5 8. I firmly believe that [REDACTED] took the actions he did, partially, due to his perception of the command climate of the division as a whole. Comments made by senior leaders regarding

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detainees such as "They are not EPWs. They are terrorists and will be treated as such" have caused a great deal of confusion as to the status of the detainees. Additionally, personnel at the ICE regularly see detainees who are, in essence, hostages. They are normally arrested by Coalition Forces because they are family of individuals who have been targeted by a brigade based on accusations that may or may not be true, to be released, supposedly, when and if the targeted individual surrenders to Coalition Forces. In reality, these detainees are transferred to Abu Ghayraib prison and become lost in the Coalition detention system regardless of whether the targeted individual surrenders himself. I know that [REDACTED] has himself witnessed senior leaders at briefings, reporting that they have taken such detainees, with the command giving their tacit approval. In hindsight, it seems clear that, considering the seeming approval of these and other tactics by the senior command, it is a short jump of the imagination that allows actions such as those committed by [REDACTED], to become not only tolerated, but encouraged. This situation is made worse with messages from higher echelons soliciting lists of alternative interrogation techniques and the usage of phrases such as "...the gloves are coming off". The theory becomes even more plausible when one considers the facts surrounding a detainee such as MP2496—a known terrorist, insurgent and killer of American soldiers. While I do not condone [REDACTED] actions in any way, I am beginning to see how he might arrive at certain erroneous conclusions, despite my warnings that there is no detainee here worth any of my soldiers going to prison. I feel that this is a dangerous situation that should be confronted.

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9. I agree that I am in a very delicate and perilous duty position. It is one for which none of my training has prepared me and was not supposed to exist. Additionally, numerous other issues inhibit our effective mission accomplishment. Our unit has never trained for detention facility operations because our unit is neither designed nor intended for this mission. Current detainee handling policies adversely effect operations in ways that eliminate any reasonable chance of successful interrogation. Other factors effecting mission accomplishment are more complicated. I spent over three years, between deployments, training my soldiers to operate in Tactical HUMINT Teams in a combat environment remarkably similar to the one in which our division is currently operating. Instead of allowing our soldiers to execute the mission which exists, for which they have trained, they are assigned a mission for which they have not trained, are not manned, are not equipped, are not supplied and, considering manning and the current policies effecting interrogation operations, cannot effectively accomplish at division level regardless. Unfortunately, the element's low production of IIRs supports this.

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10. I agree that I have made some mistakes since being assigned this duty position. However, I feel that I have carried out my duties as well as, and in many cases better than, could be expected. I have been given scant resources, few supplies, and some of the attached collection assets could have only been considered mediocre at best. I have considered, at length, what more I could have done to prevent the actions of [REDACTED] and [REDACTED] while still conducting the element's assigned operations. Currently, I am still at a loss. [REDACTED] was being supervised by a trained SSG Human Intelligence Collector, senior but subordinated to me, attached to the element, and supposedly in charge of his interrogation. [REDACTED] is a Human Intelligence Collector whom I was not given the opportunity to properly train. However, due to limited organic assets, he was needed to help conduct operations. I feel I took what measures were available to me within the constraints of my mission and available support. I will continue to execute my assigned mission to the best of my ability.

b657c5

[REDACTED]
SSG, USA
NCOIC, TF IH ICE

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6 October 2003

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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 Bldg # 206 FOB Ironhorse	2. DATE 031016	3. TIME	4. FILE NO.
5. [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

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 _____ and wanted to question me about the following offense(s) of which I am suspected/accused: ASSAULT b657c5

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.

I, as 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.

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.

5. COMMENTS (Continue on reverse side)

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)		3. [REDACTED]
1a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	

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

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 TICKET MAIN, DCCP	2. DATE 15 OCT 03	3. TIME 1530	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: ASSAULT

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.
 I, [REDACTED], 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.

5. COMMENTS (Continue on reverse side)

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)		3. SIGNATURE OF WITNESS [REDACTED] b657c5
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPPC V1.00

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For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

Title 10, United States Code, Section 3012(g)

Title 10, United States Code, Section 3012(g)
To provide commanders and law enforcement officials with means by which information may be accurately identified.
This information is used as an additional/alternate means of identification to facilitate filing and retrieval.

*Your Social Security Number is used as an additional identifier.
Disclosure of your Social Security Number is voluntary.*

1. LOCATION DECP, FOB Ironhorse, Tikrit, Iraq	2. DATE 15 OCT 03	3. TIME 1645 hrs.	4. FILE NO.
5. NAME (Last, First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS b657c5		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

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 _____ and wanted to question me about the following offense(s) of which I am _____

suspected/accused: _____ about the offense(s), however (he/she made it clear to me that I have the following rights:

Before he/she asked me any questions about the information I was to answer any question or say anything.

do not have to answer any question or say anything.
 Nothing I say or do can be used as evidence against me in a criminal trial.

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.
 or 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 -

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. I understand that I will still have the right to stop answering questions at any time, or to stop answering questions at any time.

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.

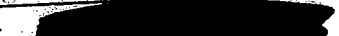

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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.

2 [REDACTED] 11/13/75

having a lawyer present with me. WITNESSES (If available)		3.  665705
1a. NAME (Type or Print)		4.  OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

THIS FORM IS OBSOLETE

USAPA 2.01

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

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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 TFIH OOD b657cs	2. DATE 200503	3. TIME 1920	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

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 _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

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.
 I or 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 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.

5. COMMENTS (Continue on reverse side)

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)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b657cs
1a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED] b657cs	
2a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	
6. ORGANIZATION OF INVESTIGATOR		

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

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EXHIBIT M
 ACLU-RDI 975 p.11

DOD 002828

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 TF 14 DECP	2. DATE 031002	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS [REDACTED]		
7. SSN [REDACTED]	8. GRADE/STATUS [REDACTED]		

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 [REDACTED] b657c5 and wanted to question me about the following offense(s) of which I am suspected/accused:

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 I am a 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.

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.

5. COMMENTS (Continue on reverse side)

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)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b657c5
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] b617c1
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPPC V1.00

EXHIBIT K

6603

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 DCCD Task Force Iron Horse ICF	2. DATE 1 Oct 2003	3. TIME 1600	4. FILE NO.
5. NAME [REDACTED] b657c5	8. ORGANIZATION OR ADDRESS [REDACTED]		
7. GRADE/STATUS [REDACTED]			

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 and wanted to question me about the following offense(s) of which I am

suspected/accused:

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.

I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me

or 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 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.

5. COMMENTS (Continue on reverse side)

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)		3. SIGNATURE OF SUSPECT/ACCUSED [REDACTED] b657c5
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		6617c1
b. ORGANIZATION OR ADDRESS AND PHONE		
		6. ORGANIZATION OF INVESTIGATOR

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

ACLU-RDC 9754.13 I

DOD 002830

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	2. DATE	3. TIME	4. FILE NO.
TRKRIT MAIN IZ	1 OCT 03	18 00	
5. NAME	6. SSN	7. GRADE/STATUS	8. ORGANIZATION
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: [REDACTED]

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.
- (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.
- 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.

5. COMMENTS (Continue on reverse side)

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)		3. SIGNATURE
1a. NAME (Type or Print)		[REDACTED] b657c5
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)	4. SIGNATURE OF INVESTIGATOR	[REDACTED] b617c1
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR	
	6. ORGANIZATION OF INVESTIGATOR	

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPPC V1.00

EXHIBIT F

ACLU-RDI 975 p.14

6605

DOD 002831

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 DCCP, FOB Ironhorse, Tikrit, Iraq	2. DATE 03 OCT 03	3. TIME 1655	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

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 _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

Before 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.
- 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.

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.

5. COMMENTS (Continue on reverse side)

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)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b657c5
1a. NAME (Type or Print)	[REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	

Section C. Non-waiver

- 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

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPPC V1.00

EXHIBIT B

6606

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by

[REDACTED]

b627c2

(Appointing authority)

on 30 September 2003

(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at

4th Infantry Division Headquarters, FOB Ironhorse, Tikrit, Iraq at

1400 hours

(Place)

(Time)

on 30 September 2003

(Date)

(If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at

16 October 2003

on

4 October 2003

(Time)

(Date)

and completed findings and recommendations at

2100 hours

on

6 October 2003

(Time)

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1	Inclosures (para 3-15, AR 15-6)	YES	NO ^{1/}	NA ^{2/}
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a.	The letter of appointment or a summary of oral appointment data?			
b.	Copy of notice to respondent, if any? (See item 9, below)	X		
c.	Other correspondence with respondent or counsel, if any?			X
d.	All other written communications to or from the appointing authority?			X
e.	Privacy Act Statements (Certificate, if statement provided orally)?	X		
f.	Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g.	Information as to sessions of a formal board not included on page 1 of this report?			X
h.	Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

DA FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages

6607

		YES	NO ¹⁾	NA
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: ¹⁾ Explain all negative answers on an attached sheet. ²⁾ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

6608

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
(See attached memorandum for record)

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
(See attached memorandum for record)

6609

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

6617c1

[Redacted Signature]

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)



DEPARTMENT OF THE ARMY
104th MILITARY INTELLIGENCE BATTALION
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ

REPLY TO
ATTENTION OF:

AFYB-MI-HHOC

6 October 2003

MEMORANDUM FOR RECORD

SUBJECT: Detainee Abuse Incident – 15-6 Investigation

1. REFERENCES

- a. Geneva Convention relative to the Treatment of Prisoners of War, 1949.
- b. Geneva Convention Relative to the Protection of Civilians in a Time of War, 1949.
- c. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954.
- d. FM 34-52: Interrogation Operations.
- e. FM 24-10: The Laws of Land Warfare.

2. FACTS

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a. On 14 August 2003, [REDACTED] at Combined Joint Task Force 7 (CJTF-7) Joint Human Intelligence Cell (J2X), V (U.S.) Corps, not further identified (NFI), wrote an electronic mail correspondence (e-mail) to V Corps human intelligence (HUMINT) exploitation elements (see Exhibit A). The e-mail addressed the relatively poor success rate of intelligence collection from detainee interrogations. [REDACTED] provided the Judge Advocate General's (JAG) list of definitions of "combatants", "lawful combatants", and "unprivileged belligerents" or "unlawful combatants" and explained [REDACTED] was unaware of any rules of engagement (ROE) governing treatment of unprivileged belligerents, but was researching the issue. [REDACTED] requested a creative "wish list" of what interrogators consider more "effective" interrogation techniques, which the Staff Judge Advocate (SJA) would review for compliance with the statutes of the Geneva Convention. [REDACTED] set a deadline of 17 August 2003, for "wish list" submission. [REDACTED] NFI, had grown frustrated with the lack of interrogation success and wanted detainees "broken". "Broken" is a term interrogators use to describe the interrogator's "successful application of approach techniques eventually induces the source to willingly provide accurate intelligence information to the interrogator" (reference: FM 34-52, Chapter 3: Interrogation Process). [REDACTED] wrote, "The gloves are coming off...regarding these detainees"; "[c]asualties are mounting and we need to start gathering info to help protect our fellow soldiers from any further attacks."

