



DEPARTMENT OF THE ARMY  
HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED)  
OFFICE OF THE STAFF JUDGE ADVOCATE  
FORT HOOD, TX 76544-5000

REPLY TO  
ATTENTION OF:

AFYB-JA-AL

05 September 2003

MEMORANDUM FOR COMMANDER, 4th Infantry Division (Mechanized), Fort Hood, Texas 76544

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 allegations of soldier misconduct contained in a sworn statement by [REDACTED], 2d Brigade, dated 18 August 2003. I make the following determinations: *b6-4/7c-4*

- 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, (DNVT) 534-[REDACTED] *b6-2/7c-2*

[REDACTED]  
[REDACTED]  
[REDACTED] *b6-2/7c-2*  
CPT, JA  
Administrative Law Attorney

6645

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID 664-7c4			

I, [REDACTED] (b)(6)-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q What is your position?

A I'm the [REDACTED] (b)(2)-2

Q How long have you been in the platoon?

A [REDACTED] (b)(2)-2

Q Did you know [REDACTED] 664-7c4

A Yes

Q Have you or anyone else in the BRT placed a detainee between the hood and the brush guard of a HUMVEE and transport them to a holding area?

A No, we have transported them on the hood for no more than a 10K movement. We never mistreated any detainees.

Q How fast were you moving when you transported the detainees on the hood?

A No more than 30 Km/H.

Q Do you know of anyone who beat a detainee?

A No.

Q Do you know of any soldier who stole "Bricks" of money or other valuables from Iraqi citizens or Detainees?

A No.

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, during the may to June timeframe?

A Yes, on one patrol our Bravo section was patrolling down a dike and came into contact with a

EXHIBIT 7	INITIALS OF PERSON MAKING STATEMENT 664-7c4 [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

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

USAPPC V2.00

6646

## STATEMENT (Continued)

guy with an AK-47. 'A' section was patrolling north and upon the contact report headed South in support. Upon arrival to 'B' sections location we (A section) were informed that they had fired and wounded the guy w/ the AK-47. He was shot with a MK-19 round that had blown off his arm so said by the soldiers in B section. 'A' section searched the surrounding area to find no injured people nor any signs of impacts of the MK-19 rounds. 'A' section returned to the same sight the following day during daylight again to find no impacts of the 40mm grenades. Talking to locals we gathered no one in the area had been injured.

b64-7c4

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b64/7c4  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28<sup>th</sup> day of August, 192003 at

ORGANIZATION OR ADDRESS

b62/7c2

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

AR-15-C

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b64/7c4

PAGE 2 OF 2 PAGES

6647

# SWORN STATEMENT

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

LOCATION	DATE 27 Aug 03	TIME 1920	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS b64/7c4			

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

Q. How long have you been in the platoon?

A. Since JAN 2001

Q Did you know [REDACTED] b/64/7c4

A yes

Q Were you ever on a patrol along a canal in the vicinity of FOB Normandy during the MAY-JUN time frame? If so did you encounter an individual carry an AK-47 on his shoulder?

A. No, I'm in A Section. When the incident happened I heard the Radio call from B Section. We responded but it took us about 15 minutes to get there. We looked at the <sup>area</sup> ~~house~~ where the mk-19 gunner said he fired the rounds. We couldn't find any damage. We went back to the <sup>fired</sup> ~~house~~ the next day and still didn't see any damage. The people in the houses ~~even~~ offered us drinks. b64/7c4

Q Do you know of any occasion when members of the BRT placed detainees between the hood and the Brush guard of a HUMVEE to transport them to the holding area?

A No. But we have transported them on the hood and behind the gunner.

Q How fast and how far did you travel with the prisoners on the hood or behind the gunner?

A. No more than 5 miles at a speed of 15-20 mph.

Q Do you know who made the decision to transport them this way?

A I don't know

Q Do you know of any instances where members of the BRT beat detainees?

A. No, I'm not aware of any. b/64/7c4

EXHIBIT 8	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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STATEMENT (Continued)

Q Are you aware of any instances where any member of the BRT took items from civilians or detainees and kept them?

A No. Anything we found was turned in. On many occasions we were searched after raids.

Q Do you know of any instances where soldiers would follow a vehicle to a "nice" house, claim that the vehicles had ran from them so that they could search the house for valuables?

A NO

Q Do you have anything else to add to this investigation?

A NO.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 2003 at

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

AR 15-6  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES  
6649

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 0830	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED] b64/7c4			

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

Q What section are you in?

A A Section

Q What is your position?

A I'm the platoon leader's driver for 1st Platoon.

Q How long have you been in the platoon?

A over 2 years.

Q Do you know [REDACTED] (b)64/7c4

A Yes

Q Are you aware of the alleged incident involving B Section along a canal road in the vicinity of FOB Normandy where they engaged an individual carrying an AK-47?

A Yes, my vehicle was the first one on site from A section.

Q What happened after you arrived?

A B Section was beside the road waiting for us. When we got there we dismounted and conducted a search of the field where the individual fled. We didn't find the individual or the weapon. We also looked for MK-19 impact points but didn't find any. We also searched the outside area of the house.

Q Did you speak to any civilians that night?

A No, we didn't have an interpreter.

Q What happened the next morning?

A We went back to the area and conducted another search of the area. Again, we didn't find anything.

EXHIBIT 9	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b64/7c4	PAGE 1 OF 2 PAGES
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STATEMENT (Continued)

Q Did you speak to any of the civilians the next morning?

A I didn't dismount that morning, we never had an interpreter with us so I doubt anyone spoke to the civilians.

Q Is there anything else that you can add to this incident?

