

Witness:

Okay.

Counsel:

He actually claimed that he'd been assaulted a couple of different times. Is that right?

Witness:

That's correct, just reviewing my AIR.

Counsel:

And he claimed that the second time that he was assaulted was when he was transported from the in processing center to the actual confinement compound or the confinement facility?

Witness:

That is correct.

Counsel:

And you did not, personally, investigate that allegation any further, correct?

Witness:

All I was doing was the screening interviews just to...I was doing the screening interviews the prelim, because we were still at the preliminary stages of the investigation and then I would hand it off the case agent, and I was called off under another case.

Counsel:

And when you found out this information about this second...you heard about the second allegation of assault, what did you do with that information?

Witness:

I documented it in my report and handed it off to [REDACTED] (4)(b)-1; (7)(c) -1

Counsel:

As far as you know, that allegation was never investigated further, correct?

Witness:

Since I didn't work at all on the case I couldn't answer.

Counsel:

But you are currently the Special Agent In Charge?

Witness:

That's correct, the case was closed before I took over as the Agent In Charge, so I never reviewed the case.

012643

Counsel:

So as far as you know that allegation was unfounded?

Witness:

I can't say it's unfounded I can't answer anything about that allegation.

Counsel:

But it as the SAC you never heard anything further about it?

Witness:

The case was closed before I took over as the SAC. I can't tell you anything further than what I did on the case. As far as what they did after I left, 'cause I left the office for two weeks, the case was closed when I got back. And I can only answer to what I've personally did.

Counsel:

Okay, when did you get back?

Witness:

It would have been about, sometime mid June

Counsel:

And you left? When was it you left?

Witness:

I can't recall exactly.

Counsel:

Late May possibly?

Witness:

It was late May.

Counsel:

So within two weeks there was nothing more in regards to that investigation you never heard anything further about it?

Witness:

I didn't even ask about it.

Counsel: (b)(6)-4; (7)(C) -4

Mr. ██████████...when you talked to him he claimed that he'd been kicked in the abdomen, in the groin, and in the face, is that correct?

012644

Witness:

If that's what the report says, I can't recall the interview. As I stated during pre-interview that I've conducted about 1,400 interviews since I've been here, and I honestly don't remember I can't recall the interview at all. So if it's not written in the report I can't recall it.

Counsel:

And you don't believe it was written in you AIR?

Witness:

If it is in the AIR then that's what he reported. But I can't recall, sitting here, I can't recall the interview.

Counsel: (b)(6) 4 ;(c) -4

Mr. ██████████ didn't have any physical cuts, bruises, abrasions, or injuries when you interviewed him, correct?

Witness:

Not that I recall.

Counsel:

You couldn't see any visible injuries whatsoever?

Witness: Honestly, I can't recall unless I'm looking at my AIR. If it's documented on there.

[The witness was handed Exhibit 9 to refresh his memory.]

Witness:

(b)(6) 4 ;(c) -4

That's correct it says here, "Mr. ██████████ had no visible marks or bruises" at the time I spoke with him.

Counsel:

And does it say what he complained of. What he claimed that he was assaulted what parts of the body?

Witness:

Kicked numerous times in the abdomen, groin, and face.

Counsel:

You stated in the AIR that the processing photo appeared to show that his face was swollen in some manner?

Witness:

012645

The processing sheet that I received I believe it did.

Counsel:

And so did you print a copy of that and place it in the file as a part of the file?

Witness:

(b)(6) 1 - (7)(C) -1  
There was a copy and it was given to the case agent, Agent [REDACTED] would be better able to answer that. I didn't put the file together I saw a copy of it that morning and that's how I identified to go speak with him. All my notes and my AIR, when I type it up, all go to the case agent. I never personally placed it in the case file.

Counsel:

Did you print off, you printed off a copy of his...

Witness:

Yeah, I had a hard copy.

Counsel:

But you didn't personally place it in the case file?

Witness:

No I did not.

Counsel:

(b)(6)-4 ; (7)(C) -4  
When you interviewed Mr. [REDACTED] did you write out question and answer in your notes?

Witness:

No, I normally just use bullet statements to refresh my memory. Just as I finish the interview I go back and type it up.

Counsel:

Did you audiotape the interview?

Witness:

No we did not.