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b. [REDACTED] 3rd Armored Cavalry Regiment, NFI, responded to [REDACTED] e-mail (see Exhibit A) and stated [REDACTED] interrogation experience in Afghanistan had demonstrated [REDACTED]

b2/b7E [REDACTED]. As a result, the current detainee population in Iraq understands the use of physical force more than psychological manipulation or incentives. [REDACTED] suggested the application of techniques used in Survival, Evasion, Resistance, and Escape (SERE) School and cited examples of "open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches" as examples.

b647c4 b647c4 c. [REDACTED] 501st Military Intelligence Battalion (MI Bn) [REDACTED] NFI, rebutted [REDACTED] response in a subsequent e-mail (see Exhibit A), stating international law could not be "just put aside when we find it inconvenient" and that, regardless of casualties sustained, no justification exists for dropping standards of ethics. [REDACTED] b647c4 concluded the e-mail stating "American soldiers...[are] heirs of a long tradition of staying on the high ground" and should remain there.

b657c5 d. Shortly after that e-mail was sent, [REDACTED] of the Interrogation Control Element (ICE), Division Central Collection Point (DCCP), Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID), Tikrit, Iraq, NFI, mentioned the e-mail to the soldiers assigned to the ICE and requested their suggestions for the interrogation technique "wish list" [REDACTED] b657c5 [REDACTED] received no input from his soldiers. [REDACTED] understood [REDACTED] requested a list of [REDACTED] b647c4 interrogation techniques, both legal and illegal, which [REDACTED] deemed more effective in [REDACTED] b657c5 obtaining intelligence information from detainees. [REDACTED] spoke with [REDACTED] b647c4 [REDACTED] of Tactical HUMINT Operations (THOPS), 104th MI Bn, 4ID, NFI, about the request. [REDACTED] recalls (see Exhibits B and C) asking [REDACTED] b647c4 "Does this mean what I think it means?", to which [REDACTED] replied, "I think so." [REDACTED] compiled a list of [REDACTED] b657c5 own suggestions, [REDACTED] b657c5 named the document "Alternative Interrogation Techniques" (see Exhibit D), and saved it on [REDACTED] b657c5 computer's Desktop. [REDACTED] subordinate soldiers have regular access to [REDACTED] b657c5 computer and any one of them are likely to have seen the document. It is not unreasonable to think curious soldiers may have opened the document and read the text. [REDACTED] submitted [REDACTED] b657c5 "wish list" document on 17 August 2003 (see Exhibit E). Nothing further is known about the "wish list" or what actions were taken with compiled lists at this time.

b657c5 b657c5 e. In late August 2003, [REDACTED] ICE, 104th MI Bn, 4ID, NFI, a HUMINT Collection Specialist, was reassigned from the Operations Office, 104th MI Bn, to the ICE, upon [REDACTED] request for additional interrogators. [REDACTED] completed HUMINT [REDACTED] b657c5 Collection Specialist (97E) Advanced Individual Training (AIT) approximately 2 years ago and has been assigned to the Operations Section, 104th MI Bn, in an administrative capacity until recently. Since [REDACTED] needed skill refresher training, [REDACTED] allowed [REDACTED] b657c5 to view interrogations [REDACTED] or another experienced interrogator conducted. Eventually, [REDACTED] allowed [REDACTED] to conduct [REDACTED] own interrogations while supervised by [REDACTED] or another experienced interrogator. When [REDACTED] felt [REDACTED] was ready, [REDACTED] conducted [REDACTED]

AFYB-MI-HHOC
Detainee Abuse Incident — 15-6 Investigation

b657c5 b647c4
interrogations without supervision. It is unclear whether [REDACTED] discussed the application of force in interrogations following the advent of [REDACTED] e-mail. [REDACTED] recalls a (see Exhibits F and G) discussion at the FOB Ironhorse dining facility in which [REDACTED] asked [REDACTED] what sort of "alternate interrogation techniques" [REDACTED] was suggesting. [REDACTED] allegedly suggested application of force, which did not leave bruises or scars on the detainee. [REDACTED] recalls [REDACTED] asked [REDACTED] whether [REDACTED] was "up to it" and if [REDACTED] could "handle it". [REDACTED] says [REDACTED] replied [REDACTED] could, though was unsure whether the interpreters could.

b657c5 b647c4
f. [REDACTED] had conducted the initial interrogation screening of Detainee [REDACTED], and deemed [REDACTED] much more difficult to "break" than most other detainees. [REDACTED] assigned [REDACTED] to [REDACTED] for interrogation. [REDACTED] felt [REDACTED] imposing physical size would intimidate [REDACTED] greater than any of the other interrogators in the ICE could and would likely yield results sooner. [REDACTED] knew about [REDACTED] e-mail and agreed with [REDACTED] statement that "the gloves are coming off", likely encouraged by [REDACTED] interpretation that this meant considering interrogation techniques heretofore unauthorized.

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[REDACTED] identified [REDACTED] as an accomplice in an attack against U.S. soldiers and led American soldiers to [REDACTED]. [REDACTED] went into the interrogation viewing [REDACTED] light of the information that [REDACTED] had killed 3 American soldiers and did not deserve all the rights and privileges he was afforded while at the DCCP. [REDACTED] intended to interrogate [REDACTED]

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[REDACTED] employing "stress positions" and physical force to elicit a confession and time-sensitive information of intelligence value, which could prevent future attacks against American forces and save lives. "Stress positions" are body positions designed to cause physical discomfort and fatigue. [REDACTED] requested [REDACTED], ICE, 104th MI Bn, 4ID, NFI, for his interpreter for the interrogation. It is unclear why [REDACTED] selected [REDACTED] though I believe [REDACTED] likely told [REDACTED] he would hit [REDACTED] feet during the course of the interrogation. [REDACTED] a Voice Interceptor (98G) Arabic linguist, [REDACTED] descent and [REDACTED]

b657c5 b2
[REDACTED] describes the interpreter in this interrogation as an [REDACTED] sworn statement (Exhibit H). [REDACTED] likely knows very little about interrogation legal and ethical guidelines, since he has worked at the ICE only since late August 2003. I suspect [REDACTED] knew of [REDACTED] intentions to hit [REDACTED] feet and [REDACTED] a young and junior-ranking soldier, likely went along with the idea (see Exhibits I and J).

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g. In mid-afternoon on 23 September 2003, [REDACTED] approached [REDACTED], [REDACTED] 4th Military Police (MP) Company, 4ID, and requested [REDACTED] presence in [REDACTED] interrogation later that day. [REDACTED] intended to "turn it up a notch" or "soup up" [REDACTED] interrogation (see Exhibits K and L). [REDACTED] he wanted the use of a room with solid walls for [REDACTED] b647c4
interrogation, as the walls would provide for a wider variety of stress position options. An interrogation at the DCCP normally occurs in one of three tents, or "booths", set up outside the east wall of the DCCP high-security area. It is unclear whether [REDACTED] intentions, though I strongly suspect [REDACTED] had full knowledge. [REDACTED] sworn statement indicates he not only told [REDACTED], but [REDACTED] and [REDACTED] conspired together to assault [REDACTED]. [REDACTED] also states he and [REDACTED] agreed they would be discreet in their

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handling of the interrogation, telling only [REDACTED] [REDACTED] consented to being present at the interrogation and told [REDACTED] would request permission from [REDACTED] 4th MP Company, for use of one of the rooms in the DCCP high-security holding area.

h. [REDACTED] accompanied by [REDACTED] went to the ICE Operations Office and told [REDACTED] would interrogate [REDACTED] using a "Fear-Up (Harsh)" approach technique. A "Fear-Up" approach means the interrogator identifies a stimulus that causes fear in the subject and exploits the stimulus to elicit information. A "Fear-Up (Harsh)" approach involves the added psychological stress of the threat of physical violence on the subject. [REDACTED] also told [REDACTED] intended to use one of the rooms in the DCCP high-security holding area to be able to choose from a variety of stress positions. [REDACTED] consented. Interrogators are required to adapt to the changing needs of the interrogation and must remain flexible. As a result, interrogators do not usually seek approval for an interrogation plan. [REDACTED] left for the MP Headquarters, where [REDACTED] was asking permission to use one of the rooms in the DCCP high-security area. [REDACTED] plan to raise the level of fear in the interrogation to "break" [REDACTED] was not specific about what tactics [REDACTED] intended to use. [REDACTED] (Exhibits M and N) recalls [REDACTED] told [REDACTED] had a "bad feeling" about the interrogation, though [REDACTED] did not mention [REDACTED] had said so in [REDACTED] sworn statement. [REDACTED] agreed [REDACTED] would remain in the room during the course of the interrogation and would brief [REDACTED] about the interrogation later.

i. [REDACTED] walked to the DCCP high-security area. Once inside, [REDACTED] moved [REDACTED] from [REDACTED] cell and put [REDACTED] the detainee temporary holding area. Inside [REDACTED] cell were two metal folding chairs and [REDACTED] bedding. [REDACTED] walked into [REDACTED] cell and [REDACTED] escorted [REDACTED] into the room. [REDACTED] wore a dishdasha [traditional Arab garment], sandals, and shackles on his wrists and ankles. The interrogation began immediately. [REDACTED] questioned [REDACTED] a loud, angry voice, which [REDACTED] translated, mimicking [REDACTED] demeanor and tone. [REDACTED] paced the room as [REDACTED] yelled. [REDACTED] stayed near [REDACTED] and [REDACTED] stood against the north wall of the room. (Exhibit O is [REDACTED] drawing of how the room was set up and where participants stood.) It is unclear how [REDACTED] obtained the MP riot baton, though [REDACTED] likely received it from [REDACTED]. [REDACTED] told [REDACTED] to lie on [REDACTED] back and put his legs on the chairs, which [REDACTED] arranged such that they faced each other. (Exhibit P is [REDACTED] drawing of how the room was set up and where participants stood at this point in the interrogation.) [REDACTED] asked [REDACTED] about his involvement in attacks against American soldiers, where [REDACTED] received [REDACTED] funding and weapons, and [REDACTED] associates. When [REDACTED] did not receive the answers [REDACTED] wanted, [REDACTED] hit [REDACTED] feet. [REDACTED] the soles of [REDACTED] sandals individually, for a total of about 10 to 30 times. Neither [REDACTED] or [REDACTED] objected. [REDACTED] spent approximately 15 minutes in this position.

j. [REDACTED] grabbed [REDACTED] by [REDACTED] and pulled him to [REDACTED] feet. [REDACTED] suggested removing [REDACTED] wrist restraints, though it is unclear to whom [REDACTED] suggested the idea. [REDACTED] unlocked [REDACTED] wrist shackles, likely one side remained locked.

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 [redacted] instructed [redacted] to stand with arms out at sides, knees bent, and head tilted back so [redacted] faced the ceiling. [redacted] stood in that position for approximately 15 minutes. [redacted] told [redacted] to stand a few feet from the wall, forehead pressed to the wall, arms out at his sides and parallel with the floor, such that [redacted] body stood at approximately a 70-degree angle to the floor. At some point, [redacted] moved from [redacted] position against the north wall to just inside the door against the south wall, likely to get a better view. [redacted] continued to question [redacted] and [redacted] maintained [redacted] innocence. Not receiving the answer [redacted] wanted, [redacted] hit [redacted] across his buttocks and possibly lower back as well. [redacted] likely did not intend to hit [redacted] on his buttocks or lower back when he began the interrogation. I believe this was a spur-of-the-moment idea [redacted] had. Again, neither [redacted] objected. [redacted] approximately 10 times. [redacted] concluded the interrogation and [redacted] led [redacted] back to [redacted] cell. [redacted] states [redacted] walked in and out of the interrogation, as it was time to feed other detainees. I believe [redacted] spent much more time in the interrogation than the 50% [redacted] states, nor was [redacted] notably absent each time the baton was used against [redacted]. I also believe [redacted] not only consented to giving [redacted] baton, but condoned using the baton on [redacted] and [redacted] was likely even a co-conspirator with foreknowledge when [redacted] approached him originally.

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 [redacted] remained in [redacted] cell while [redacted] moved [redacted] back. [redacted] then interrogated [redacted] with [redacted] remaining in the room. Shortly after the interrogation began [redacted] arrived and joined the interrogation. This interrogation was much quieter than the preceding one. I do not feel anything significant occurred during the course of [redacted] interrogation. Later that evening, [redacted] went to [redacted] and explained [redacted] had seen nothing of note during the interrogation and that [redacted] was only put in stress positions. [redacted] demonstrated three stress positions [redacted] used (see Exhibit J).