A I personally think this is a BS story. If B Section had opened up with a MK-19 there would have been nothing left of the mud hut that was there, we only found 1 AK round in the wall of the house, I never heard anyone making a statement about shooting at civilians.

Q Did any member of the BRT transport detainees by placing them between the hood and the brush guard of the vehicle?

A No, we would place them on the hood or behind the gunner's.

Q How far and how fast did you travel?

A, maybe 15 km at the most, our speed was about 15-20 mph on the good parts of the road.

Q Are you aware of any incident where a member of the BRT beat a detainee?

A Not to my knowledge, we did have to wrestle an individual who was resisting apprehension.

Q Are you aware of any times that members of the BRT stole money from civilians or detainees?

A I am not aware of any theft by members of the BRT, we did confiscate money but it was always turned in.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b64/7c4

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 2003 at

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b64/7c4

PAGE 2 OF 2

6651

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1400	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID			

b64/7c4

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

Q. What section are you in?

A. A Section

Q How long have you been in the platoon?

A about 14 months

Q Did you know [REDACTED] b64/7c4

A Yes

Q Are you aware of an incident where B section engaged a individual carrying an AK-47 along a canal in the vicinity of FOB Normandy during the May-June time frame?

A I'm aware of it but I did not participate because my vehicle was broken down.

Q Have you ever seen a detainee being transported between the brush guard and the hood of a HUMVEE?

A No, not between the brush guard and the hood. We did transport them on the hood of the HUMVEE.

Q How far and how fast did you transport the detainees on the hood?

A I'm not sure the speed was about 25-30 mph. I'm not sure of the distance.

Q Have you ever seen members of the BRT beat a detainee?

A NO

b64/7c4

EXHIBIT ID	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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## STATEMENT (Continued)

Q Are you aware of any time members of the BRT stole valuable items and "bricks" of money from IRAQ civilians or detainees?

A NO

Q Do you know of any incident where soldiers followed ~~home~~ a vehicle to a "nice" home so that they could search it for valuables under the pretext that the vehicle had tried to evade them?

A NO

Q Do you have anything else to add to this investigation.

A NO

664/7c4

## AFFIDAVIT

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664/7c4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28<sup>th</sup> day of August, 192003 at

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

6653

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1430	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS BRT, 28CT, 4ID 664/7c4			

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

Q What is your position?

A Squad leader

Q How long have you been in this platoon?

A One year

Q Did you know [REDACTED] 664/7c4

A yes

Q Do you know anything about an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy during the May-June time frame?

A. I was on emergency leave at the time of the incident

Q Have you ever seen detainees being transported between the Brushguard and the hood of the vehicle?

A. No, but we did place them on the hood and transport them

Q How far and how fast did you travel with the detainees on the hood?

A No more than 5 Kms. Speed was no more than 30mph.

Q Do you know of any detainees that were beaten by members of the BRT?

A. NO

EXHIBIT 11	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 664/7c4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_ TAKEN AT \_\_\_\_ DATED \_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_ OF \_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

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

6654  
DA FORM 2823, JUL 72

STATEMENT (Continued)

Q Do you know of any members of the BRT who stole  
valuables or "bricks" of money from civilians or detainees?

A NO

Q Do you know of any incident where members of the BRT followed a  
vehicle to a "nice" house so that they could search it for  
valuables. All of this was under the pretext that the vehicle  
tried to evade them?

A NO

b647c4

Q Do you have anything else to add to this investigation?

A NO

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE  
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE  
CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT  
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

b647c4

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, this 28 day of August, 19 2007  
at

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

b62-7c2

[REDACTED]  
(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b647c4

PAGE 2 OF 2 6835

USAPPC V2.00

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1615	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID b647c4			

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

Q What position did you fill during the MAY and JUNE timeframe?

A Gunner in A Section, 1st Platoon

Q Do you know [REDACTED] b647c4

A yes

Q Have you ever seen a detainee placed between the brush guard and the hood of a detainee?

A No, we have transported them on the hood,

Q What was the max speed and distance you travelled with detainees on the hood of the HUMVEE?

A About 10 km and no faster than about 30 mph.

Q Have you ever seen a member of the BRT beat a detainee?

A NO.

Q Do you know if any member of the BRT has stolen valuable property or "bricks" of cash from IRAQI citizens or detainees?

A NO

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy, during the May to June time Frame?

A We (A sec) Arrived on scene after B sec engaged.

We drove down the path B sec was on to a crossing to the other side of the dike. I was behind on LRA5 and saw two Blangs structurally sound (well for this country) and no

EXHIBIT 12	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

## STATEMENT (Continued)

evidence of Battle damage. The residents came out and observed us as we passed. Went to another house and there was no damage to the house. These occupants also came out, like we had just woken them up. We travelled further down the dike and came to a field. But there was no damage there either - No knocked down trees, no fires - Nothing. I'd say we travelled 2K Area and there was nothing to indicate there was a firefight let alone "45 HEDP 40mm Rounds."

Nothing follows [REDACTED] b647c4

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b647c4

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28<sup>th</sup> day of Aug, 192003 at

[REDACTED]  
ORGANIZATION OR ADDRESS[REDACTED]  
(Signature of Person Administering Oath)[REDACTED]  
ORGANIZATION OR ADDRESS[REDACTED] b627c2  
(Typed Name of Person Administering Oath)AR 15-6  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b64/7c4

PAGE 2 OF 2 PAGES

USAPPC V2.00

6657

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 1010	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS BRT, 2BCT, 4ID			

b6 47c4

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

Q What is your position?

A I'm a gunner in B Section.