Counsel:

(b)(6) -4 ; (7)(C) -4

Did you... give Mr. [REDACTED] a pen and paper and say write out what happened and allow him to make a narrative?

Witness:

No not at that point I did not.

012646

Counsel:

Was there anyone who could've translated, if he had written a statement, was there anyone that could have translated it from Arabic into English?

Witness:

I had a translator with me, obviously, so I could speak with him. But at the time, during the prelim, we don't normally take statements from victims. We just try to identify if they are victims, if they're witnesses, if they're suspects and then we go back and identify who we need to speak with further in detail, later.

Counsel:

But he did claim that there was some injuries?

Witness:

That's correct, that he was kicked and beaten.

Counsel:

I'm sorry not that there were injuries, but he claimed that he was assaulted. And your handwritten interview notes you don't know where those are?

Witness:

No I do not. The conditions at the time, we were working out of a tent, and with the storms, they could be anywhere.

Counsel:

And as far as you know, there was never a sworn statement taken from Mr. [REDACTED]

Witness:

Not from myself, I never took a statement from him.

Counsel:

You also interviewed Mr. [REDACTED]

(b)(6)-4, (7)(C) 4

Witness:

Yes I did.

Counsel:

And Mr. [REDACTED] actually said that he was beaten as he was getting off the bus, is that correct?

Witness:

Again, if that's what the report says, I'd have to refer to that.

Counsel:

012647

(b)(6)-4 (7)(C)4

Mr. [REDACTED] as far as you can tell, that it appeared that he claimed to be beaten as he got off the bus?

Witness:  
Yes it does.

Counsel:  
And does it appear that he also claimed that he was thrown to the ground after he got off of the bus?

Witness:  
Yes it does.

Counsel:  
And he claimed that he was kicked and beaten while he was on the ground?

Witness:  
That is correct.

Counsel:  
And he could not identify who it was that did this?

Witness:  
No he did not.

Counsel:  
He claimed that he was beaten in a second time, correct?

Witness:  
Yeah he claimed that during the transport to the Internment Facility from the process center, that an additional assault occurred.

Counsel:  
And he said he could not identify who had done it?

Witness:  
That is correct.

Counsel:  
He said that during this second assault he said a US Soldier charged his weapon, pointed it at his head, and said he was going to kill him. Is that correct?

Witness:  
That is correct.

Counsel: And you didn't personally follow up on that allegation, correct?

012648

Witness:

No I did not. I documented in my report and it goes to the case agent.

Counsel:

That a pretty serious allegation though, don't you agree?

Witness:

Absolutely.

Counsel:

As far as you know though that allegation was completely unfounded?

Witness:

I do not know, I didn't do the follow up, so like I said, I couldn't answer to that.

Counsel:

Was the case closed when you returned from your two weeks?

Witness:

Yes it was.

Counsel: (b)(6) 4 - 7(c) 4

Mr. [REDACTED] also had no visible injuries, is that correct?

Witness:

Not that I recall.

Counsel:

He had no bruises?

Witness:

No he did not.

Counsel:

And he requested no medical attention of any kind, right?

Witness:

No not at the time.

Counsel:

You also did a large canvas interview that day, is that correct?

Witness:

That is correct.

012649

Counsel:

And you just sort of told the EPWs, in a group, that you knew something happened the night they arrived at Camp Bucca, correct?

Witness:

That's correct we had...they had all the EPWs in one holding area and there was ...well there would've still been 40 of them at the time, so we asked, through the interpreter, just said that we had a report of an incident that had occurred during the process as they were getting off the bus and we were looking for anybody that had information of anything that happened anybody please come forward and the folks that did come forward the other eight just took them and the folks that remained in the tent I just identified who they were.

Counsel:

In CID investigations, it's generally not the practice that you would interview witnesses together, correct?

Witness:

In a group such as this, I use the example of a bar fight. You're called out to a bar fight where somebody's assaulted you'd walk in the first thing you want to do is separate out. Okay you guys move your victims to one side, got to move witnesses to one side, obviously the MPs would probably already have the suspects in a separate area.

Counsel:

But whether they're victims or just stander...you know, by stander witnesses or whoever, it's not the common practice to interview witnesses in a group, correct?

Witness:

When I interview them it's to segregate them. Identify and then separate.

Counsel:

But in terms of interviewing them, you would not ask questions in a group for fear that they would be influenced by each other's answers, or that they would have suggestions made to their stories...