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 1. Neither [redacted] said anything about the events of [redacted] interrogation to [redacted] went to dinner later that evening and sat with [redacted] 104th MI Bn, NFI (see Exhibit Q). [redacted] asked [redacted] how [redacted] interrogation of "MP [redacted]" had gone that evening and whether [redacted] had been able to "break" [redacted] said [redacted] was thus far unsuccessful and had beaten [redacted] with an MP "control stick". "Control stick" refers to the MP riot baton and is the terminology [redacted] used in [redacted] interview and the same terminology [redacted] quoted in [redacted] sworn statement. [redacted] looked at each other, unknowing whether to believe [redacted] Neither questioned [redacted] further about the incident. At approximately 0900 or 1000 hours on 24 September, [redacted] and told [redacted] to restrict [redacted] access to detainees until further notice. [redacted] refused to explain over the telephone and asked [redacted] to come to [redacted] office. [redacted] woke [redacted] and asked [redacted] what had happened the previous evening. [redacted] told [redacted] about [redacted] hitting [redacted] s feet. [redacted] did not ask further and went to [redacted] office. [redacted] went upstairs to discuss the matter. Following this conversation, [redacted] drafted a counseling statement for [redacted] on 25 September and counseled [redacted] on 26 September. The counseling statement (see Exhibit R) detailed [redacted] s punishment of 10 hours of one-on-one Geneva Convention training with [redacted], as

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well as suspended access to detainees at the DCCP. [REDACTED] suffered two days of significant discomfort on his buttocks and lower back as a result of the assault.

m. [REDACTED] stated in [REDACTED] statement [REDACTED] was mistreated in another interrogation at the FOB Ironhorse DCCP. [REDACTED] recalls an interrogation (see Exhibit H) conducted on 29 September in which [REDACTED] ICE, 104th MI Bn, 4ID, NFI, served as interrogator and [REDACTED] served as interpreter. [REDACTED] recognized [REDACTED] as the same [REDACTED] interpreter from the previous interrogation. As [REDACTED] was led into Booth 1, [REDACTED] ordered [REDACTED] to kneel and walk around the tent on [REDACTED] knees with his hands clasped behind his head. [REDACTED] is under the impression [REDACTED] was in control of the interrogation, as [REDACTED] was not very loud, did not say much, and allowed [REDACTED] to have some degree of control. [REDACTED] crawled around the table in the middle of the tent approximately 15-20 times. Either [REDACTED] realized detainees in the juvenile detention cell were able to see the events in Booth 1 (see Exhibit J). [REDACTED] moved the interrogation to Booth 2, where [REDACTED] resumed crawling around the table in the tent. [REDACTED] was dizzy, tired, and his knees hurting and tried to lean back against his calves. On one of these occasions, [REDACTED] pushed or prodded [REDACTED] with the half-filled water bottle [REDACTED] carried. [REDACTED] recounts (see Exhibit H) [REDACTED] hitting [REDACTED] once with the water bottle. As a result of this interrogation, [REDACTED] has open sores on both knees, which precludes [REDACTED] from participating in proper Muslim worship practices. I alerted [REDACTED] about [REDACTED] wounds; [REDACTED] since been seen by a medic. I am inclined to believe no further abuse occurred during this incident.

n. No further details are known about the events under investigation.

2. VARIABLES

a. I am considering six variables in my assessment; that is, six uncorroborated events which will assign, aggravate, or mitigate culpability. First, if [REDACTED] did, in fact, request [REDACTED] be released from [REDACTED] administrative duties for skill refresher training and the chain of command denied the request (see Exhibit C). Second, if [REDACTED] did hold a conversation with [REDACTED] in which they discussed whether [REDACTED] would be able to "handle" using physical force against detainees (see Exhibit G) and if statements were taken out of context or intended as worded. Third, if [REDACTED] agreed to beat [REDACTED] with a riot baton and intended not to discuss the incident with anyone besides [REDACTED] (see Exhibit G). Fourth, if [REDACTED] his riot baton with specific intent to assault [REDACTED] (see Exhibit G). Fifth, if [REDACTED] did not clearly explain to [REDACTED] his role in an interrogation (see Exhibits G and J). Sixth, if [REDACTED] was, in fact, not present in the room during the alleged assault (see Exhibit L).

b. The outcome of these unknowns may change culpability of the persons involved.

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3. FINDINGS *b657c5*

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a. [REDACTED] is a trained HUMINT Collector and has had instruction on interrogation procedures, with special emphasis on abiding by the statutes of the Geneva Convention. Since [REDACTED] work depends greatly upon adherence to the Geneva Convention regulations, [REDACTED] should have a sense of the tremendous responsibility [REDACTED] has to follow them, if not for ethical reasons, at least to avoid the potential consequences of violations. I find [REDACTED] liable for premeditated assault on [REDACTED] guilt is exacerbated by [REDACTED] use of an MP riot baton, which constitutes "aggravated assault" in criminal court proceedings. [REDACTED] bears less guilt as it is clear [REDACTED] felt encouraged by [REDACTED] even if "are you up to it?" and "can you handle it?" were taken out of context. His guilt is mitigated further by his lack of skill training and his short time in service, much of which was spent performing duties other than the work for which he was trained. Moreover, [REDACTED] was unclear what definition applies to the majority of the detainee population of the DCCP, as [REDACTED] states [REDACTED] sees them as unlawful combatants who had murdered 3 of [REDACTED] brethren soldiers. 4ID Commanding General Major General Raymond Odierno's memorandum regarding treatment of enemy prisoners of war and detained unlawful combatants was released at about this time and did not reach all soldiers before this incident occurred. According to his statement, [REDACTED] would have reconsidered intentions, had he seen the memorandum before going into the interrogation room with [REDACTED] on 23 September.

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b. [REDACTED] Military Policeman with [REDACTED] of active duty service. Intrinsic to the duties of a Military Policeman is [REDACTED] responsibility for the security and welfare of enemy prisoners of war, including adherence to the statutes of the Geneva Convention. I find [REDACTED] liable for [REDACTED] abuse of [REDACTED] guilt is exacerbated if [REDACTED] did, in fact, partake in planning and not just offer tacit consent once in the room. [REDACTED] guilt is further exacerbated if [REDACTED] lied about his involvement and knowledge of the incident on his sworn statement. As an [REDACTED] of service, [REDACTED] knew what [REDACTED] was doing was wrong. [REDACTED] guilt is mitigated if he was, in fact, absent from the room during [REDACTED] assault on [REDACTED]

b647c4
c. [REDACTED] an interpreter who has only worked with the ICE for the [REDACTED] knowledge of the Geneva Convention and interrogation operations is limited to what [REDACTED] has experienced while working at the ICE and what [REDACTED] has been told by interrogators with whom he has worked. [REDACTED] is most likely a scared junior enlisted soldier who was convinced [REDACTED] knew what [REDACTED] was doing. [REDACTED] guilt is mitigated [REDACTED] was not informed about [REDACTED] intentions prior to entering the interrogation room. [REDACTED] guilt is exacerbated by [REDACTED] intervention in the interrogation, which is outside the scope of his interpreting duties. [REDACTED] intervention in [REDACTED] 29 September interrogation was also out of line, for which [REDACTED] should be held liable, if he authorized it.

d. I feel [REDACTED] is a good soldier and [REDACTED] who runs the DCCP with diligence and efficiency. [REDACTED] took necessary steps to ensure soldiers were properly trained and had sufficient experience before conducting interrogations of

detainees. [REDACTED] e-mail did not explain fully the intent of the "wish list" and, as a consequence, implanted ideas neither [REDACTED] nor any of his interrogators would have considered before. [REDACTED] references to "gloves coming off" and [REDACTED] desire to have detainees "broken" quickly lead one to believe [REDACTED] wanted suggestions of less-than-ethical or less-than-legal nature. I believe [REDACTED] and [REDACTED] had a discussion about [REDACTED] e-mail and [REDACTED] likely read [REDACTED] statements as an endorsement of more violent interrogation methods, based upon opinions in [REDACTED] sworn statement.

e. I do not feel First Lieutenant [REDACTED] is culpable for any part of this incident. A Field Artillery officer by training, [REDACTED] became a Military Police officer only within the past month. [REDACTED] seems to be learning her duties and understanding DCCP operations quickly. [REDACTED] is a diligent officer and has a good understanding of most operations in her purview.

f. Although [REDACTED] account of events differs slightly from the other three in the interrogation room on 23 September, [REDACTED] story is highly credible and plausible. I do not feel [REDACTED] intentionally altered the events of that interrogation, though [REDACTED] account of his 29 September interrogation lends itself to mild exaggeration.

4. RECOMMENDATIONS

a. At a maximum, I recommend [REDACTED] be subject to military court martial and be prosecuted for first degree aggravated assault and violation of Geneva Convention articles 13, 17, 20, 42, and 87, which govern the humane treatment of prisoners of war. I recommend [REDACTED], be subject to military court martial and be prosecuted for conspiracy to commit aggravated assault. I recommend [REDACTED] be given a company grade Article 15, Uniform Code of Military Justice, for his involvement in the aggravated assault of [REDACTED]. I recommend no charges be proffered against [REDACTED] or [REDACTED].

b. At a minimum, I recommend [REDACTED] be given a Field Grade Article 15. I recommend [REDACTED] be given a Field Grade Article 15. I recommend [REDACTED] be given a letter of reprimand.

c. Since 4ID Commanding General Major General Raymond Odierno has already published specific guidance about treatment of enemy prisoners of war, no further memoranda or orders need be published. Commanders should ensure all personnel who may have contact with enemy prisoners of war understand the tenets of the Geneva Convention completely.

d. Additionally, I recommend [REDACTED] be questioned about his involvement in the 29 September 2003 interrogation of [REDACTED]. Although I have no belief [REDACTED] or [REDACTED] had any intention of causing physical harm to [REDACTED] during this interrogation, [REDACTED] bear some culpability for explaining his expectations in the interrogation. [REDACTED] should have informed [REDACTED] about his

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responsibilities in an interrogation and stopped [REDACTED] from conducting duties of an interrogator. Further investigation may be required for this incident.

[REDACTED]

b6-2/7c2

CPT, MI
Investigating Officer

30SEP03

MEMORANDUM FOR: [REDACTED] *b627c2*

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed an investigating officer to conduct an informal investigation IAW AR 15-6 surrounding the possible use of excessive force by [REDACTED] while *b657c5* interrogating a internee at the Division Consolidated Collection Point.

b647c4 2. In your investigation, gather sworn witness statements to the alleged event described in the enclosed statement from [REDACTED]. Your purpose is to determine the facts of what happened and recommend to me if additional investigation is needed.

3. No charges are being preferred at this time. If in the course of your investigation you come to suspect that certain people may be responsible for actions that could be subject to UCMJ or prosecution, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition, you must provide them a Privacy Act statement before you solicit any (further) personal information. You may obtain assistance with these legal matters from the office of the Staff Judge Advocate.

4. Submit the statements and your findings IAW AR 15-6 within 10 days.

[REDACTED] *b62-7c2*
Commanding

Encl

- b647c4*
1 - Sworn statement, [REDACTED]
2 - Counseling statement 26Sep03



DEPARTMENT OF THE ARMY
104th MILITARY INTELLIGENCE BATTALION
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ

REPLY TO
ATTENTION OF:

AFYB-MI-HHOC

6 October 2003

MEMORANDUM FOR RECORD

SUBJECT: Detainee Sworn Statement

1. [REDACTED] Detainee [REDACTED] provided [REDACTED] sworn statement on 1 October 2003 through [REDACTED] a Category II Civilian interpreter. [REDACTED] was provided by the Interrogation Control Element (ICE), Division Central Collection Point, 4th Mechanized Infantry Division. *b647c4*

2. I transcribed [REDACTED] statement using most nearly the language [REDACTED] used during the course of the interview. I presented the statement to [REDACTED] on 2 October and had [REDACTED] a Category II Civilian interpreter, also provided by the ICE. [REDACTED] verified statement through [REDACTED] before signing. *b647c4* *b647c4* *b647c4*

3. Point of contact for this memorandum is the undersigned at DNV [REDACTED]

b627c2
[REDACTED]
Investigating Officer

6620

4ID 104MI ICE

From:
Sent:
To:
Cc:

Thursday, August 14, 2003 11:26 AM

b627c2

Subject:

RE: FW: Taskers

All:

Regarding the tasking—I am not a legal expert, but seems to me that everyone we are detaining at this point is an unprivileged belligerent, since we have taken over the country and there is no longer any force opposing us that 1) wears recognizable uniform; and 2) bears arms openly. So I think everyone we detain is in that category.

As for "the gloves need to come off..." we need to take a deep breath and remember who we are. Those gloves are most definitely NOT based on Cold War or WWII enemies—they are based on clearly established standards of international law to which we are signatories and in part the originators. Those in turn derive from practices commonly accepted as morally correct, the so-called "usages of war." It comes down to standards of right and wrong—something we cannot just put aside when we find it inconvenient, any more than we can declare that we will "take no prisoners" and therefore shoot those who surrender to us simply because we find prisoners inconvenient.

"The casualties are mounting..." we have taken casualties in every war we have ever fought—that is part of the very nature of war. We also inflict casualties, generally many more than we take. **That in no way justifies letting go of our standards.** We have NEVER considered our enemies justified in doing such things to us. Casualties are part of war—if you cannot take casualties then you cannot engage in war. Period.

