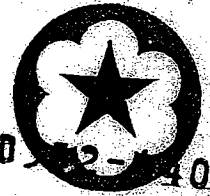




DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICE  
REGION IX, Kuwait Field Office  
APO AE 09889

b(6), b(3)



0034-04-C 10 12-1402

REPLY TO  
ATTENTION OF:

b(3)

AFRD-JA-TDS

10 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Article 15 Scheduling/Counseling

1. Article 15 counseling is conducted every Monday, Wednesday, & Friday afternoon at 1300 hours. Units are encouraged to call at least 24 hours in advance as a professional courtesy, and to ensure that designated counseling days have not been reschedule due to other mission requirements. However, all soldiers who arrive at or prior to 1300 hours will receive the Article 15 briefing. Soldiers are expected to have, in hand, a complete copy of the Article 15 packet to include DA Form 2627, DA Form 268 and ALL OTHER SUPPORTING DOCUMENTS. Article 15 briefings are conducted at the Trial Defense Service, Kuwait Field Office, located at Bldg. 28, Room 105, Camp Doha, Kuwait.

2. If a units mission or lack of transportation renders them unable to provided the soldier the opportunity to receive the briefing in person, a complete copy of the packet may be faxed to the TDS Office at 011-965-468-6718/ DSN: 438-6718 or scanned and email to [REDACTED] for coordination of telephonic counseling.

3. Soldiers in remote locations that are unable to received counseling in person and whose unit lack the means of providing counsel a copy of the Article 15 packet for review, will receive telephonic counseling on a case by case basis at the discretion of the counseling attorney.

4. Questions or comments regarding this memorandum, may be forwarded to [REDACTED] Trial Defense Service, Kuwait Field Office at DSN: [REDACTED]

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ORIGINAL SIGNED

[REDACTED]

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DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICE  
REGION IX, Kuwait Field Office  
APO AE 09889



REPLY TO  
ATTENTION OF:

0034-04-C10352-6402

11 December 2003

AFRD-JA-TDS

MEMORANDUM FOR RECORD

SUBJECT: Administrative Separation Counseling

1. Administrative Separation Counseling is conducted every Saturday by appointment. Units are encouraged to call and schedule an appointment within 24 hours of receiving the completed Chapter packet from their supporting SJA Office.
  2. At the time of their appointment, soldiers are expected to have, in hand, a properly prepared and arranged copy of the Administrative Separation Action, to include:
    - a) A signed Memorandum of Notification from the Commander (stating the recommended characterization of discharge)
    - b) Memorandum of Acknowledgement of Receipt (w/ Disclosure Requirement)
    - c) Election of Rights (tailored to soldiers time in service & or characterization of discharge recommended, if applicable)
    - d) Commander's Report.
  3. All packets should be legally sufficient IAW the requirement of the proposed chapter of separation under AR 635-200, i.e. Chps 5-17, 13, 14-12a, 14-12b, 15, 18
- 1-16 Counseling-** AT LEAST ONE formal counseling session is required before separation proceedings may be initiated for one or more of the reasons specified in 1-16a. In addition, there must be evidence that the soldier's deficiencies continued after the initial formal counseling (at least one documented incident after the 1-16 counseling.)
4. IAW AR 635-200, Para. 1-16d: Waiver of the counseling requirement IS NOT AUTHORIZED. Below is an example of language that when utilized on DA Form 4856 may suffice for the purpose of 1-16 counseling:

You are advised that separation may be initiated against you under the provisions of Army Regulation 635-200, Chapter 5-17 (Other designated physical or mental conditions); Chapter 13 (Unsatisfactory Performance); Chapter 14-12a/14-12b (Minor Disciplinary Infractions/Pattern of Misconduct); Chapter 15 (Homosexual Conduct); Chapter 18 (Failure to Meet Body Fat Standards), if this behavior/conduct continues. If

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separated, you could receive an Honorable, General (under honorable conditions), or under Other Than Honorable conditions discharge or characterization of service, or an entry level separation (uncharacterized discharge), if authorized. If separated with less than an Honorable discharge/characterization, you could encounter substantial prejudice in civilian life, and it may affect civilian employment, veterans' benefits, and related matters. It is unlikely that you would be successful in any attempt to have the character of your discharge changed.