Witness:

Correct, that's correct.

Counsel:

Basically you don't want the witnesses to be tainted, correct?

Witness:

That's correct.

Counsel:

012650

And when you were talking to this group you said that you knew that EPWs had been beaten up by MPs correct?

Witness:

I did not say anything like that.

Counsel:

You never said anything like that?

Witness:

No, all we mention is an incident 'cause we didn't have all the details at the time.

Counsel:

What you said though, what you said to the EPWs this was said to all 44 EPWs that had been on the bus when the remaining EPWs were not in segregation, is that correct?

Witness:

Correct, there would've been about 40 if there's were 44 total.

Counsel:

And this was two days after the alleged incident?

Witness:

I believe it was the 14<sup>th</sup> that's correct.

Counsel:

In one of those canvas interviews you talked to Mr. [REDACTED] Is that correct?

(b)(6)-4, (7)(C)-4

Witness:

I would have no idea, sir.

Counsel:

You don't remember talking to him on 14 May of 2003?

Witness:

On the second page of AIR there's a list of all the ones that I identified.

Counsel:

(b)(6)-4, (7)(C)-4

I'm handing you that second page of that AIR, do you see Mr. [REDACTED] name in that list of people that you canvas interviewed?

Witness:

Yes I do it's [REDACTED] (b)(6)-4, (7)(C)-4

Counsel:

012651

And in that AIR does it say anything about that he made any complaints about being dragged?

Witness:

No he did not, everyone that I have listed here didn't want to come forward with any information at the time.

Counsel:

(b)(6)-4; (7)(C)-4

Nothing on there about Mr. ██████████ being assaulted?

Witness:

No.

Counsel:

Absolutely no information, he said he had no information about anyone else being assaulted, or at least he didn't come forward?

Witness:

That's correct, as I said all the ones listed here didn't want to provide any information at the time.

Counsel:

And there was no follow up interview conducted with him?

Witness:

I believe some were there was follow up interviews after I left, but not by myself.

Counsel:

Thank you.

I/O: Further questions?

Defense Counsel: Yes, sir.

Questions by the defense counsel: CPT ██████████

(b)(6)-2; (7)(C)-2

Counsel: b(6)-1, b7(C)-1

(b)(6)-5, 7(C)-5

Agent ██████████ you interviewed MSG ██████████ for this case, correct?

Witness:

That's correct.

Counsel:

And you talked to her about taking responsibility for this case, correct?

Witness:

012652

Taking responsibility for her actions, yes, correct.

Counsel:

You actually had a long discussion with her in which you told her that as the highest-ranking person she should take responsibility for everyone for this correct?

Witness:

I believe I told her as the senior ranking person she is responsible and needs to saw what happened, that's correct.

Counsel:

And you told her that if she came forward and took responsibility the command would probably allow the other eight soldiers just to get some additional training or something.

Witness:

I could have said something like, I'm not sure exactly how it was worded, but yes I did.

Counsel:

But that was the tenor of conversation.

Witness:

The tenor of the conversation was that we knew something had happened. That we knew an assault had occurred, and as the senior ranking NCO in charge of the soldiers, that she needed to take responsibility and be honest with what happened. So as not to bring more harm to the soldiers that were involved the junior enlisted soldiers.

Counsel:

And you made these comments to her at the CID tent?

Witness:

Yes I did.

Counsel:

And that was the same day that all the other individuals were standing outside and were getting ready to be interviewed, correct?

Witness:

I don't believe anybody was standing outside at the time, her interview was the last one.

Counsel:

Okay, but that was the same day you brought the group over to be interviewed, correct?

Witness:

I think they were interviewed over either that day or within a day or two.

I/O: Any further questions?

012653

Defense Counsel: Just a few.

Questions by the defense counsel: CPT [REDACTED] (b)(6)-2 ;(7)(C) -2

Counsel:

Both Mr. [REDACTED] and [REDACTED] claimed that they'd been assaulted from the in processing center to the confinement facility, right?

(b)(6)-4 ;

7(c)4

Witness:

First they claimed they were assaulted at the in processing center then they made an additional claim that after they arrived, or during the transport they didn't elaborate that they were assaulted again.

Counsel:

Well Mr. [REDACTED] said that a rifle was held to his head?

So he gave you that information, right?

Witness:

Correct.