BOTTOM LINE: We are American soldiers, heirs of a long tradition of staying on the high ground. We need to stay there.

b627c2

Psalm 24: 3-8

—Original Message—

From:
[mailto:
Sent: Thursday, August 14, 2003 3:56 PM
To:
Cc:

b627c2

Subject: RE: FW: Taskers

I sent several months in Afghanistan interrogating the Taliban and al Qaeda. Restrictions on interrogation techniques had a negative impact

EXHIBIT A

6621

on our ability to gather intelligence. Our interrogation doctrine is based on former Cold War and WWII enemies. Today's enemy, particularly those in SWA, understand force, not psychological mind games or incentives. I would propose a baseline interrogation technique that at a minimum allows for physical contact resembling that used by SERE instructors. This allows open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches. Again, this is open handed. I will not comment on the effectiveness of these techniques as both a control measure and an ability to send a clear message. I also believe that this should be a minimum baseline.

Other techniques would include close confinement quarters, sleep deprivation, white noise, and a litany of harsher fear-up approaches...fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off.

V/R

— Original Message —

From: [REDACTED]
Date: Thursday, August 14, 2003 2:51 pm
Subject: FW: Taskers

> Sounds crazy, but we're just passing this on.

>

> — Original Message —

> From: [REDACTED]
> [mailto:[REDACTED]]
> Sent: Thursday, August 14, 2003 1:51 AM
> To: [REDACTED]
> Cc: [REDACTED]
> Subject: Taskers

>

>

> ALCON

>

> Just wanted to make sure we are all clear on the taskers at hand

>

> 1- A list identifying individuals who we have in detention that

> fall under

> the category of "unlawful combatants" I've included a definition

> from the

> SJA folks:

>

> In order to properly address your request for a legal definition of

> the term "unlawful combatant," I must first provide you with a

> framework of definitions with which to work. According to the Law
> of Land Warfare,

> the term "combatant" is defined as anyone engaging in hostilities
> in an

> armed conflict on behalf of a party to the conflict. Combatants are

> lawful targets, unless out of combat. With that said, "lawful

> combatants" receive protections of the Geneva Conventions and

> gain combat

> immunity for their warlike acts, as well as become prisoners of

> war if

> captured. In comparison, "unprivileged belligerents," commonly

> referred to as "unlawful combatants," may be treated as criminals

> under the

> domestic law of the captor. Unprivileged belligerents may

> include spies,

- > saboteurs, or civilians who are participating in the hostilities.
- > The
- > term "unlawful combatant" is not referenced, nor is it defined.
- > The term
- > that properly described these type of individuals is "unprivileged
- > belligerents," and as stated before they may be treated as
- > criminals under
- > domestic law.
- >
- > As far as an ROE that addresses the treatment of enemy combatants,
- > specifically, unprivileged belligerents, we are unaware of any
- > but we will
- > continue to research the issue for you. I hope this information
- > has been
- > helpful.
- >
- > 2- An additional list identifying who we have detained who are
- > "Islamicextremist"
- >
- > 3- Immediately seek input from interrogation elements (Division/Corps)
- > concerning what their special interrogation knowledge base is
- > and more
- > importantly, what techniques would they feel would be effective
- > techniques
- > that SJA could review (basically provide a list).
- >
- > Provide interrogation techniques "wish list" by 17 AUG 03.
- >
- > The gloves are coming off gentleman regarding these detainees, [REDACTED]
- > [REDACTED] has
- > made it clear that we want these individuals broken. Casualties
- > are mounting
- > and we need to start gathering info to help protect our fellow
- > soldiers from
- > any further attacks. I thank you for your hard work and your
- > dedication.
- > MI ALWAYS OUT FRONT!

6623

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 DCCP, FOB Ironhorse, Tikrit, Iraq
 2. DATE (YYYYMMDD) 2003/10/03
 3. TIME 1700
 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME
 6. SSN
 7. GRADE/STATUS
 8. ORGANIZATION OR ADDRESS 104th Military Intelligence Battalion, 4th Mechanized Infantry Division, Fort Hood, TX 76544

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

Sometime in mid-August 2003, I received an electronic mail correspondence [hereinafter referred to as e-mail] from a captain at the U.S. Army V Corps Human Intelligence Effects Coordination Cell (HECC). [Affiant later produced a printed copy of the e-mail, with subsequent comments attached] The captain requested a "wish list" from subordinate interrogation elements for innovative interrogation techniques that will prove more successful than current methods. I understand "wish list" to mean the captain wanted to know what other interrogation techniques I might want to try if the techniques were authorized. I interpreted the request to mean the captain wanted suggestions legal, illegal, and somewhere in between. I recall the e-mail mentioned "Colonel [REDACTED] was upset interrogations were not more successful and the captain used the phrase "the gloves are coming off". I recall the e-mail also mentioned techniques used in SERE [Survival, Evasion, Resistance, and Escape] School may be effective. I mentioned the request for suggestions to the soldiers in my unit, the Interrogation Control Element (ICE) at the Division Central Collection Point (DCCP) [hereinafter referred to as the Cage], Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division, Tikrit, Iraq. I spoke to [REDACTED] Officer in Charge of Tactical Human Intelligence Operations (THOPS), 104th Military Intelligence Battalion, 4ID, about the e-mail. [REDACTED] told me he had received the same e-mail. I asked [REDACTED] "Does this mean what I think it means?" [REDACTED] said, "I think so." I recall seeing only 2 other correspondences addressing this e-mail sent to all the recipients of the previous e-mail. The first response was from [REDACTED] who stated his experience in Afghanistan had taught him other means were necessary to extract intelligence information. The second response was from a major whose name I do not recall. The major objected to [REDACTED]'s suggestions on moral and ethical grounds. I received no suggestions from my soldiers and compiled a list of my own ideas. I understood the captain wanted all ideas-legal and illegal, regardless of what I personally condone. I saved my ideas on my computer's Desktop screen as a file called "Alternative Interrogation Techniques.doc". Everyone in my unit has access to my computer and can access any of the files at any time. I know it is possible some of my soldiers may have seen the document, opened it, and read it, though I never actually showed the document to any of my soldiers before submitting it. I submitted my "wish list" by the due date, which I recall was just a few days later, and have not heard anything about the "wish lists" since. I currently have [REDACTED] soldiers who have attended Advanced Individual Training (AIT) for Human Intelligence Collection. For much of the current deployment, however, the FOB Ironhorse ICE has been undermanned with personnel necessary to conduct proper interrogation operations. I requested personnel from my higher command and [REDACTED] arranged for [REDACTED], a Human Intelligence (HUMINT) Collector by training, to be assigned to the ICE in late August. [REDACTED] has been an active duty soldier for about 2 years. Since completion of AIT, [REDACTED] has been assigned to administrative positions only and has not practiced any of the skills for his Military Occupational Specialty (MOS) since. On several occasions, I have requested [REDACTED] supervisors release [REDACTED] for MOS-specific training, all of which have been denied. I first gave [REDACTED] operational interrogation experience in observing an interrogation conducted by myself or another experienced interrogator, such as since-reassigned [REDACTED]. When I felt he was ready, I allowed [REDACTED] to conduct an interrogation supervised by me or another experienced interrogator such as [REDACTED]. I conducted initial interrogation screenings on detainees [REDACTED] hereinafter referred to as [REDACTED] and [REDACTED] hereinafter referred to as [REDACTED]. [REDACTED] had been captured in a raid and immediately named [REDACTED] an accomplice in an attack that killed 3 American soldiers. I assessed [REDACTED] was the weaker of the two detainees and would divulge everything he knew. I also assessed [REDACTED] would know more than [REDACTED] and would be more difficult to "break", as he was a much larger and mentally-resistant person than [REDACTED]. I felt [REDACTED] could not "break" with most of my other interrogators, who are much smaller in stature. To extract time-sensitive intelligence information that could save American lives, I assigned [REDACTED] to [REDACTED] interrogation. "Breaking" a detainee means the detainee's mind is pressured to the point the detainee resigns his falsified account of events and tells the truth as he knows it. [REDACTED] is a very large soldier, standing at an imposing 6-foot 6-inches or so, and uses his size to intimidate detainees effectively. Approximately 10 days ago [22 to 24 September 2003] at about 1400 to 1600 hours, [REDACTED] approached me and mentioned he was going to interrogate [REDACTED] using a "Harsh Approach" technique. I gave my approval. Since they must be flexible in their interrogations and change approaches according to the situation, interrogators do not have a strict plan, nor do they request approval for a specific interrogation plan. [REDACTED] left with [REDACTED] the interpreter [REDACTED] requested for the [REDACTED]

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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINISH THIS FORM.

STATEMENT OF

TAKEN AT

DATED 2003/10/03

9. STATEMENT (Continued)

██████ uses the pseudonym "██████" during the course of his interrogations for security reasons. I passed by the MP headquarters office a few minutes later and noticed ██████ and ██████ standing outside. I asked ██████ what he was doing. ██████ replied he was receiving approval for the interrogation. I told him interrogators do not need approval from Military Police soldiers (MPs) for their interrogations. ██████ said he requested use of a detention room for his interrogation of ██████. Since interrogations usually occur in interrogation tents, or "booths", just outside the Cage high-security holding area, I told ██████ MP approval would be necessary for use of the room. ██████ also said he had requested the presence of an MP for security during the interrogation. By doctrine, interrogations should always include the presence of an MP for security, but manning restrictions has not allowed for a guard to be present for most interrogations. I left and went back to my office. ██████ and ██████ interrogated ██████ for approximately 60 to 90 minutes. I walked to the DCCP high-security holding area later that evening. I expected ██████ would still be interrogating ██████ at that time, but ██████ had finished already. ██████ and ██████ were interrogating ██████ in ██████'s cell, which is the second room on the right as you enter the DCCP high-security holding area. ██████, one of the MPs, was present. I am not sure who ██████ was present, as ██████ is neither a large nor imposing man. Since many of the MPs have not seen an interrogation before, ██████ may have wanted to witness the interrogation out of interest. I joined to assist in the interrogation, which went quietly and smoothly. I do not recall any additional significant details about the events of this day. The following morning, I received a telephone call from ██████ at approximately 0900 or 1000 hours. ██████ instructed me to suspend ██████'s access to detainees at the Cage. I asked ██████ why I should restrict ██████'s access. ██████ replied he would not discuss the matter over the telephone and asked me to come see him at the 4ID headquarters building, FOB Ironhorse. I woke ██████ immediately and asked him what had happened the previous night during interrogations. In a half-awake state, ██████ explained ██████ had used an MP baton to hit a detainee's feet during the course of an interrogation. Since I did not have contact with ██████ the previous evening before ██████ did not tell me about the incident. I do not believe ██████ intended to hide any information from me and have the impression ██████ was surprised about the events in the interrogation. I do not doubt ██████ might have been scared, though. ██████ is a young, inexperienced soldier who has only recently been assigned as an interpreter for interrogations. Within an hour of my conversation with ██████, I was in the 4ID headquarters building meeting with ██████ and I walked upstairs from his office on the second floor to a balcony on the third floor for a discreet conversation. ██████ explained ██████ had eaten dinner with ██████ and ██████ the previous evening. ██████ asked ██████ how his interrogation had gone that evening. ██████ explained ██████ told ██████ and ██████ he had used an MP baton to hit ██████'s feet and buttocks during the course of the interrogation. I do not know which baton ██████ had used, though I assume ██████ meant the baton I see most MPs at the Cage carrying, which I describe as a "natural wood" color, about 1- to 1.5-inches in diameter, and about 3- to 4-feet in length. The baton also has a rubber ring embedded in a groove about 4 to 6" from one end. I restricted ██████ to administrative details immediately and put counseling in writing. I typed ██████'s counseling statement the next day and counseled ██████ the following afternoon. HUMINT Collector soldiers are given Geneva Convention classes for at least a full week or two at AIT and receive a hand-out summarizing the tenets of the Geneva Convention statutes. All refresher Geneva Convention training is conducted within the unit and, though there is no official requirement of how often to conduct training, my soldiers receive refresher training approximately once every 6 months. Geneva Convention training is very easy to conduct and much of it is "hip pocket" training, or training conducted by soldiers individually with manuals they would keep in their hip pockets. I do not like "coercive" interrogation techniques, as I have read several studies, which say they have proven largely unreliable because the source will say anything to end the interrogation. I prefer to use mental and emotional techniques due their proven effectiveness in numerous studies. I recognize my "wish list" mentions a wide array of techniques, though I believe the intent of the original e-mail was for a brainstorm of all kinds of ideas. HUMINT Collector schooling teaches to "walk the fine line" between legality in interrogations. I have been very clear in my instructions to my soldiers about their interrogation techniques. I often tell my soldiers, "There's no one in this Cage worth you going to jail for." It is possible ██████ saw the "Alternative Interrogation Techniques" document and received some ideas from it, though the document does not specify the technique ██████ used. ██████ received no approval, tacit or explicit, from me for any illegal technique. I do not know of any other incidents of mistreatment or abuse of detainees at the FOB Ironhorse Cage. I do not know of any incident in which an interpreter took control of an interrogation. I have nothing further to add to this statement.