Q How long have you been in the section

A All the time except for a period from the middle of may until sometime in June

Q Did you know [REDACTED] b6 47c4

A Yes

Q Are you aware of an incident where B section engaged an individual carrying an AK-47 along a canal in the vicinity of FOB Normandy. Sometime in the MAY-JUNE timeframe?

A Yes, I was in A section at the time

Q What happened when you arrived?

A We searched the areas outside the house. We didn't find anything, that would indicate that a fire fight went on. We went back the next morning but didn't find anything.

Q Have you ever seen a member of the BRT transport detainees by placing them between the hood and the brushguard of a HUMVEE?

A No, but we have transported them on the hood and behind the gunner

Q Do you know who made the decision to transport them in this manner?

A I don't know.

EXHIBIT 13	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6 47c4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
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STATEMENT (Continued)

Q How far and how fast would you travel with detainees in this position?

A. We travelled a max distance of 10 km and a max speed of 25-30 mph.

Q Are you aware of any incident where a member of the BRT beat a detainee?

A. No, I'm not aware of any.

Q Are you aware of any individuals in the BRT who stole valuable items or "bricks" of money from IRAQI civilians or detainees?

A. NO.

Q Are you aware of ~~any~~ any incident where members of your platoon would follow a vehicle to a "Nice" house so that they could search it ~~under~~ for valuables under the pretext that the vehicle had fled from them?

A. NO.

Q Can you add anything else to this investigation?

A. NO.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b647c4

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28<sup>th</sup> day of August, 2003 at

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

b627c2

[REDACTED]  
(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b647c4

PAGE 2 OF 2 PAGES

6659

# SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1632	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID			

b647c4

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

Q How long have you been in the platoon?

A 1 1/2 years.

b657c5

Q Were you on a patrol w/ [REDACTED] long a canal when the patrol engaged an Individual carrying an AK 47?

A That was B Section, I'm in A Section. We heard small arms fire and went to help. It was all over with by the time we arrived.

b647c4

Q When you arrived did you see any wounded civilians?

A No

Q Do you know when this happened?

A I have no clue.

Q Have you ever seen members of the BRT placing detainees between the brush guard and the hood of a HUMVEE?

A Not between the hood and brush guard but on the hood itself.

Q Do you know who made the decision to transport them that way?

A No

Q Have you ever seen or heard of members of the BRT beating detainees?

A Once we had to get physical during an arrest because the individual was resisting. We didn't beat him.

Q Are you aware of any times when member of the BRT stole items from Iraqi Civilians and detainees including "bricks" of money, Pictures of SADDAM and IRAQI service medals.

A NO

EXHIBIT

14

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b647c4

PAGE 1 OF 2 PAGES

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.



STATEMENT (Continued)

Q - Did member of the BRT ever follow a "nice" car home and then say they had to search the house because the vehicle tried to avoid them?

A. No

Q - Do you have anything else that might help this investigation.

A. No

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of August, 192008 at

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b647c4

PAGE 2 OF 2 PAGES

USAPPC V2.00

# SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1445	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID b647c4			

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

Q - How long have you been in 1st Platoon?

A - Since OCT 2002

Q - Did you know [REDACTED] b647c4

A - yes b657c5

Q - Are you aware of any time when [REDACTED] ordered soldiers to fire upon unarmed civilians?

A - No. We only fired when we were ambushed or hit by R.P.G.s. We never fire into populated areas, only into open areas.

Q - Were you on a Patrol along a canal?

A - There were several times we conducted patrols along canals but we never fired upon anyone. I don't think that [REDACTED] b657c5 would give an order to fire upon civilians and [REDACTED] b647c4 would not have heard verbal commands because he was in another vehicle.

Q - Have you ever seen detainees placed between the grill and the brush guard of a HUMVEE and driven to the brigade holding area?

A - We sometimes would place them on the roof behind the gunner or on the hood next to the windshield because we didn't have room inside the vehicles. We would always drive at a slow pace on a hardball road. We never placed them between the grill and the Brushguard.

Q - Have you ever seen any property theft by members of the BRT?

A - No - we would confiscate money and other things but we would always turn it in. We've had several health and welfare inspections and nothing has been found.

EXHIBIT 15	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b647c4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q Have you ever seen or heard of members of BRT following a nice car with the pretext of going to their home to search it for valuables?

A No the only time we would search a house was on a planned Raid. or if a vehicle ~~car~~ or person ran from us.

Q Have you ever seen or heard of BRT soldiers beating detainees

A No. Sometimes we get physical during an arrest but no beatings went on. Our chain of command has always told us we would face UCMJ action if we did.

Q Where were the patrols along the canal.

A In the vicinity of Camp Normandy sometime in the May to June timeframe.

Q Do you have anything to add to this investigation.

A [REDACTED] was always saying that [REDACTED] wanted to get shot in the arm or leg so that [REDACTED] could go home. [REDACTED] would fake being sick. He was always whining. He would often say that [REDACTED] wanted to kill [REDACTED]. [REDACTED] is hard on us but fair. Sometimes [REDACTED] acts like a drill sergeant. Also, [REDACTED] would point [REDACTED] weapon at children and threatened to kill them if they didn't go away.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of August, 192003 at

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

6663

# SWORN STATEMENT

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

LOCATION	DATE 27 AUG 03	TIME 1745	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS	
ORGANIZATION OR ADDRESS			

b647c4

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q How long have you been in the platoon?

A Since the end of March 2003

Q Did you know \_\_\_\_\_? b647c4

A Yes

Q Are you aware of a patrol that engaged an individual carrying an AK 47 along a canal in the vicinity of FOB Normandy?

A No, I was in A Section at the time.

Q Have you ever seen anyone from the BRT transport a detainee between the brush guard and the hood of a HUMVEE?