Counsel:

There was no second or subsequent CID investigations regarding those two claims, right?

Witness:

I cannot say, as I told the captain, I can't say there was. I did not conduct them I was involved in this case for that one day.

Counsel:

I'm not talking about this case, I'm talking about an independent investigation into those allegations those two allegations.

Witness:

No it would have been handled in the same investigation.

Counsel:

You reviewed the case file in this case before you testified, right?

Witness:

I reviewed my part of it, yes.

Counsel:

You didn't flip through the whole thing before you testified?

Witness: No.

012654

I/O:  
Major [REDACTED]

} (b)(6)Z-(7)(C)-2

Major [REDACTED] No, questions, sir.

[The witness was duly warned, dismissed and withdrew from the room.]

#### DIRECT EXAMINATION

(b)(6)-1 - 7(C)-1

Special Agent [REDACTED] U.S. Army, CID, was called as a witness for the Government, was sworn and testified as follows:

Questions by the trial counsel: MAJ [REDACTED] (b)(6)-2 ; (7)(C)-2

Counsel:

(b)(6)-1 - 7(C)-1 SA [REDACTED] did you have some involvement in the investigation of the allegations of abuse of prisoners on the bus from An Nasariyah to Camp Bucca on the 12<sup>th</sup> of May?

Witness:

Yes sir

Counsel:

During the course of your investigation did you take a statement from SPC [REDACTED]

(b)(6)-5 ; (7)(C)-5

Witness:

Yes sir.

[The witness was handed Exhibit 10 for identification and asked to describe it.]

Witness:

This is a right waiver statement, sir.

Counsel:

Do you want to page through the whole thing?

Witness:

Yes sir...as well as the statement, a written statement, from SPC [REDACTED] (b)(6)-5 -(7)(C)-5

Counsel:

Is that the rights warning and the statement that you took from SPC [REDACTED] from SPC [REDACTED] regarding this investigation? (b)(6)-5 ; (7)(C)-5

Witness:

Yes it is.

012655

Counsel:

Subject to any objection, I would like to enter this in as exhibit 10.

[There was discussion, but no objection. Exhibit 10 was admitted as exhibit 10.]

Counsel: Sir, I don't have any further questions.

### CROSS EXAMINATION

Questions from the defense counsel: CPT ██████████ (b)(6)-2; (7)(C) -2

Counsel: f 6-1, b 7(d)

Agent ██████████ you are the lead case agent on this case?

Witness:

I was designated as the case agent ma'am.

Counsel:

There's a few different areas that I'd like to talk to you about. The first one is about the search that you conducted?

Witness:

Yes ma'am.

Counsel:

Now, the search that you conducted, you were looking for evidence of blood, is that correct?

Witness:

That's correct.

Counsel:

On any clothing or boots or anything?

Witness:

Yes ma'am.

Counsel:

You did not find any sort of evidence or blood on any clothing or boots, correct?

Witness:

That is correct.

Counsel:

And you searched through the personal belongings of all the different individuals?

012656

Witness:

I searched through the belongings of one individual in particular.

Counsel:

And whose was that?

Witness:

[REDACTED] ...SPC [REDACTED] I believe. (b)(6)5-(7)(C)-5

Counsel:

And were there other agents with you that searched through all the other individual's belongings?

Witness:

Yes ma'am.

Counsel:

And as the lead case agent to your knowledge, was any blood found on any clothing or boots of any of the individuals?

Witness:

To my knowledge there was none.

Counsel:

Now you also went out to the crime scene in this case?

Witness:

Yes ma'am.

Counsel:

And you took some digital photographs?

Witness:

Yes ma'am.

Counsel:

And you went out during the day, correct?

Witness:

You never went out during the night to view the scene?

Counsel:

No ma'am and the digital photographs that you took they were lost correct?

Witness:

Yes ma'am.

012657

Counsel:

You also took some witnesses out with you to the crime scene that morning, correct?

Witness:

No I did not take them out with me ma'am. When myself and Agent [REDACTED] were out there doing the crime scene and a witness was out there, but I don't believe there was any coordination. I don't know why she was there. While we were doing the crime scene she showed up.

(b)(6)(i)-(E) - 1

Counsel:

Was that SPC [REDACTED] (b)(C)-4 j (7)(C)-4

Witness:

Yes ma'am.