/////////////////////////////////NOTHING FOLLOWS/////////////////////////////////

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

DATED 2003/10/03

9. STATEMENT (Continued)

b657c5

NOT

USED

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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.

b657c5

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

b627c4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of October, 2003 at DCCP, FOB Ironhorse, Tikrit, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b657c5

PAGE 3 OF 3 PAGES

Alternative Interrogation Techniques (Wish List)

4Th Infantry Division, ICE

Open Hand Strikes (face and midsection) (no distance greater than 24 inches)

Fairly self-explanatory.

Pressure Point Manipulation

Manipulation of specific points on the human body can cause acute temporary pain but cause no long term effects or damage.

Close Quarter Confinement

Confinement of subject in extremely close quarters. Discomfort induces compliance and cooperation.

White Noise Exposure

Overexposure of subject to noise found to be meaningless and many times monotonous to subject. Often used in conjunction with Sleep Deprivation.

Sleep Deprivation

An initial period of total deprivation (usually 12 to 24 hours) followed by regular and irregular sleep patterns over several days.

Stimulus Deprivation

The human mind requires stimulation, however small, to maintain resistance to suggestion, mental and emotional manipulation and self will. Subject is deprived of this stimulation for 12 to 24 hours during initial stages. Effects on subject's resistance are monitored with short intense interrogations (15-60 minutes at most). Subject's resistance will usually rapidly decay after 36 to 48 hours. This technique requires no physical pressure to be applied. However, subject must be carefully monitored.

***There are a number of "coercive" techniques that may be employed that cause no permanent harm to the subject. These techniques, however, often call for medical personnel to be on call for unforeseen complications. They include but are not limited to the following:**

Phone Book Strikes

Low Voltage Electrocuting

Closed-Fist Strikes

Muscle Fatigue Inducement

EXHIBIT D

6627

[REDACTED]
From: [REDACTED]
Sent: Monday, August 18, 2003 2:16 AM
To: [REDACTED]
Subject: RE: Taskers

b2-2



Alternative
Interrogation Tech...

The attached document is the 4th Infantry Division's ICE suggestions if alternative interrogation techniques are authorized. All techniques not listed as "coercive" cause no lasting effects on the subject.

I apologize for tardiness, but my SIPRNET has been down for the last few hours.

b65-705

TF IH CCP, Tikrit, IZ

-----Original Message-----

From: [REDACTED]
Sent: Thursday, August 14, 2003 3:51 AM

b2-2

To: [REDACTED]

b62

Subject: FW: Taskers

Sounds crazy, but we're just passing this on.

-----Original Message-----

From: [REDACTED]
[mailto:[REDACTED]]
Sent: Thursday, August 14, 2003 1:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Taskers

b6-2

ALCON

Just wanted to make sure we are all clear on the taskers at hand

1- A list identifying individuals who we have in detention that fall under the category of "unlawful combatants" I've included a definition form the SJA folks:

In order to properly address your request for a legal definition of the term "unlawful combatant," I must first provide you with a framework of definitions with which to work. According to the Law of Land Warfare, the term "combatant" is defined as anyone engaging in hostilities in an armed conflict on behalf of a party to the conflict. Combatants are

EXHIBIT E

lawful targets, unless out of combat. With that said, "lawful combatants" receive protections of the Geneva Conventions and gain combat immunity for their warlike acts, as well as become prisoners of war if captured. In comparison, "unprivileged belligerents," commonly referred to as "unlawful combatants," may be treated as criminals under the domestic law of the captor. Unprivileged belligerents may include spies, saboteurs, or civilians who are participating in the hostilities. The term "unlawful combatant" is not referenced, nor is it defined. The term that properly described these type of individuals is "unprivileged belligerents," and as stated before they may be treated as criminals under domestic law.

As far as an ROE that addresses the treatment of enemy combatants, specifically, unprivileged belligerents, we are unaware of any but we will continue to research the issue for you. I hope this information has been helpful.

- 2- An additional list identifying who we have detained who are "Islamic extremist"
- 3- Immediately seek input from interrogation elements (Division/Corps) concerning what their special interrogation knowledge base is and more importantly, what techniques would they feel would be effective techniques that SJA could review (basically provide a list).

Provide interrogation techniques "wish list" by 17 AUG 03.

The gloves are coming off gentleman regarding these detainees, [REDACTED] has made it clear that we want these individuals broken. Casualties are mounting and we need to start gathering info to help protect our fellow soldiers from any further attacks. I thank you for your hard work and your dedication.

MI ALWAYS OUT FRONT!

V/r

[REDACTED]

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 01 October 2003	TIME 1430 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 664/7c4	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			
<p>I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>During the evening hours on approximately 23 or 24 September 2003, I was removed from my detention cell for an interview. This was my fourth interview during my detention at this facility. I was taken to an interview room, where I was questioned for approximately 15 to 20 minutes by an American soldier whom I describe as a tall, skinny male with a light facial complexion and black hair. He was accompanied by two other soldiers, a Military Police (MP) officer whom I describe as "white skin" and "not too tall or short" [Affiant indicated a soldier outside approximately 5'7" to 5'9" tall, wearing military fatigue pants and a brown tee-shirt; a large tattoo on his upper left arm was exposed. Though there were other soldiers present, this was likely the soldier Affiant meant], and an interpreter whom I describe as darker skinned and having an Egyptian accent when he spoke. The Tall American led me inside the interview room. I was wearing a dishdasha [an Arab garment much like a nightshirt], my sandals, handcuffs, and ankle shackles. The Tall American made me stand with my forehead against the wall, my hands behind my head, my feet planted several feet from the wall, such that my body was positioned at a 45-degree angle. The Tall American was in control and was very angry. The Tall American shouted at me, asking if I was the person who had killed Americans. The Egyptian Interpreter was also very angry and yelled at me. I said I was not involved and did not know anything about any weapons. The Tall American had in his hands a yellow wooden MP baton I describe as approximately 2 to 3 feet in length and 1 inch in diameter. When I did not give the answer the Tall American wanted to hear, he hit me with the baton on my lower back and buttocks "about 10 times". The baton hurt me, though it did not leave any bruises or break the skin. I do not know how long I was in that position. The Tall American then told me to lie down on my back with my legs up on a chair. I did as I was told and the Tall American questioned me again about my alleged involvement in an attack against Americans. I said I did not know anything about it. When the Tall American did not like my response, he hit my feet with the baton "almost 15 times". Again, the baton hurt me, though it did not leave any bruises or break the skin. I do not know how long I was in that position. During the entire interview, the Military Police officer stood in the corner of the room, said nothing, and did nothing but observe. I have had no problems with him before or since. My fifth interview was during the evening hours of about 2 or 3 days ago [Affiant indicated 28 or 29 September 2003], I was removed from my detention cell for another interview. During the interview, the Egyptian Interpreter was present again, though it was a different American who was questioning me. I cannot recall any details about his appearance or distinguishing features. As soon as I entered the tent [Affiant indicated Booth 2], the Egyptian Interpreter moved the box upon which I usually sit during my interviews. The Egyptian Interpreter ordered me to get on my knees, put my hands behind my head, and move around the table in the middle of the tent, during which the Egyptian Interpreter yelled at me and asked me who was shooting Americans, who was with me, and what kind of weapons I had. I said I did not know anything. I crawled around the table about 10 to 15 times before the Egyptian Interpreter and the Unidentified American Interviewer moved me to the other tent [Affiant indicated Booth 3]. There, the interpreter ordered me to kneel again and move around the table. I told the Egyptian Interpreter and the Unidentified American Interviewer I was tired, dizzy, my knees hurt, and I could not go around the table anymore. When I told the Egyptian Interpreter I "could not handle it", he said, "Keep going" and hit me once on my lower back with a water bottle. The water bottle was nearly half full with what I recall might have been an orange-colored juice. It appeared to me the Egyptian Interpreter was in control during the course of this interview, as he did all the yelling. The Unidentified American Interviewer asked questions only once in a while. I was in the first tent a total of about 10 minutes and in the second for a total of about 15 minutes. There was no MP guard or anyone else present in the tent, though there may have been a witness. [Affiant indicated a man dressed in yellow in the 'Juvenile detention cell']. At no time during this interview did the Egyptian Interpreter or the Unidentified American Interviewer push me or strike me with anything other than the water bottle. As a result of crawling on my knees in the tent, my knees are bloody and I still have open sores, which are exposed to flies. I have not been given the opportunity to see a doctor for my injuries. The injuries I sustained in the first-mentioned interview did not produce any bruises or break the skin and the pain went away after 2 days. The injuries I sustained in the second interview are confined to my knees. My right knee has 3 open wounds ranging in size from 1 inch to 1.5 inches across. My left knee has 2 open wounds approximately 1 inch across. These wounds make daily prayer difficult. In the other 3 interviews I have had, I have not been abused in any way. The guards and interviewers have been otherwise good to me. I have nothing further to add to this statement.</p> <p>////////// [REDACTED] NOTHING FOLLOWS //////////</p> <p style="text-align: center;">664/7c4</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF <u>2</u> PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."</p> <p>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.</p>			