A No

Q Have you ever seen a detainee being transported on the hood or on Top behind the gunners position.

A Yes, on the hood. We would only carry them for short distances.

Q Do you know who made the decision to transport the detainees on the hood?

A No

Q Have you ever seen or heard of members of the BRT beat a detainee?

A I've never seen it, but I heard from \_\_\_\_\_ that \_\_\_\_\_ beat a detainee. Everyone else said that \_\_\_\_\_ got physical during an arrest because the individual was resisting but \_\_\_\_\_ didn't severely beat him.

b647c4

EXHIBIT 16	INITIALS OF PERSON MAKING STATEMENT b647c4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q - Do you know of any instances where members of the BRT stole items such as "Bricks" of money, Iraqi service medals, and pictures of Saddam?

A. No. When we detain someone we collect everything and turn it in.

Q Did members of the BRT ever follow a "nice" car home and then search the home under the pretext that the vehicle had fled from them?

A No

Q Do you have anything else to add to this investigation?

A No

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AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b647c4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27<sup>th</sup> day of August, 2003 at

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

b647c4

PAGE 2 OF 6665 PAGES

USAPPC V2.00

# SWORN STATEMENT

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

LOCATION	DATE 28 AUG 03	TIME 0940	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS BRT, 2 BCT, 4 ID 6647c4			

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

Q What is your position?

A I'm a gunner for A Section 1st Platoon.

Q How long have you been in the platoon?

A Since the end of June.

Q Are you aware of an incident where B Section engaged an individual carrying an AK 47 in the vicinity of FOB Normandy during the MAY-JUNE time frame?

A No, I don't think I was in the platoon at the time.

Q Are you aware of any incident where members of the BRT placed detainees between the brush guard and the hood of a HUMVEE?

A No, sometimes we would place them on the hood to transport them because there was no room inside the vehicle.

Q How far and how fast would you travel with the detainees on the hood?

A No more than 5 kms. The fastest we traveled was about 25mph.

Q Do you know who made the decision to transport them in this manner?

A I'm not sure.

Q Are you aware of any member of the BRT who beat detainees?

A Not to my knowledge.

Q Are you aware of any member of the BRT who stole valuable items or "bricks" of money from civilians or detainees?

A I'm not aware of anyone who stole something from civilian or detainees. If we confiscated it we always turned it in.

EXHIBIT 17	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 6647c4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

b647c4 [REDACTED] Q Is there anything else that you can add to this investigation?

A. Not that I could think of.

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b647c4 [REDACTED]

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b647c4 [REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August, 192003, at [REDACTED]

[REDACTED] b627c2  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

AR 15-C  
(Authority To Administer Oaths)

PAGE 1 OF 2 PAGES

6687



DEPARTMENT OF THE ARMY  
HEADQUARTERS 2BCT, TASK FORCE IRONHORSE  
FOB WARHORSE  
BAQUBAH, IRAQ

AFYB-CO-S6

3 September 2003

MEMORANDUM FOR Chief of Staff, Headquarters, Task Force Ironhorse

SUBJECT: Findings and Recommendations of the investigation into alleged violations of the Law of Land Warfare

1. Findings.

b657c5

a. Allegation number one. The allegation of unlawful use of force on 8 June 2003 against [REDACTED] is unsubstantiated. There is no credible evidence that civilians were fired upon by members of the 2nd BCT BRT. All of the 16 individuals interviewed stated that no unarmed civilians were attacked that night. [REDACTED] (Exhibit 2) stated that [REDACTED] fired 2 rounds from [REDACTED] M-16 at an armed individual. Both rounds missed the target. After the individual fled into a field [REDACTED] says that 5 40mm rounds were fired. [REDACTED] (Exhibit 3) puts the number of 40 mm rounds at 15. [REDACTED] stated that 2 round apparently hit some Palm trees next to a house. [REDACTED] (Exhibit 4) stated that [REDACTED] saw 2 men through [REDACTED] LRAS and one of them had hot spots in the shoulder area. This could indicate that an individual was bleeding but it is inconclusive. The wounded individual in question was the purported individual that fled into the field. [REDACTED] (Exhibit 5) from A section, 1st platoon arrived on site approximately 5-10 minutes after the incident started. He stated that a thorough search of the area was conducted and they did not find any weapons, impact points, blood trails, or damage to vehicles or buildings. [REDACTED] (Exhibit 6), [REDACTED] (Exhibit 7), and [REDACTED] all stated that another search of the area the next morning failed to reveal anything either. [REDACTED] also said that after talking to the locals they gathered that no one had been injured. There is no evidence to suggest that civilians were fired upon on that night.

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b647c4

b. Allegation number two. There is no proof that the allegation of maltreatment of detainees is true. Every member of the platoon (Exhibits 2-17) did admit to transporting detainees on the hoods of the vehicles. No one admitted to stuffing detainees between the brush guard and the hood of the vehicle. It is physically impossible to put a person in between the brush guard and the hood. There is only 3 inches of clearance behind brush guard. The distance and speed traveled varied among those individuals interviewed. The shortest distance reported was by [REDACTED] at 1-11/2 kilometers. [REDACTED] and [REDACTED] estimated the distance to be 10 - 15 kilometers. The speed varied from 15 mph by [REDACTED] (Exhibit 8), and [REDACTED] (Exhibit 9) to 30 mph by [REDACTED] (Exhibit 10), [REDACTED] (Exhibit 11), [REDACTED] (Exhibit 12), [REDACTED] and [REDACTED] (Exhibit 13). Although members of the BRT did not mistreat the detainees, placing them on the hood is not a safe method of transportation. There is also no evidence that any detainee was ever severely beaten by members of A section, 1st Platoon. Four individuals, [REDACTED] (Exhibit 14), and [REDACTED] (Exhibit 15), did admit that they had to get physical with one detainee who

