

DEPARTMENT OF THE ARMY HEADQUARTERS, 2D BATTALION 325TH AIRBORNE INFANTRY REGIMENT FORT BRAGG, NORTH CAROLINA 28307-5100

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DOD 007022

FXHIRIT

AFVC-BB-S2

8 JUN 04

MEMORANDUM FOR RECORD

SUBJECT: Appointment as Investigating Officer

SENSITIVE

RISE ONLY

1. On 4 Jun 04, I was appointed to conduct an informal investigation into the alleged in Baghdad Iraq between 1-30 April 66)-5detainee abuse by 2003. The appointment was delivered orally by the battalion on behalf of appointing authority and commanding officer for 2-325th AIR 2. POC is the undersigned at 008398

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DEPARTMENT OF THE ARMY HEADQUARTERS, 2D BATTALION 325TH AIRBORNE INFANTRY REGIMENT FORT BRAGG, NORTH CAROLINA 28307-5100



AFVC-BB-S2

8 JUN 04

MEMORANDUM FOR RECORD

SUBJECT: Exhibit Index

1. The following exhibits are enclosed as part of the 15-6 Informal Investigation of detainee abuse. They are listed in the order in which they are submitted in evidence.

- A. Sworn Statement by **Explanation and Statement of State**
- B. Sworn Statement by **Statement and the searching a warehouse during a platoon operation in Baghdad**.
- C. Sworn Statement by the statement of the explaining his actions while guarding
 - detainees during a platoon operation in Baghdad.
- D. Sworn Statement by several statement of explaining his actions and the platoons while searching a warehouse during a platoon operation in Baghdad.
- E. CID Report of Investigation identifying as the investigating agent.