DA FORM 2823, JUL 72

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

USAPPC V2.00

EXHIBIT H

6630

SWORN STATEMENT

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

LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 01 October 2003	TIME 1750 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65/7c5	SOCIAL SECURITY NUMBER [REDACTED] b65/7c5	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence Battalion, Fort Hood, Texas 76544 b64/7c4			
<p>I, [REDACTED] b65-7c5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>On 23 September 2003, I interrogated [REDACTED] Division Central Collection Point (DCCP) Detainee [REDACTED] b64/7c4 (hereinafter referred to as [REDACTED]). I interrogated [REDACTED] at the DCCP at Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID) Tikrit, Iraq. This interrogation was my second interrogation with [REDACTED], which I believe was [REDACTED]'s third interrogation. In the previous interrogations, [REDACTED] did not "break", meaning he did not resign [REDACTED] account or events, and tell the truth about his involvement in attacking American soldiers. My interrogation training has taught me how to identify when a Source, the person being interrogated, is lying to me. I could tell with about an 80% probability [REDACTED] was lying to me, so I intended to press [REDACTED] until [REDACTED] broke. [REDACTED] buddy, Detainee [REDACTED] hereinafter referred to as [REDACTED], "ratted him out", meaning [REDACTED] told his interrogators [REDACTED] was lying and had secretly bragged about killing American soldiers. [REDACTED] is suspected of constructing improvised explosive devices (IEDs), though I believe [REDACTED] is innocent. My intent during this interrogation was to "put pressure on [REDACTED] to learn who [REDACTED] superiors are. Interrogation training teaches application of force is an unreliable means of extracting a confession from a detainee because if enough force is used, the detainee will admit to anything. I intended to use a "Fear-Up (Harsh)" approach with [REDACTED] a technique I normally do not use. In the "Fear-Up (Harsh)" technique, the interrogator is permitted to use verbal language such as offensive language and body language such as slamming a fist on a table to obtain a confession. The interrogator cannot use physical violence, though forcible handling or "manhandling" is authorized. We are trained to "walk the line" of legality and to recognize there are plenty of techniques not taught in the classroom still within limits of the Geneva Convention statutes. I saw an e-mail in mid- to late August 2003 from [V] Corps discussing interrogation operations. The e-mail explained American soldiers were being killed and "we need to start saving lives". I believe the e-mail used the phrase, "the gloves need to come off." The e-mail was from or referenced a [REDACTED] named [REDACTED] b66-2 and was not an official policy or order. When the e-mail had first come out, I asked my supervisor what this meant. My supervisor is [REDACTED] b66-2 DCCP, FOB Ironhorse, 4ID [REDACTED] said this meant we were not allowed to injure detainees such that they had bruises or scars. [REDACTED] implied rough handling and stressful positions. [REDACTED] said they may do something like "punch [the detainee] through a phonebook". The phonebook would be used to spread the impact over a larger area and not hurt the detainee as much. I understood [REDACTED] meant hitting the detainee in the chest or stomach, but not the face. [REDACTED] asked me if I was "up to it" and if I could "handle it". I said I could, though I did not think some of the interpreters could. [REDACTED] suggested coming up with ideas for what "the gloves need to come off" might mean. The list was not intended to become policy, but was a means of brainstorming other means of extracting information from detainees. The list included hitting detainees, but being careful not to leave bruises or scars. I work with several Military Police (MP) soldiers at the DCCP, including [REDACTED] b66-2 [REDACTED], DCCP, 4th MP Brigade, 4ID. I approached [REDACTED] and said I wanted an MP present for security, since some detainees have been making knives recently. I said to [REDACTED] "I have an idea. We have to start saving lives." I explained about the e-mail I had seen and said the people working at [V] Corps were looking into "other means of saving lives". I said, "[The detainees] are criminals and they have the same rights as us." [REDACTED] agreed. I said I intended to beat [REDACTED] feet during the interrogation. [REDACTED] said "I would go with me and would take responsibility for [REDACTED] actions if I would take responsibility for mine. We agreed we would keep the interrogation "discreet" and I would tell only my supervisors, [REDACTED] b66-2 in [REDACTED] 104th MI Bn, 4ID. I decided I would tell [REDACTED] only after the fact and only to keep them informed of what had happened. [REDACTED] said [REDACTED] would have to obtain permission from the DCCP OIC. [REDACTED] b65/7c5 When [REDACTED] and I approached [REDACTED] about the interrogation, we explained about the e-mail and that we wanted to be "forceful" with [REDACTED]. [REDACTED] gave [REDACTED] approval, though I do not believe [REDACTED] the conversation with the idea we intended to hit [REDACTED]. The interrogation occurred in the evening hours of 23 September at about 1700 or 1800 hours. For my interpreter, I chose [REDACTED] b66-2 an American soldier of [REDACTED] descent who had spoken [REDACTED] b66-2 because I felt he was "suitable for the Fear-Up (Harsh)" approach. [REDACTED] b66-2 and I entered the interrogation room, which was [REDACTED] cell. I chose this room because it had solid walls which would make many "stress positions" easier. A "stress position" is a body position designed to cause discomfort and fatigue. [REDACTED] was wearing a dishdasha (an Arab garment much like a nightshirt), sandals, handcuffs, and ankle shackles. I asked [REDACTED] for "control stick", a wooden MP baton approximately 2 to 3 feet long, about 1 inch in diameter, and beige or yellow in color. [REDACTED] gave me the control stick without word and without question. b66-2 b64/7c4</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65/7c5		
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>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.</p>		PAGE 1 OF 2 PAGES	

DA FORM 2823, JUL 72

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

USAPPC V2.00

EXHIBIT G

b65/7c5

6631

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 01 October 2003	TIME 1600 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65/7c5	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS D Company, 104th Military Intelligence Battalion, Fort Hood, Texas 76544			
I, [REDACTED] b65/7c5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>At approximately 1500 hours on 23 or 24 September 2003, [REDACTED] b64/7c4 Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID), asked me to interpret for [REDACTED] b64/7c4 an interrogation of Detainee [REDACTED] b65/7c5. [REDACTED] b64/7c4 thereafter referred to as [REDACTED] b65/7c5 intended to "turn it up a notch" with [REDACTED] b64/7c4 was "full of shit" and that [REDACTED] b64/7c4 buddy had "ratted him out", meaning the buddy had told interrogators [REDACTED] b64/7c4 was bragging he had killed Americans. [REDACTED] b64/7c4 told me [REDACTED] b65/7c5 wanted to use the "Fear-Up (Harsh)" interrogation technique. I do not remember if [REDACTED] b64/7c4 had said whether he would hit [REDACTED] b65/7c5 or not, though [REDACTED] b64/7c4 might have mentioned hitting [REDACTED] b65/7c5 feet. [REDACTED] b64/7c4 talked to [REDACTED] b65/7c5, a Military Police (MP) soldier assigned to the Division Central Collection Point (DCCP), and [REDACTED] b64/7c4 had requested to sit in on the interrogation, as [REDACTED] b65/7c5 had never witnessed an interrogation before. [REDACTED] b64/7c4 and I went to [REDACTED] b65/7c5, the DCCP [REDACTED] b64/7c4 to ask permission. I am not sure what was discussed during the conversation, as my attention was distracted, though I believe they were getting permission to use the cell of Detainee [REDACTED] b65/7c5 [hereinafter referred to as [REDACTED] b64/7c4 as the location for the interrogation, instead of the interrogation tents, or "booths", outside the DCCP holding area. [REDACTED] b65/7c5, and I went into [REDACTED] b64/7c4 cell, the second cell on the right as you enter the 'high security' compound of the DCCP. During the interrogation, [REDACTED] b65/7c5 was in control and had [REDACTED] b64/7c4's MP baton, or "control stick", in [REDACTED] b65/7c5 hands. I do not know when he obtained the baton, but [REDACTED] b64/7c4 did not object or say anything. [Affiant obtained a baton to demonstrate what kind of baton was used. The baton was approximately 3 feet long, 1 inch in diameter, and yellow or beige in color.] [REDACTED] b65/7c5 was wearing a dishdasha [an Arab garment much like a nightshirt], sandals, handcuffs, and ankle shackles. [REDACTED] b64/7c4 instructed [REDACTED] b65/7c5 to lie on the ground on his back and put his legs up on 2 chairs set up facing each other. [REDACTED] b64/7c4 feet hung over the edge of the chair. During the interrogation, [REDACTED] b65/7c5 asked [REDACTED] b64/7c4 where [REDACTED] b65/7c5 had gotten the RPGs [rocket-propelled grenades], where [REDACTED] b64/7c4 had gotten the weapons [REDACTED] b65/7c5 used to kill Americans, and who the leaders of his group were. I translated for [REDACTED] b64/7c4 and mimicked [REDACTED] b65/7c5 angry demeanor. [REDACTED] b64/7c4 told [REDACTED] b65/7c5 his buddy had "ratted him out" and if [REDACTED] b64/7c4 wanted to see [REDACTED] b65/7c5 family again [REDACTED] b64/7c4 would tell [REDACTED] b65/7c5 what [REDACTED] b64/7c4 wanted to know [REDACTED] b65/7c5 maintained [REDACTED] b64/7c4 was innocent and was taken from his house. [REDACTED] b65/7c5 hit [REDACTED] b64/7c4 feet on the soles of [REDACTED] b65/7c5 sandals. [REDACTED] b64/7c4 swung the baton with one hand, hit [REDACTED] b65/7c5 feet "not too hard", and hit [REDACTED] b64/7c4 feet about 30 times. Each time [REDACTED] b65/7c5 hit [REDACTED] b64/7c4 groaned in pain. During this time [REDACTED] b65/7c5 was "sitting in the corner" [Affiant demonstrated a squatting position]. I suggested [REDACTED] b64/7c4 take off [REDACTED] b65/7c5 handcuffs and try a "stress position" against the wall. A "stress position" is a body position designed to cause discomfort and fatigue. This was the first time I had suggested any technique during an interrogation. I asked [REDACTED] b64/7c4 to take off [REDACTED] b65/7c5 handcuffs. Occasionally, an interrogator will take off a detainee's handcuffs and/or ankle shackles. After [REDACTED] b64/7c4 took off [REDACTED] b65/7c5 handcuffs, I told [REDACTED] b64/7c4 to stand with his forehead against the wall, his feet together a few feet from the wall, arms spread out to the sides and parallel to the floor, and his body positioned at about a 50-degree angle from the floor. [REDACTED] b65/7c5 continued to question [REDACTED] b64/7c4 about [REDACTED] b65/7c5 involvement in attacking Americans. When [REDACTED] b64/7c4 not receive the response he wanted, he hit [REDACTED] b65/7c5 on the buttocks with the baton. [REDACTED] b64/7c4 hit [REDACTED] b65/7c5 a total of about 4 times, during which [REDACTED] b64/7c4 groaned in pain. I was surprised [REDACTED] b65/7c5 hit [REDACTED] b64/7c4, but I did not want to get in someone else's business, so I said nothing. I do not know [REDACTED] b65/7c5 reaction, as he sat off to the side of the room. I do not think any of the other detainees heard anything except [REDACTED] b64/7c4 and me yelling at [REDACTED] b65/7c5. On 28 or 29 September 2003, I interpreted for another interrogation of [REDACTED] b64/7c4. The interrogator was [REDACTED] b65/7c5. ICE, 104th MI Bn, 4ID. [REDACTED] b64/7c4 and I took [REDACTED] b65/7c5 into Booth 2. I suggested [REDACTED] b64/7c4 tell [REDACTED] b65/7c5 to crawl around the tent on [REDACTED] b64/7c4 knees with [REDACTED] b65/7c5 hands behind his head. I remembered another interrogator would instruct detainees to do this. I remember he was named [REDACTED] b64/7c4; he is no longer assigned to the 4ID ICE and I do not remember [REDACTED] b65/7c5 full name. [REDACTED] b64/7c4 agreed. I do not know how long [REDACTED] b65/7c5 went around the tent, though I believe he went around the table about 6 to 10 times. [REDACTED] b64/7c4 asked [REDACTED] b65/7c5 questions about [REDACTED] b64/7c4 involvement in attacking Americans, which I interpreted. Since [REDACTED] b65/7c5 is not a very loud person, I translated much louder than [REDACTED] b64/7c4 had spoken. [REDACTED] b65/7c5 and I realized some of the juvenile detainees might see the interrogation, so we moved from Booth 2 to Booth 3 to move out of sight. Once inside Booth 3, [REDACTED] b64/7c4 told [REDACTED] b65/7c5 to kneel and continue to crawl around the tent. I do not remember how many times [REDACTED] b64/7c4 crawled around the tent this time. I continued to yell at [REDACTED] b65/7c5, translating for [REDACTED] b64/7c4. Sometimes [REDACTED] b65/7c5 would try to rest his buttocks against [REDACTED] b64/7c4 ankles, saying [REDACTED] b65/7c5 "couldn't do this anymore" and was "tired". On one of these occasions, I prodded [REDACTED] b64/7c4 with my water bottle on his backside and told him, "get moving". At no time did I strike [REDACTED] b65/7c5.</p>			
EXHIBIT b64	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65/7c5		PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] b64/7c4 TAKEN AT [REDACTED] b65/7c5 DATED [REDACTED] b64/7c4 CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] b65/7c5 OF [REDACTED] b64/7c4 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, JUL 72