5. Additional requirements to the following Administrative Separation Actions include but is not limited to:

Chapter	Physical Evaluation	Mental Evaluation
5 - 17	No	Yes
13	Yes	Yes
14 - 12a	Yes	Yes
14 - 12b	Yes	Yes
14 - 12c	Yes	Yes
15	Yes	Yes
18	Yes	No

6. All chapter packets will contain the following information:

- a) A copy of soldiers ERB/DA Form 2-1
- b) A copy of soldier's individual and/or unit orders
- c) Any record of failed rehabilitative counseling
- d) Any record of trial by courts martial
- e) Any record of non-judicial punishment
- f) Any record of other derogatory data (other than Art15 & CM).

7. Packets may be dropped off to the TDS office on the Friday before the scheduled appointment, or hand carried at the time of the appointment by an escort.

8. Questions or comments regarding this memorandum, may be forwarded to [REDACTED] Trial Defense Service, Kuwait Field Office at DSN: [REDACTED]

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[REDACTED]

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RECORD PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is [redacted]

See Notes on Reverse Before Completing Form

0034-04-C10352-640

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NAME [redacted]	GRADE [redacted]	SSN [redacted]	UNIT [redacted]	PAY (Basic & Sea/Foreign) [redacted]
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1</sup> In that you, [redacted], having knowledge of a lawful order issued by the 310<sup>th</sup> MP BN (I/R) Standard Operating Procedures (SOP), dated January 23, 2003, to wit: Appendix 6 (Rules of Interaction) to Annex G (Operations) of 310<sup>th</sup> MP BN (I/R) TACSOP Rules of Interaction-compound I. To treat all Internees with respect, 2. Respect religious articles and materials, (SEE CONTINUATION SHEET)

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. <sup>3</sup> In deciding what you want to do you have the right to consult with legal counsel located at Camp Doha, Kuwait. You now have 48 hours to decide what you want to do. <sup>4</sup>

DATE TIME 17 Feb 04 1429	NAME, GRADE, AND ORGANIZATION OF COMMANDER [redacted]	SIGNATURE [redacted]
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3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)

a.  I demand trial by court-martial.

b.  I do not demand trial by court-martial and in the Article 15 proceedings:

(1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.

(3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

DATE [redacted]	NAME AND GRADE OF SERVICE MEMBER [redacted]	SIGNATURE [redacted]
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4. In a(n)  Open  Closed hearing <sup>2</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>2</sup>

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF.

6. You are advised of your right to appeal to the Cdr, 310<sup>th</sup> MP BN within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

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DATE [redacted]	NAME, GRADE, AND ORGANIZATION OF COMMANDER [redacted]	SIGNATURE [redacted]
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7. (Initial appropriate block, date, and sign)

a.  I do not appeal b.  I appeal and do not submit additional matters <sup>8/9/</sup> c.  I appeal and submit additional matters <sup>8/9/</sup>

DATE [redacted]	NAME AND GRADE OF SERVICE MEMBER [redacted]	SIGNATURE [redacted]
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8. I have considered the appeal and it is my opinion that:

DATE [redacted]	NAME AND GRADE OF JUDGE ADVOCATE [redacted]	SIGNATURE [redacted]
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9. After consideration of all matters presented in appeal, the appeal is:

Denied  Granted as follows: <sup>10/</sup>

DATE [redacted]	NAME, GRADE, AND ORGANIZATION OF COMMANDER [redacted]	SIGNATURE [redacted]
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10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS <sup>11/12/13/</sup> C/M