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b64 7c4

resisted their attempts to apprehend him. [REDACTED] (Exhibit 16) stated that [REDACTED] did tell [REDACTED] that [REDACTED] beat a detainee. There is no evidence to support this claim.

b64 7c4

c. Allegation number three. The third allegation of theft of private property is uncorroborated. Every member of the platoon denies the allegation. Seven members of the platoon [REDACTED] (Exhibit 17), [REDACTED] admit to confiscating money and other items from detainees. Each one asserts that the items were turned in to the supported Task Force [REDACTED] b65 7c5 [REDACTED] claim that on several occasions health and welfare searches were conducted to ensure no personnel possessed confiscated property. Every member of the platoon also denies following vehicles to nice homes so that they could be searched for valuable items. There is no corroborating evidence that members of the platoon stole property from detainees or Iraqi Citizens.

## 2. Recommendations

a. Allegation number one. Take no action against [REDACTED] b65 7c5 [REDACTED] There is no evidence to support the allegation of unlawful use of force.

b. Allegation number two. Although the allegation of maltreatment of detainees is not substantiated, the platoon leadership should coordinate for appropriate vehicles to provide safe transportation of detainees if the tactical situation permits. No administrative or judicial actions should be taken.

c. Allegation number three. Take no action. There is no evidence that any member of 1<sup>st</sup> platoon committed theft against any detainees or Iraqi citizens.

3. Point of contact is the undersigned at DSN [REDACTED] b62 7c2

[REDACTED] b62 7c2  
Investigating Officer

[REDACTED]

# 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

b627c2

(Appointing authority)

on 24 AUGUST 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 FOB Carpenter, Salaman Pak, Iraq

(Place)

at

1445

(Time)

on 27 AUGUST 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.)

Investigating officer

b627c2

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

1700

(Time)

on

30 AUGUST 2003

(Date)

and completed findings and recommendations at

1340

(Time)

on

3 SEPTEMBER 2003

(Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO <sup>1/</sup>	NA <sup>2/</sup>
1. Inclosures (para 3-15, AR 15-6)			
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?	X		
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: <sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> 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.

Exhibits (para 3-16, AR 15-6)		YES	NO	N/A
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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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)?			
<b>FOOTNOTES:</b> 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.				

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

The (investigating officer) (board), having carefully considered the evidence, finds:  
See enclosure II. Memorandum of findings and recommendations.

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

In view of the above findings, the (investigating officer) (board) recommends:  
See enclosure II. Memorandum of findings and recommendations.

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.)

6627c2

(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.)

Bde commander needs to ensure every leader is familiar with rights of detainees and discuss in general, what is considered appropriate handling of detainees.

*[Signature]*

RECEIVED

09 SEP 2005

RAYMOND T. ODIERNO  
Major General, USA  
Commanding

6673



DEPARTMENT OF THE ARMY  
HEADQUARTERS TASK FORCE IRONHORSE  
TIKRIT, IRAQ

REPLY TO  
ATTENTION OF

AFYB-CG

24 August 2003

MEMORANDUM FOR [REDACTED] Headquarters, 2d Brigade, 4th Infantry Division  
(Mechanized), FOB Warhorse, Baqubah, Iraq

SUBJECT: Appointment of Investigating Officer

b647c4 1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into three (3) allegations of soldier misconduct contained in a sworn statement by [REDACTED] 2d Brigade, dated 18 August 2003. b657c5

a. Unlawful use of force. Whether [REDACTED] ordered soldiers to fire an MK-19 on unarmed civilians (men, women, and children), and whether civilians were wounded or killed in the incident.

b. Maltreatment of detainees. Whether members of BRT, 2d Brigade placed detainees on top of a HMMWV, between the brush guard and hood during transportation to Brigade holding area.

c. Theft of private property. Whether members of BRT, 2d Brigade stole property from the homes of Iraqi citizens and the property of detainees.

2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All witness statements will be sworn and recorded on DA Form 2823.

3. Prepare the report of proceedings on DA Form 1574 and submit the original to me within 10 days of receipt of this memorandum. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.

4. Before proceeding with the investigation, contact [REDACTED] at [REDACTED] for an initial legal briefing. [REDACTED] will serve as your primary legal advisor.

FOR THE COMMANDER

Chief of Staff



DEPARTMENT OF THE ARMY  
HEADQUARTERS, III CORPS AND FORT HOOD  
1001 761ST TANK BATTALION AVENUE  
FORT HOOD, TEXAS 76544-5000

REPLY TO  
ATTENTION OF

AFZF-JA-MJ

20 August 2003

MEMORANDUM THRU G3, III Corps & Fort Hood, Fort Hood, Texas 76544-5001  
FOR Commanding General, III Corps & Fort Hood, Fort Hood, Texas 76544-5001  
SUBJECT: Report of Alleged Law of War Violation

1. Purpose. To report an alleged Law of War violation IAW Department of Defense Directive (DoDD) 5100.77.
2. Synopsis of Allegation. A 4th Infantry Division (4ID) soldier alleges during Operation Iraqi Freedom he witnessed the unlawful use of force against non-combatants, theft of private property from Iraqi civilians, and the wrongful dispossession of private and/or enemy property.
3. Complainant Data.
  - a. Complainant. [REDACTED] b647c4
  - b. Current Unit of Assignment. Brigade Reconnaissance Troop (Rear) (Provisional), 2d Brigade (Rear) (Provisional), 4th Infantry Division (Mechanized) (Rear) (Provisional).
  - c. Current Status. [REDACTED] b647c4
  - d. Source of Complaint. In July 2003, [REDACTED] b647c4 at Fort Hood that he had witnessed rules of engagement violations while he was in Iraq. In turn, [REDACTED] telephonically notified the Chief, Criminal Law Division, III Corps. b647c4

4. General Nature of the Allegations. On 31 July 2003, [REDACTED] b647c4  
[REDACTED] III Corps, personally met with [REDACTED] b647c4 to discuss the  
allegations.