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

USAPPC V2.00

EXHIBIT J

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 02 October 2003	TIME 1740 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6647c4	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS 4th Military Police Company, 4th Mechanized Infantry Division, Fort Hood, TX 76544			
<p>I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Sometime last week [21 to 27 September 2003] at about 1500 or 1530 hours, I was approached by two of the soldiers from the CI [Counterintelligence, hereinafter referred to as CI] element here at the Division Central Collection Point (DCCP), Forward Operating Base (FOB) Ironhorse, 4th Mechanized Infantry Division (4ID), Tikrit, Iraq. I do not know the members of this unit well and since they do not wear nametags on their uniforms, I do not know their names well. I do know the CI guys are interrogators and interpreters. I describe one soldier as a tall male with black hair. I believe he is Serbian, [REDACTED] 665. I think his name is [REDACTED] describe the other soldier as a Middle Eastern-looking male, about 5 foot 10 inches tall, often wearing dark sunglasses, and responding to the name "[REDACTED] told me [REDACTED] had received an informal request from "higher", meaning his higher headquarters or higher command elements, to "soup up" interrogations. [REDACTED] wanted to interrogate a particular detainee [hereinafter referred to as Detainee] and wanted to have an MP [Military Police soldier] present. [REDACTED] did not specify which MP he wanted present. I was not sure what [REDACTED] meant by "souping up" interrogations, though I did not see any problem. I understood [REDACTED] meant "stressful positions". I do not know any other time when an MP was present for an interrogation. I told [REDACTED] I would have to ask the DCCP [REDACTED] for permission to use the room and be present for the interrogation. [REDACTED] went to their company operations center where they spoke with their commander, a soldier they referred to as [REDACTED] Since I was not present, I do not know the subject of their conversation. I walked toward my headquarters building and met [REDACTED] the way. I explained [REDACTED] wanted to "soup up" their interrogations. [REDACTED] asked me, "What exactly are we talking about?" [REDACTED] wanted to try "other means of interrogating" detainees, indicating [REDACTED] wanted to put more "stress on the detainees" [REDACTED] said, "Well, if you guys accept responsibility." I told [REDACTED] I would tell her later that day what had happened. [REDACTED] requested a room in the DCCP holding area, instead of an interrogation tent, or "booth", as interrogators normally would. I am not sure why [REDACTED] wanted that room. The room [REDACTED] requested is the room in my unit, 4th Platoon, 4th MP Company, 4ID, calls the "U.S. Soldier Room" because American soldiers stay in the room on occasion. Since a detainee [hereinafter referred to as Detainee] occupied that room, I moved Detainee to the "temporary holding" cell. The U.S. Soldier Room contained metal folding chairs and bedding for Detainee. I have worked at the DCCP for only 21 days [as of date statement given] and, though I deal with the prisoners daily, I do not know them by name or number, but only as "the guy in the white robe" or similar physical description. I went to get Detainee, as per [REDACTED] request. Detainee was wearing what I call a "man dress" [dishdasha, a traditional Arab garment much like a night shirt], sandals, and leg irons on his ankles and wrists. [REDACTED] went into the room first; I brought Detainee shortly thereafter. [REDACTED] began the interrogation immediately. I do not know all the details of the interrogation, as I walked out of the room 6 to 8 times to feed other detainees and was only present for about 50% of the interrogation. As I have never witnessed an interrogation before, I did not know what to expect or what was occurring. It appeared to me [REDACTED] was in control and asking the questions, which [REDACTED] translated into Arabic. [REDACTED] asked [REDACTED] what [REDACTED] knew about RPGs [rocket-propelled grenades] and how to fire them. Detainee stood against the east wall of the room at the start of the interrogation. I recall [REDACTED] was in this position for about 10 to 15 minutes. At this time, I stood against the north wall of the room. I left the room and when I returned, Detainee was laying on his back. Detainee's legs were still shackled and were resting on the seats of the 2 chairs that had been in the room. Detainee may have had his hands in the air above his chest. [REDACTED] paced the room as he yelled at Detainee; [REDACTED] moved around, though not as much as [REDACTED] did. [REDACTED] held an MP "riot baton" in his hands. [Affiant demonstrated a yellow or beige wooden baton approximately 3 feet long and approximately 1 inch in diameter.] I did not notice [REDACTED] had the baton in his hands until the second or third time I entered the room. I do not know how [REDACTED] obtained the baton, though the batons are often found leaning against the wall in the archway of the detention area. I assume [REDACTED] picked up the baton on [REDACTED] own. I believe [REDACTED] intended to use the baton as some sort of "MI [Military Intelligence] scare tactic". Riot batons are controlled items and [REDACTED] are required to have one with them while escorting prisoners. Since many of them have been broken recently, no one in my unit would give up our weapon of force. [REDACTED] twirled the baton around and pointed at Detainee with the baton. I left the room again and when I returned, Detainee stood against the east wall. In every subsequent time I re-entered the room, I stood on the south wall. [REDACTED] asked me to unlock Detainee's shackles, which I did without question, as it is not an unusual request. I unshackled one of Detainee's wrists. [REDACTED] told Detainee to stand with his arms out to the sides, parallel to the floor. I left the room again. When I re-entered the room, Detainee was in the same position, but this time his knees were bent. It appeared to me [REDACTED] had ordered Detainee to stand that way. Detainee was in this position for about 15 to 20 minutes, though I cannot be [REDACTED] 665</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 665		PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>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.</p>			

DA FORM 2823, JUL 72

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

USAPPC V2.00

EXHIBIT L

6633

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

USAPPC V2.00

SWORN STATEMENT			
For use of this form, see AR 150-48; the procuring agency is ODCSO/S			
LOCATION BLDG 410, MAIN PALACE, TIKRIT, IZ	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b64	SOCIAL SECURITY NUMBER [REDACTED] b64	GRADE/STATUS [REDACTED] b64	
ORGANIZATION OR ADDRESS ACE, 104TH MILITARY INTELLIGENCE BATTALION, TIKRIT, IZ			
[REDACTED] b64, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>At approximately 1930 hours, 23 September 2003, at the FOB Ironhorse Dining Facility, [REDACTED] 104th Military Intelligence (MI) Battalion (BN), and I, [REDACTED] 104th MI BN, sat down with [REDACTED] HHOC, 104th MI BN, to dinner. Upon settling in, I asked [REDACTED] how [REDACTED] interrogation of MP [REDACTED] had gone earlier in the day. [REDACTED] said that the interrogation had gone all right, but that the detainee had not "broke" and had kept with his story. [REDACTED] then made the statement that [REDACTED] had beat the detainee with an MP control stick (a stick that is approximately three-to-four feet in length and a little over one-inch in diameter). [REDACTED] and I looked at each other as if we were both a little more than surprised, but did not say anything and let [REDACTED] continue talking. [REDACTED] stated that he had struck the detainee multiple times, but in such a manner as not to leave marks. [REDACTED] then described how he repeatedly struck the detainee on the bottom of the feet, but had been sure to leave flip-flops on the detainee. He then stated that the detainee held to [REDACTED] story throughout this "harsh fear-up" approach, but [REDACTED] wanted to "break" [REDACTED] said that [REDACTED] then had the detainee brace [REDACTED] while leaning slightly bent over facing the wall, and then continuing the interrogation, struck the detainee multiple times on the buttocks. [REDACTED] seemed disappointed that he could not get the detainee to "break" from his story even though [REDACTED] had employed these tactics. [REDACTED] stated that there were two other people in the room during the interrogation: [REDACTED] the linguist attached to D Company, 104th MI BN, and a MP (not further identified). Shortly after this conversation, [REDACTED] left the dining facility (he either went back to the LSA or to DMAIN, but [REDACTED] was not returning to the Division Central Collection Point (DCCP)). At approximately 0900 hours, 24 September, [REDACTED] Interrogation Control Element NCOIC, at the DCCP, and instructed him to suspend [REDACTED] access to detainees and limit him to administrative duties only. I then asked [REDACTED] to come in to DMAIN to see me at his earliest "inconvenience." At approximately 1030 hours, 24 September 2003, [REDACTED] came to see me and I made him aware of [REDACTED] statements during our conversation the previous evening. I then asked [REDACTED] if he considered [REDACTED] behavior acceptable and if it was now standard practice to hit detainees. [REDACTED] assured me that [REDACTED] behavior was out of line and that every 97E (Interrogator) was provided more than enough instruction at the schoolhouse on the Geneva Conventions and appropriate conduct when screening or interrogating detainees. I instructed [REDACTED] to counsel [REDACTED] in writing concerning this incident, ensure he implemented some type of corrective training corresponding to the incident, and to ensure [REDACTED] did not have access to detainees. Since that time, I have reviewed the counseling statement prepared by [REDACTED] and the counseling should be completed no later than today, 26 September 2003. [REDACTED] will be limited to conducting administrative activities while at the DCCP. [REDACTED] will not be authorized to go any further than the second concertina wire (this wire separates the administrative area from the internal cage operations area). [REDACTED] will provide [REDACTED] 8-hours of one-on-one training on the Geneva Conventions and standards of conduct expected of him in the performance of his duties. Subsequent to the corrective training 38G [REDACTED] will re-access [REDACTED] for limited/supervised duties within the operational part of the DCCP. I informed [REDACTED] 104th MI BN of these actions at approximately 1400 hours, 23 September 2003.</p> <p>NOTHING FOLLOWS</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64		PAGE 1 OF 2
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>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.</p>			

EXHIBIT Q

6637

STATEMENT (Continued)

NOT

b64.

b64

USED

b64

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2

b64

b64

DEVELOPMENTAL COUNSELING FORM <small>For use of this form see FM 22-100.</small>			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
<small>AUTHORITY: 5 USC 301, Departmental Regulations: 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN) PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates. ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary. DISCLOSURE: Disclosure is voluntary.</small>			
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI) [REDACTED]	Rank / Grade SPC/E4	Social Security No. [REDACTED] 665	Date of Counseling 26 September 03
Organization ICE, TFIH, Tikrit, IZ 665 1.		Name and Title of Counselor [REDACTED] 665	
PART II - BACKGROUND INFORMATION			
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leaders facts and observations prior to the counseling): Corrective Counseling			
PART III - SUMMARY OF COUNSELING Complete this section during or immediately subsequent to counseling.			
Key Points of Discussion: <div style="border: 1px solid black; padding: 10px; min-height: 300px;"> <div style="text-align: right; margin-bottom: 10px;">665</div> <p>Key Points of Discussion: [REDACTED] on 23 September 2003, without provocation, you struck a detainee with a control stick on the soles of his shoes and the buttocks during interrogation. Even though this particular prisoner is a known killer of U.S. soldiers, your actions were uncalled for and could be construed as a violation of the Geneva Conventions, to which you are under orders to adhere. These actions will not be tolerated. Your actions may result in disciplinary actions, which could include criminal proceedings at a trial by court-martial.</p> </div>			

DA FORM 4856-E, JUN 99

EDITION OF JUN 85 IS OBSOLETE

EXHIBIT R

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below):

[REDACTED], per our conversation concerning this issue on 24 September 2003, you are prohibited from contact of any kind with detainees. This restriction will remain in place until you have completed a ten-hour course, administered by me, on the Geneva Conventions and what are and are not considered acceptable interrogation techniques for a Human Intelligence Collector in the TFIH ICE. Once this training is complete, I will reassess your suitability to work in the interrogation facility.

b65

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate):

Individual counseled: I agree / disagree with the information above

Individual counseled remarks:

[REDACTED]

b65

Signature of Individual Counseled:

Date:

26 SEP 03

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action):

I will be available to you at all times to answer any questions regarding acceptable interrogation techniques and for further clarification of the articles of the Geneva Conventions.

b65

Signature of Counselor:

[REDACTED]

Date:

26 SEP 03

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):

Counselor:

Individual Counseled:

Date of Assessment:

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DA FORM 4856-E (Reverse)

6610

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 15 October 2003	TIME 1645 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65	SOCIAL SECURITY NUMBER [REDACTED] b65	GRADE/STATUS [REDACTED] b65	
ORGANIZATION OR ADDRESS ACE Company, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544			
<p>b65 I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Q. What do you recall of a conversation between you and [REDACTED] [Interrogator, Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID), not further identified (NFI)] regarding an e-mail from [REDACTED], Combined Joint Task Force 7 (CJTF-7), Joint Human Intelligence Cell (J2X), NFI] addressing the need to find alternative interrogation techniques that would prove more effective than current methods? b65 b62</p> <p>A. [REDACTED] and I talk all the time about a wide variety of topics and we probably did discuss the e-mail. I probably did talk to [REDACTED] about "alternative interrogation techniques" and suggest the ideas I mentioned in the "Alternative Interrogation Techniques" document I submitted to [REDACTED] in August. I cannot recall any details about the conversation, however. b65</p> <p>b65 [REDACTED] of Tactical Human Intelligence Operations, 104th MI Bn, 4ID, NFI] and I understood the e-mail the same way. b65</p> <p>Q. What instruction do interpreters receive before interpreting for an interrogation? Have you established what techniques are allowable for interrogators to question detainees? What instruction are Military Police (MP) soldiers given regarding interrogations? b65</p> <p>A. Interpreters are instructed only to "mirror" the actions and tone of the interrogator. There is no need for further instruction, as they understand they are only responsible for language translation. All interrogators know the Geneva Convention is the baseline standard for treatment during interrogations. I have no knowledge of what instruction MPs are given regarding interrogations. I assume the only instruction MPs are given is that they should stand guard in case something unexpected occurs. b65</p> <p>b64 Q. You were present during Detainee [REDACTED] b64 interrogation on 23 September 2003, following the interrogation of Detainee [REDACTED] b65. What details do you remember about that interrogation? Who was present? What was the tone of the interrogation? b65</p> <p>A. I joined the interrogation already in progress. I believe the interrogation was about an hour in duration and I was present for approximately 45 minutes. When I arrived at the interrogation room, [REDACTED] b65 was conducting the interrogation. The interpreter was [REDACTED] b65 was also present. [REDACTED] b65 held a riot baton in his hands. At some point during the interrogation, [REDACTED] b65 left, returned, and then left again. [REDACTED] b65 did not return after leaving the second time. I do not remember any other significant details about this interrogation. b65</p> <p>NOTHING FOLLOWS</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65		PAGE 1 OF 2 PAGES
<p>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.</p>			