1. DA Form 4856, dtd 12 Feb 04
2. DA Form 2823, dtd 10 Feb 04
3. Significant Activities Sheet, dtd 10 Feb 04

DA FORM 2627, AUG 84 (EG)

EDITION OF NOV 82 IS OBSOLETE

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0034-04-C10352-64025

[REDACTED]

Iraq APO AE 09375

Item 1, continued:

3. Do not make obscure gestures, 4. Do not make derogatory remarks or political comments about Internees and their cause, etc.”, and order which was your duty to obey, did at The Internment Facility located at [REDACTED], Iraq, on or about 10 February 2004, fail to obey the same by wrongfully displaying the symbolic of the “Star of David”, and threatening the detainee. You were also very disrespectful in gestures, which in turn insulted the Arabs that were present at the time. This is in violation of Article 92, UCMJ.

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0034-04-C10352-640.



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 310TH MILITARY POLICE BATTALION  
CAMP BUCCA, IRAQ  
APO AE 09375

REPLY TO  
ATTENTION OF

MEMORANDUM FOR CDR, 310th Military Police Battalion, Camp Bucca, Iraq 09375

SUBJECT: Waiver of right to seek legal counsel regarding Article 15 punishment

1. I hereby waive my right to seek legal counsel from the Trial Defense Service regarding the Article 15 imposed on (DATE) \_\_\_\_\_ by [REDACTED] I b(6)-2 understand that by waiving my right, I am authorizing the Company Commander to go forward with the Article 15 proceedings as if I had received counsel.

2. I understand that I am not giving up any of my rights as outlined in the Manual for Courts-Martial. I am only waiving my right to seek legal counsel regarding any matters in defense, extenuation, or mitigation that I might be able to submit in regard to the offenses with which I have been charged.

[REDACTED] b(6)-5

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EXHIBIT 9 24

Trial Defense Information Sheet

0034-04-C10352-640.

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Purpose: The purpose of this information sheet is to provide an understanding of the Trial Defense Services and help them to decide whether or not they will choose to waive their visit. Please note that this information sheet is in no way meant to discourage the soldier from their right to Trial Defense Services and legal review by an attorney.

1. At Trial Defense Services (TDS) you will be informed of your right to demand trial by Courts-Martial as stated on the Article 15 (DA Form 2627) that was read to you. This means that you can choose to reject the Article 15 in favor of a Courts-Martial convened by a third party, usually an O4 or above. The O4 will hear your case and adjudge a sentence to you if found guilty of the charges brought forth. However, the punishments increase on Courts-Martial.
2. You will also be informed of your right to appeal, also as stated on your Article 15. An appeal means that you request the punishment to be reviewed by the next higher authority. You may submit additional matters on your behalf at this point if you so choose.
3. If you have any further questions that you feel have not been answered, you may choose to request a visit with the TDS Attorney who can provide these answers.

POC for this sheet is [REDACTED], S-1 Shop

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EXHIBIT

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NOTES

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- 1/ Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (Part IV, MCM). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- 2/ Inform the member of the maximum punishment which may be imposed under Article 15.
- 3/ Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- 4/ Give the member copy 5 of this form.
- 5/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- 6/ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (date). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- 7/ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- 8/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 9/ Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (See Article 15e(1) to (7), UCMJ.)
- 10/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.
- 11/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of \_\_\_\_\_ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.
- 12/ Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (para 3-38, AR 27-10) will be recorded on DA Form 2627-2.  
 Suspension, Mitigation, Remission, or Setting Aside  
 On (date), the punishment(s) of \_\_\_\_\_ (DATE)  
 imposed on (date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before (date)) (mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the punishment) (the successor in command to the imposing commander) (as superior authority).  
 (Typed name, grade, and organization of commander) \_\_\_\_\_ /s/ \_\_\_\_\_
- 13/ Racial/ethnic identifiers will be placed in Item 11 (Chapter 15, AR 27-10).

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