The following represents a brief synopsis of that interview. A more detailed report of  
allegation one, taken from [REDACTED] handwritten statement (enclosure 1) and [REDACTED] b647c4  
interview with the [REDACTED], is set forth at enclosure 2. Although use  
of the term "alleged" is omitted from the following sub-paragraphs, all of the information  
reported below is based on statements made by [REDACTED] b647c4 and has not been otherwise  
substantiated or corroborated. b627c2

a. *Allegation 1 - Unlawful use of force.* [REDACTED] b647c4 states that while on patrol [REDACTED]  
witnessed his platoon sergeant, [REDACTED] order soldiers to fire  
an MK-19 on unarmed civilians (men, women, and children). In turn, soldiers directed  
grenades (from an MK-19) and M-16 fire at the civilians. All of the civilians were  
unarmed and had not engaged in a hostile act or demonstrated a hostile intent,  
although a single shot was heard from an area approximately 90° from the soldiers and  
45° from the house. [REDACTED] comments indicate that several of the civilians were  
injured, to include one civilian who appeared to have had his arm severed. b647c4

b. *Allegation 2- Maltreatment of enemy prisoners of war.* [REDACTED] b647c4 states that on at  
least one occasion, unit members placed EPWs on the top of a HMMWV and between  
the brush guard and hood. The vehicles would be driven with the EPWs in these  
positions. [REDACTED] states [REDACTED] was also told of soldiers in A Section who severely beat  
an EPW. b647c4 b657c5 b647c4

c. *Allegation 3- Theft of private property.* [REDACTED] b647c4 relates that on numerous  
occasions, members of [REDACTED] stole property from the home of Iraqi citizens and the  
property of EPWs. [REDACTED] relates that soldiers stole items such as "bricks" of money,  
Iraqi service medals, pictures of Saddam Hussein, cigarette lighters, and t-shirts. Some  
soldiers would employ subterfuge to search the homes of Iraqi civilians, by following a  
car to a "nice" house and then claim that a search was necessary because the vehicle  
had fled from them.

#### 4. Applicable Law Pertaining to Reporting Alleged Law of War Violations.

a. DoDD 5100.77<sup>1</sup> [enclosure 3], paragraph 4.3., provides that it "is DoD policy to  
ensure that . . . [a]ll reportable incidents committed by or against U.S. or enemy  
persons are promptly reported, thoroughly investigated, and, where appropriate,  
remedied by corrective action."

<sup>1</sup> Electronic version.



AFZF-JA-MJ

SUBJECT: Report of Alleged Law of War Violation

b. DoDD 5100.77, paragraph 6.1., provides that "[a]ll military and civilian personnel assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Such reports may also be made through other channels such as the military police, a judge advocate, or an Inspector General. Reports that are made to officials other than those specified in this subsection shall, nonetheless, be accepted and immediately forwarded through the recipient's chain of command."

c. III Corps & Fort Hood Regulation 27-2 [enclosure 4], paragraph 6a, provides that "[a]ll suspected incidents will be investigated."

5. Recommendation.

a. Promptly forward this information through command and operational channels so that a prompt investigation can be conducted and recorded, and appropriate remedial action taken, as necessary, in accordance with the DoD directive.

b. I will forward the allegations to SJAs at CENTCOM, V Corps, and 4ID for information purposes.

6. POC is [REDACTED] b62/c2

Encls

- b647c4
1. Copy - [REDACTED] statement
  2. Overview of allegation 1
  3. DoDD 5100.77
  4. III Corps & FH Regulation 27-2

[REDACTED] b627c2  
Staff Judge Advocate

6677

# SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 50 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 Room C223, Bldg 1001, Fort Hood	2. DATE (YYYYMMDD) 20030818	3. TIME 1350	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS BRI-2D BDE, 4ID, FHTX			

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

SEE ATTACHED

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 7 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

B647c4

March 2003 0811

BRT 2nd BDE 4th 1st PLT

It all started with my platoon sergeant running and hiding every time we got into a fire fight. There is about 4 to 5 times where he abandoned us in a fight. The joke of the platoon was him running and hiding. He must of heard us talking about him one day because right before a mission one night he went up to his gunner and asked him if he wanted to test the M-19 out on someone tonight. We went on a patrol mission that night. We usually just drive around and look for people with AKs and confiscate them. We have always been able to drive up to them and take the weapon from them with no shots fired. That night on a mission we seen a IRAQI civilian walking towards ~~us~~ <sup>his</sup> on the other side of the canal, so he decided to set up an ambush and kill him. Instead of driving up to him and taking the weapon, we waited until he was next to us on the other side of the canal and opened fire on him. He never took his weapon off his shoulder. He just ran away from us into the field for cover. On the country side in IRAQ all people have guns for protection because most of them have never even seen an American soldier.