DA FORM 2823, JUL 72

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

USAPPC V2.00

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 15 October 2003	TIME 1530 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 665	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS 665	
ORGANIZATION OR ADDRESS HHOC, 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544			
<p>[REDACTED] 665, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Q. How did you come to change duties from Operations [104th Military Intelligence Battalion (MI Bn)] to come to the Interrogation Control Element (ICE)?</p> <p>A. [REDACTED] 665, ICE Noncommissioned Officer (NCO), 104 MI Bn, 4th Mechanized Infantry Division (4ID), not further identified (NFI), was short of 97Es [97E - Human Intelligence (HUMINT) Collection Specialist] at the ICE and requested another 97E to serve as an interrogator. Since I was 97E-qualified and working outside my skill training, [REDACTED] 665, Tactical HUMINT Operations (THOPS), 104 MI Bn, NFI, requested I move to the ICE. I moved to the ICE in the end of July 2003 after having sporadic skill training at the ICE since mid-June.</p> <p>Q. How much training did you receive prior to beginning your duties as an interrogator?</p> <p>A. I have served on active duty since 15 January 2002 and received 97E Military Occupational Specialty (MOS) training through Advanced Individual Training (AIT) and the "apprenticeship" I had since mid-June 2003. During that time, I sat in on 5 or 6 interrogations done by another interrogator. When I started interrogating, I felt comfortable doing so on my own.</p> <p>Q. How did you learn about the e-mail sent from [REDACTED] 665, Combined Joint Task Force 7 (CJTF-7), Joint Human Intelligence Cell (J2X), NFI, addressing the need to find alternative interrogation techniques, which would prove more effective than current methods?</p> <p>A. I heard about the e-mail shortly after it was sent. [REDACTED] 665 discussed the e-mail with me while walking away from Task Force Ironhorse (TF IH) Division Main Headquarters (DMAIN) building to the TF IH dining facility. I asked [REDACTED] 665 what the e-mail meant, which [REDACTED] 665 explained meant CJTF-7 J2X wanted to know other interrogation techniques not endorsed by 97E school, to include techniques such as "punching a detainee through a telephone book" and "open-handed slaps", neither of which would bruise, scar, or cause the detainee any permanent harm. I recall [REDACTED] 665 saying these techniques "would be bad if they got out to the press" and I agreed not every interrogator would be able to handle using physical force against a detainee, nor could any interpreter handle witnessing it. [REDACTED] 665 asked me if I would be able to handle it; I said I was. [REDACTED] 665 did not mention the e-mail to other members of the ICE, but did ask for input regarding other ideas for interrogation techniques. [REDACTED] 665 saved the ideas in a file on the ICE administrative computer's desktop screen as "Alternative Interrogation Techniques", so it was not easy to miss seeing the file. I remember opening and reading the file, though I do not know who else may have seen it.</p> <p>Q. What did you tell [REDACTED] 665, 4th Platoon, 4th Military Police (MP) Company, Division Central Collection Point (DCCP), 4ID, NFI, when you originally approached him with your plan to interrogate Detainee [REDACTED] 665 on 23 September 2003?</p> <p>A. I told [REDACTED] 665 about [REDACTED] 665 e-mail and my discussion with [REDACTED] 665. I told [REDACTED] 665 the detainees at the DCCP were being treated too well as murderers of American soldiers, that I assessed [REDACTED] 665 held time-sensitive intelligence, and that I intended to "break" [REDACTED] 665 in the next interrogation using a "Fear Up (Harsh)" approach. [REDACTED] 665 told me he agreed with me that detainees were being treated too well. I told [REDACTED] 665 I intended to hit [REDACTED] 665's feet, such that it would scare [REDACTED] 665 but not seriously injure him. [REDACTED] 665 agreed and said he would take responsibility for his actions if I took responsibility for mine. [REDACTED] 665 went to obtain permission from his OIC, [REDACTED] 665. Because of potential repercussions, I intended only to tell [REDACTED] 665 and [REDACTED] 665 of the events of the interrogation.</p> <p>Q. How much did [REDACTED] 665, interpreter, ICE, 104 MI Bn, know about the interrogation before it occurred?</p> <p>A. I told [REDACTED] 665 I would hit [REDACTED] 665's feet. [REDACTED] 665 did not question me and I did not give him any instructions before the interrogation occurred. Interpreters are told to "mirror" the tone, language, and gestures used by the interrogator only.</p> <p>Q. At what time did the interrogation occur on 23 September 2003? Did the interrogation take place during meal hours?</p> <p>A. I believe it occurred at some time between 1700 and 1800 hours, which was probably during meal hours.</p> <p>Q. How much involvement did [REDACTED] 665 have in the interrogation?</p> <p>A. [REDACTED] 665 translated what I said and mimicked my gestures and tone during the interrogation. [REDACTED] 665 suggested I put [REDACTED] 665 in 2 of the "stress positions": the standing position and the position in which [REDACTED] 665's forehead was against the wall.</p> <p>Q. Where did the MP riot baton come from?</p> <p>A. I believe I remember picking it up when I went into the DCCP inner compound [high-security area]. No one said anything to me about the baton and I do not believe anyone saw me pick up the baton. I had the baton in my hands when I entered the [REDACTED] 665.</p>			
EXHIBIT 665	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 665	PAGE 1 OF 2 PAGES	
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] 665 TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>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.</p>			

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION DCCP, FOB Ironhorse, Tikrit, Iraq	DATE 16 October 2003	TIME 1830 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b65	SOCIAL SECURITY NUMBER [REDACTED] b65	GRADE/STATUS [REDACTED] b65	
ORGANIZATION OR ADDRESS 4th Military Police Company, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544			
<p>I, [REDACTED] b65, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Q. What duties did you have as [REDACTED] b65 at the Division Central Collection Point (DCCP)? What duties were you required to perform at the time of day during which the interrogation took place on 23 September 2003? How many soldiers were you in charge of? [REDACTED] b65</p> <p>A. When I was [REDACTED] b65, I was charged with detainee accountability, ensuring detainees are fed and have enough water, and checking on other Military Police (MP) soldiers on guard. I was in charge of 9 soldiers besides myself. [REDACTED] b65</p> <p>Q. What did [REDACTED] b65 [interrogator, Interrogation Control Element (ICE), 104th Military Intelligence Battalion (MI Bn), 4th Mechanized Infantry Division (4ID)] say to you when he approached you on the afternoon of 23 September 2003 when he requested your assistance in conducting an interrogation of Detainee [REDACTED] b65</p> <p>What did you offer [REDACTED] b65 in the way of consent or assistance in the interrogation? Did you question [REDACTED] b65 motives or question the legality of the proposed actions? What was agreed about discretion surrounding the events of the interrogation?</p> <p>A. [REDACTED] b65 told me he had an order from higher headquarters and wanted to try some new interrogation techniques. [REDACTED] b65 wanted to use one of the rooms in the DCCP for his interrogation, so I told him I would ask my [REDACTED] b65 [4th MP Company, 4ID]. I offered no consent or assistance in the [REDACTED] b65 interrogation. I did not question [REDACTED] b65 motives or question the legality of his proposed actions, as I had no reason to suspect he would do anything illegal or immoral and I do not know what responsibilities interrogators have. We did not agree about discretion, as was the purpose of talking to [REDACTED] b65</p> <p>Q. When you spoke with [REDACTED] b65 did she instruct you to stay in the room during the interrogation? Did you tell [REDACTED] b65 you had a "bad feeling" about the interrogation? If so, why? [REDACTED] b65</p> <p>A. I do not recall [REDACTED] b65 instructing me to stay in the room during the interrogation. I did not tell [REDACTED] b65 I had a "bad feeling" about the interrogation. [REDACTED] b65</p> <p>Q. At what time did the interrogation occur and how long did it last? Was the interrogation during meal hours? Did you serve meals to detainees? [REDACTED] b65</p> <p>A. The interrogation began at around 1530 or 1600 hours and lasted for approximately 90 minutes. Since meal hours fluctuate for the detainees, it is difficult to say when meals were served on 23 September 2003. I did leave the interrogation room to serve meals on multiple occasions. [REDACTED] b65</p> <p>Q. Where did the riot baton come from? Could anyone else have seen where the baton came from? [REDACTED] b65</p> <p>A. I do not recall [REDACTED] b65 acquiring the baton. I did not notice the baton in his hands until the second or third time [REDACTED] b65 went into the interrogation room. I do not know anyone else who might have seen [REDACTED] b65 acquire the baton. [REDACTED] b65</p> <p>Q. Did you leave the room during the course of the interrogation? How many times did you leave? How much of the time [REDACTED] b65 were you present for the interrogation? Did any other guards witness you entering or leaving the room during the [REDACTED] b65 interrogation? If so, whom? Were other guards busy that they were unable to feed other detainees? [REDACTED] b65</p> <p>A. I left the room at least six times during the course of the interrogation. I was present for about 50% of the interrogation. I do not know if other guards witnessed me entering or leaving the interrogation room. I do not remember if other guards were too busy to feed other detainees. [REDACTED] b65</p> <p>Q. Did you witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his feet with a riot baton? Did you witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his buttocks with a riot baton? What physical contact did [REDACTED] b65 have with Detainee [REDACTED] b65</p> <p>A. I did not witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his feet with a riot baton. I did not witness [REDACTED] b65 hit Detainee [REDACTED] b65 on his buttocks with a riot baton. The only physical contact [REDACTED] b65 had with Detainee [REDACTED] b65 was when [REDACTED] b65 was poking [REDACTED] b65 with the riot baton. [REDACTED] b65</p> <p>Q. Following the interrogation of Detainee [REDACTED] b65 on 23 September 2003 was an interrogation of Detainee [REDACTED] b65. Who was present for this interrogation? What was the tone of this interrogation? How long did this interrogation last? What other significant details do you remember about this interrogation? [REDACTED] b65</p> <p>A. I was present for less than half of this interrogation, which I believe lasted for about an hour. [REDACTED] b65 conducted the interrogation. [REDACTED] b65 [interpreter, 104th MI Bn, 4ID] served as interpreter. At some point in the [REDACTED] b65 interrogation, [REDACTED] b65 [ICE, 104th MI Bn, 4ID] arrived and stayed through the duration of the interrogation. I do not recall any other significant details about the interrogation. [REDACTED] b65</p> <p>NOTHING FOLLOWS</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b65		PAGE 1 OF 21 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] b65 TAKEN AT [REDACTED] b65 DATED [REDACTED] b65 CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] b65 OF [REDACTED] b65 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.</p>			

DA FORM 2823, JUL 72

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

USAPPC V2.00

4ID 104MI CDR

To: 4ID 104MI DCO [REDACTED] (E-mail); 4ID 104MI HHOC CDR (E-mail) *b6-2*
Cc: 4ID SJA SENIOR TC CPT [REDACTED] (E-mail) *b62*
Subject: 15-6 Investigation complete - UCMJ to follow

b62
CPT [REDACTED] has concluded his investigation of incidents which occurred at the DCCP where a internee was abused.
Here is how I want to proceed:

SPC [REDACTED] - FG Art 15 by BC *b65/7c5*

SPC [REDACTED] - Summarized Art 15 *b65/7c5*

SSG [REDACTED] - TBD, but I will probably issue a locally filed Letter of Reprimand *b65/7c5*

OUTRIDER SIX

LTC [REDACTED] *b6-2*

CDR, 104 MI BN, 4ID

Tikrit, Iraq

DNVT (302) 534-[REDACTED] *b62*