2. POC is the undersigned at

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	CTION IV - EINDINGS (page 2 10 AP	25.4)	<u>c10023 6728</u>
The (investigating officer) (board), having carefully con The alleged detainee abuse by the second of the second this command through an Inspector General (IG) se sergeant during May - Jun 2003, was asked if he h hit by a soldier. The IG further asked why had he conducted an AAR of the mission, inclu- the 5Ws of EPWs and the CJTF-7 ROE (shout, sho to the ROE. During this investigation I conducted investigator. I also used the same sworn statement	in Baghdad, Iraq bett nsing session. During the IG se ad ever seen a detainee hit by a (for the provided in the ading (for the provided in the shoving of the ve, warning state; shoot) and con concurrent (separate rooms) inte	veen May Jun 2003 was nsing session SFC said soldier. Stated that he a detaince, stated that he a cluded that PFC solution rviews with the individual	that he had seen a detainee and the platoon leader (defined a seen a detainee reviewed l acted properly according s involved with the CID
During a platoon "search for possible cache" mission guard 4-5 detainees at the beginning of the mission. The 4-5 detainees were flex cuffed and either put of A,B,C,D) and interviews conducted by me and were resisting detention by yelling at the soldiers at were yelling and being so loud, the platoon leader to communicate with the other elements still clearing the detainees to be quiet in Arabic and English seve back at the protected himself by taking his right han exhibit A and C). After PFC prevented the detainees Even with the language barrier the detainees probal quiet until the military leader, with assistance from completed the mission and found no weapons cache were guards of the warehouse so they had their weap	as the remainder of the platoon in their knees or set on the ground Clifford and the ground of the ground in their knees or set on the ground Clifford and being uncooperative by not be told the guards to keep the detain the warehouse and for the safety eral times but they continued to y c and then spit on his boots and d and shoving the detainee on his e from standing up all the detain oly understood enough about the the translator, was ready to hear or any other reason to continue	continued clearing the war 1. According to all sworn tor assigned to this case, (ing still (see exhibits A-D ees quiet in order to allow of the platoon (see exhibit ell at the soldiers. One o hen attempted to get off h is head pushing him back of the guieted down and did situation to know that the their story and sort out the to hold the detainees (see	renouse (see exhibits A-D) $f(k)$, statements (see exhibits A-D) $f(k)$, statements (see exhibits see Exhibit E) the detainees $b(7)$.). Because the detainees $b(7)$,). Because the detainees $b(7)$, him to be able to t A and B). The detained to be the detainees men yelled is knees and stand-up, lown on his knees (see not resist detention again. y should cooperate and be e situation. The plateon
After reviewing all documents, conducting interview in the battalion, Control acted properly by follow at the detainee to be quiet and not to stand up, then protect himself, other soldiers, and the detainees.	ws, and personal experience with ring the ROE. (Annual Sector) felt thr shoving the detainee back down	handling detainees as the eatened and thus followed on his knees in order to c	senior intelligence officer the ROE by first shouting ontrol the situation and
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SECTION	V - RECOMMENDATIONS (para 3-1	I, AR 15-6)	
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	SECTION V	1 - AUTHENTICATION	N (para 3-17, AR 15-6)			
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low, indicate the reason in the sp	vace where his signature s	hould appear.)	· · · · ·			
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		I - MINORITY REPOR				
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REPORT OF PROC	CEEDINGS BY INVESTIG	ATING OFFICER				
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	SECTION II - S	SESSIONS			· · · · · ·	
e (investigation) (board) commenced at HHC	2, 2-325th AIR, 82d ABN I	DIV, FT BRAGG,	NC 28310 at		0900	-
	(Pla	ice)			(Time)	
7 JUNE 04 (If a formal boo	urd met for more than one session,	check here 🔲 . India	cate in an inclosure th	e time each sessi	ion hearn	anit
iea, the place, persons present and absent, and exp	planation of absences, if any.) The	e following persons (m.	embers: respondents	councel) were	ion of guin	ureti
scal. whier each name, marcare capacity, e.g., P	resident, Recorder, Member, Lega	ıl Advisor.)				dia
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2	Exhibits (pata 3-16, AR 15-6)		NOY	
-	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?	×		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) property 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 3-66, 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			X
	exhibit or recorded in a verbatim record?			
	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)?		-	×
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)			1. 19
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)?	Į!		
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter swora, 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)			3.3
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?			
ι,	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?			$f_{i}^{\alpha} = f_{i}^{\alpha}$
	(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?	<u> </u>]		
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<u> </u>		
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he property 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 54c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):	<u>lisi sin</u>	, since t	
	a. Was each respondent represented by counsel?		E. S. S. S.	A
	Name and business address of counsel:			
	(If counsel is a lawyer, check here [])	+		
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?		<u> </u>	
	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		_	ļ	
	a. Was the challenge property denied and by the appropriate officer?		 	 `
	b. Did each member successfully challenged cease to participate in the proceedings?	<u> </u>		, .
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):		ļ	
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<u> </u>	ļ	
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<u> </u>		
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?		ļ	
	e. Testify as a witness?		Į	
	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)?			
FO	 OTNOTES: 1/2 Explain all negative answers on an acached sheet. OZINOTES: 1/2 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. 			
Pa	or coara. ge 2 of 4 pages, DA Form 1574, Mar 83		USAP	V1:20
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DOD 007027

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Exhibits (para 3-16, AR 15-6)	YES	NO
a. Are all items offered (whether or noi received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?		1-1
	X	
 b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as 	X	
	X	
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) property authenticated and is the location of the original evidence indicated?		++
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X	<u></u>
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an		4
exhibit or recorded in a verbatim record?		
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)?		
Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?		┼──┼
COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)		╂╧═╧┨
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)?	_ <u>_</u>	╞╌╌┟
Was a quorum present at every session of the board (para 5-2b, AR 15-6)?		╞──╊
Was each absence of any member property excused (para 5-2a, AR 15-6)?		╉╧╌╉
Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?		┟──┼
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)?		
COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)		
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?		<u> </u>
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?		¦∳
If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):		
z. 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)?		
Counsel (para 5-6, AR 15-6):		
a. Was each respondent represented by counsel?		
Name and business address of counsel:		2 2
(If counsel is a lawyer, check here 📋)		
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?		
. 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)?		
f the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):		
. Was the challenge property denied and by the appropriate officer?		
b. Did each member successfully challenged cease to participate in the proceedings?		
Was the respondent given an opportunity to (para 5-8a, AR 15-6):		
7. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?		
Examine and object to the introduction of real and documentary evidence, including written statements?		
· Object to the testimony of witnesses and cross-examine witnesses other than his own?		
1. Call witnesses and otherwise introduce evidence?		
Testify as a witness?		
Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?		
f requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in		
irranging for the presence of witnesses (para 5-8b, AR 15-6)?		.
Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an an aclosure or exhibit to it (para 5-11, AR 15-6)?		
TNOTES: Ly Explain all negacive answers on an azached sheer.		
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.		29

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