# **BATES NUMBERING ERROR**

**PAGE 6680**

statement of [REDACTED] taken at 1350

Dated 2003 08 16

664704

After the man ran into the field for cover we waited close to a minute and there was never any fire returned. That's when my plt SGT told his gunner to spray the field with M-19 rounds. The gunner put about 45 rounds into the field, still there was no return fire. But next door to the ~~house~~ <sup>field</sup> was a house. It is so hot over there that every one sleeps two side. After the M-19 explosions all you heard was women and children screaming. My Plt SGT told my gunner to get eyes on the house with the ~~LR.A.S.S.~~ L.R.A.S.S. There were 2 men - 4-6 women and about 10 children. My Plt SGT asked my gunner if there was any weapons and he said no, that ~~they~~ <sup>the 2 men</sup> were just trying to get them all inside. Then a single shot come from of in the distance, well over 500 meters away. Then my Plt SGT said F\*\*\* it, and light them up. His gunner shot about 3-4 M-19 rounds into the front yard and everyone else shot there M-16s. It lasted about 10 seconds. Then we just stopped and watched them. My gunner looking through the L.R.A.S.S. seen that the 2 men were injured. One of them had his arm half blown off. All the people at the house were panicing. Some ran into the woods, some into the house, and a couple ran next door to another house. We just sat there and watched them.

66891

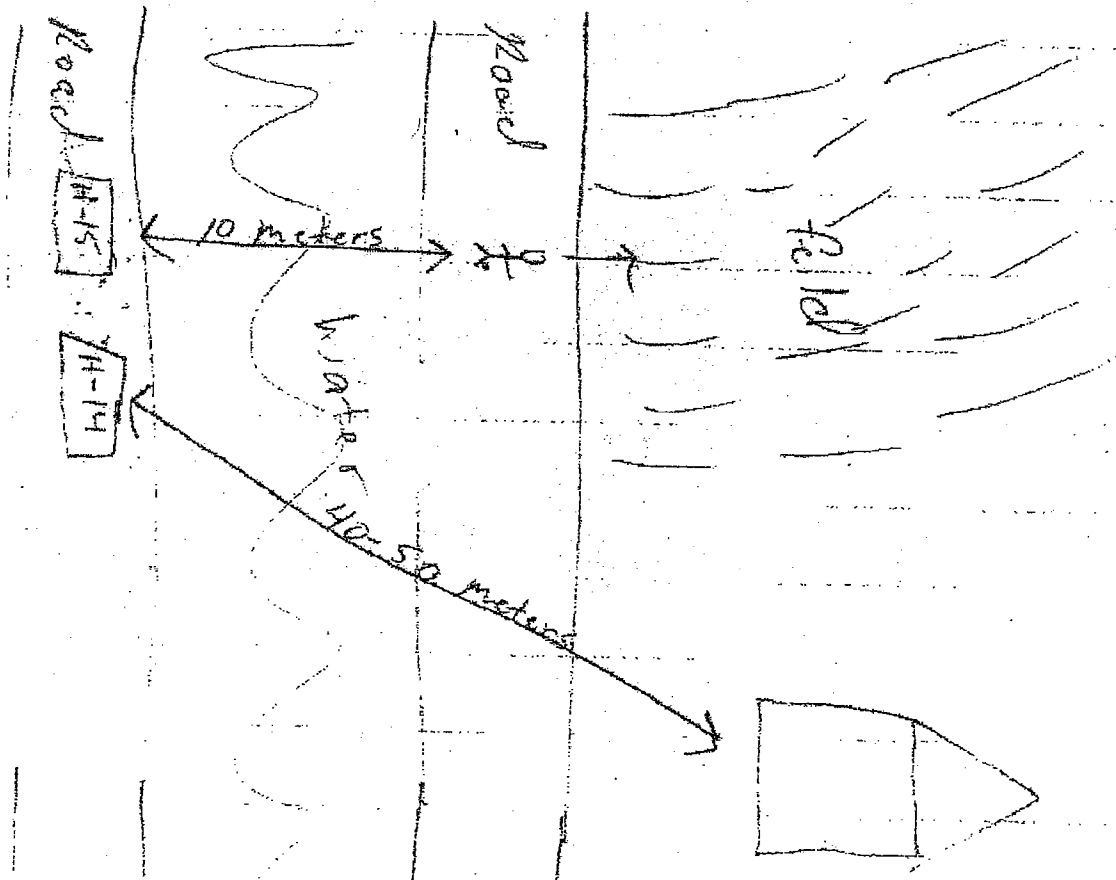
3 of 7

6647c4

Statement taken at 1350

Dated 2003 08 18

finally a. suv drove by and loaded a bunch of inju  
people in it and drove off. And so did we looking for  
more people to kill. The R.O.E. for us over there  
was to engage and capture the enemy, seize all  
weapons, and give medical attention to any one hurt.  
The R.O.E. was not followed because there were no enem  
or weapons.



6682

b647c4

We would also take pawns and there wasn't anyone to come pick him up so we would ~~put~~ <sup>put</sup> the pawn on top of the HumV with the gunner until one tried to throw up. After that we would hog tie them and stuff them in between the hood and the brush ~~guard~~ <sup>guard</sup> of the HumV. I asked to at least tie his leg to the brush guard so ~~that~~ he doesn't fall off and my NCO would say who cares, if he falls off we just ran him over and one ~~less~~ <sup>less</sup> one to worry about. When we captured a pawn in a vehicle we had to call a tow truck to pick it ~~up~~ <sup>up</sup>. One day we didn't ~~feel~~ feel like waiting so they threw an incendiary grenade in it and told the CO that it crashed into the ditch and caught fire. There are ~~other~~ other times when we would search houses and steal stuff from the houses or the pawns. Such as bricks of ~~money~~ <sup>money</sup>. IRAQI army metals uniforms, pictures of Saddam, T-shirts with his face on them all the way down to cigarette lighter. They would drive down the road and see a car pull into a nice house and say the car was running from them to search the house and see what they could get. There is a story about A section lost control on a IRAQI and beat him half to death. Bad enough that the whole hood of the HumV was covered in blood.

b647c4

Statement of [REDACTED] taken at 1350

Dated 2003 08 18

6647c4

After the incident we got back into our truck and continued our patrols. A section was on there way to meet us. We spotted what we thought was people burying weapons up the road. So we waited for A section to show up. Then we searched for the weapons. We couldn't find any so we returned to the house. MY Platoon leader and some of my NCOs went to search the house but we had trouble finding it. We don't know if we ever found the right house.



STATEMENT OF [REDACTED]

TAKEN AT 1350

DATED 2003 08 18

STATEMENT (Continued)

b647c4

NOTHING FOLLOWS  
b647c4

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. 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.

b647c4

[REDACTED]  
(Signature of Person Making Statement)

## WITNESSES:

b627c2

[REDACTED]  
Bldg 1001 Rm 224 FHTX

ORGANIZATION OR ADDRESS

ROOM 1224, BLDG 1001, FHTX

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of AUGUST, 2003, at Room C224, BLDG 1001, FHTX

[REDACTED]  
(Signature of Person Administering Oath)[REDACTED]  
(Typed Name of Person Administering Oath)Judge Advocate, Captain, U.S. Army  
(Authority To Administer Oaths)

b62-47c4

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES



DEPARTMENT OF THE ARMY  
HEADQUARTERS TASK FORCE IRONHORSE  
TIKRIT, IRAQ

REPLY TO  
ATTENTION OF

AFYB-CG

24 August 2003

b627c2

MEMORANDUM FOR [REDACTED] Headquarters, 2d Brigade, 4th Infantry Division  
(Mechanized), FOB Warhorse, Baqubah, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into three (3) allegations of soldier misconduct contained in a sworn statement by [REDACTED] dated 18 August 2003. b647c4

a. Unlawful use of force. Whether [REDACTED] ordered soldiers to fire an MK-19 on unarmed civilians (men, women, and children), and whether civilians were wounded or killed in the incident. b657c5

b. Maltreatment of detainees. Whether members of BRT, 2d Brigade placed detainees on top of a HMMWV, between the brush guard and hood during transportation to Brigade holding area.

c. Theft of private property. Whether members of BRT, 2d Brigade stole property from the homes of Iraqi citizens and the property of detainees.

2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All-witness statements will be sworn and recorded on DA Form 2823.

3. Prepare the report of proceedings on DA Form 1574 and submit the original to me within 10 days of receipt of this memorandum. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.

4. Before proceeding with the investigation, contact [REDACTED] at [REDACTED] for an initial legal briefing. [REDACTED] will serve as your primary legal advisor. b627c2

FOR THE COMMANDER:

Original Signed

[REDACTED]  
Chief of Staff

b627c2

6686



DEPARTMENT OF THE ARMY  
HEADQUARTERS, III CORPS AND FORT HOOD  
1001 761ST TANK BATTALION AVENUE  
FORT HOOD, TEXAS 76544-5000

REPLY TO  
ATTENTION OF

AFZF-JA-MJ

20 August 2003

MEMORANDUM THRU G3, III Corps & Fort Hood, Fort Hood, Texas 76544-5001

FOR Commanding General, III Corps & Fort Hood, Fort Hood, Texas 76544-5001

SUBJECT: Report of Alleged Law of War Violation

1. Purpose. To report an alleged Law of War violation IAW Department of Defense Directive (DoDD) 5100.77.

2. Synopsis of Allegation. A 4th Infantry Division (4ID) soldier alleges during Operation Iraqi Freedom [REDACTED] witnessed the unlawful use of force against non-combatants, theft of private property from Iraqi civilians, and the wrongful dispossession of private and/or enemy property.

3. Complainant Data.

a. Complainant. [REDACTED]

b. Current Unit of Assignment. Brigade Reconnaissance Troop (Rear) (Provisional), 2d Brigade (Rear) (Provisional), 4th Infantry Division (Mechanized) (Rear) (Provisional).

c. Current Status. [REDACTED]

d. Source of Complaint. In July 2003, [REDACTED] at Fort Hood that he had witnessed rules of engagement violations while he was in Iraq. In turn, [REDACTED] telephonically notified the Chief, Criminal Law Division, III Corps.

6687

AFZF-JA-MJ

SUBJECT: Report of Alleged Law of War Violation

4. General Nature of the Allegations. On 31 July 2003, [REDACTED] b647c4  
[REDACTED] III Corps, personally met with [REDACTED] b647c4 to discuss the  
allegations.

The following represents a brief synopsis of that interview. A more detailed report of  
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6688

<sup>1</sup> Electronic version  
ACLU RDI 076 p 44

AFZF-JA-MJ

SUBJECT: Report of Alleged Law of War Violation

b. DoDD 5100.77, paragraph 6.1., provides that "[a]ll military and civilian personnel assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Such reports may also be made through other channels such as the military police, a judge advocate, or an Inspector General. Reports that are made to officials other than those specified in this subsection shall, nonetheless, be accepted and immediately forwarded through the recipient's chain of command."

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5. Recommendation.

a. Promptly forward this information through command and operational channels so that a prompt investigation can be conducted and recorded, and appropriate remedial action taken, as necessary, in accordance with the DoD directive.

b. I will forward the allegations to SJAs at CENTCOM, V Corps, and 4ID for information purposes.

6. POC is [REDACTED]

b627c2

Encls

b647c4

1. Copy - [REDACTED] statement
2. Overview of allegation 1
3. DoDD 5100.77
4. III Corps & FH Regulation 27-2

[REDACTED]  
Staff Judge Advocate

6689