Counsel:

So she just appeared at the scene that morning?

Witness:

To my knowledge she just appeared I did not coordinate for her to be there.

Counsel:

And she made some comments to you while you were reviewing the scene that morning, correct?

Witness:

Yes ma'am.

Counsel:

And those comments are not reflected on the diagram or anywhere in your notes, correct?

Witness:

No ma'am the comments that she made were basically the statement that she had already had given she was just walking us through it reiterating what she had already told folks in her statement.

Counsel:

Now, you participated in some canvas interviews that were conducted of the EPWs, is that correct?

Witness:

That is correct.

Counsel:

Okay and there was about 25 EPWs that you canvas interviewed?

012658

Witness:  
Approximately yes ma'am.

Counsel:  
Okay and you personally talked to about five to seven people is that correct?

Witness:  
Approximately yes ma'am.

Counsel:  
Okay do you know which five to seven people you spoke to?

Witness:  
No I do not.

Counsel:  
Okay did you do an AIR reflecting who you had personally spoken to?

Witness:  
No ma'am.

Counsel:  
Those were all summarized on the AIR of another agent correct?

Witness:  
Yes ma'am.

Counsel:  
So there's no way of knowing who you actually spoke to?

Witness:  
That's correct ma'am.

Counsel:  
And you didn't take any notes that day correct?

Witness:  
I probably wrote down their names, but I discarded those notes.

Counsel:  
Okay you discarded those notes?

Witness:  
I imagine I did, yes ma'am.

012659

Counsel:

Didn't take any notes though of what the EPWs were saying to you.

Witness:

They weren't talking to me ma'am. They were looking at the ground I couldn't get them to talk to me. What little they did say they just simply denied that anything happened and they didn't want to talk.

Counsel:

Okay so saying that nothing happened you didn't write that down.

Witness:

That's correct ma'am.

Counsel:

Okay now there was another agent other with you that day, Agent [REDACTED] (6)(e)-f, 7(c) 1

Witness:

Yes ma'am.

Counsel:

And were you aware that he took some notes during...on that occasion that were later lost?

Witness:

I don't know if he did or not ma'am.

Counsel:

Okay you maintain the file as the SAC over there correct?

Witness:

Yes ma'am.

Counsel:

Okay and was it ever brought to your attention that he lost some notes he had taken?

Witness:

I don't recall ma'am.

Counsel:

As part of your duties in this case is to also brief the command, correct?

Witness:

Brief the command?

Counsel: Yes.

012660

Witness:  
Yes ma'am.

Counsel:  
And you keep agent activity summaries of you're the course of events of things on how you invest the case investigate the case, correct?

Witness:  
Yes ma'am.

Counsel:  
Okay were you present when COL [REDACTED] was briefed on the 24<sup>th</sup> of May? (b)(6)-2; (7)(C) 2

Witness:  
I don't believe so ma'am.

Counsel:  
Okay was that done by Agent [REDACTED] (b)(6)-1; (7)(C) -1

Witness:  
I'm not sure ma'am.

Counsel:  
Okay were you did you then brief the acting battalion commander on the 26<sup>th</sup> of May?

Witness:  
Who would that be ma'am?

Counsel:  
A Major [REDACTED] (b)(6)-2; (7)(C) -2

Witness:  
No ma'am the only person I talked to, as far as a briefing, was LTC [REDACTED] and was for the opine. (b)(6)-2; (7)(C) -2

Counsel:  
Okay um...do you recall writing in you agent activity summary MAJ [REDACTED], acting battalion commander, was briefed by SA [REDACTED] indicating all subjects would be titled, and a court- martial was being recommended? (b)(6)-2; (7)(C) -2

Witness:  
I don't recall writing that. (b)(6)-1; (7)(C) -1

Counsel:  
You do not recall writing that in your AIS?

012661

Witness:  
No.

Counsel:  
And you do not believe that you conducted that briefing?

Witness:  
I don't have an independent recollection of that ma'am, I just recall talking to LTC  
 (b)(6)-2; (7)(C)-2

Counsel:  
Okay. Thank you Agent [REDACTED] (b)(6)1, - (7)(C)-1

I/O:  
Any further questions?

Questions by the defense counsel: CPT [REDACTED] (b)(6)-2; (7)(C) - 2

Counsel: (b)(6)-1 ; (7)(C) -

Agent [REDACTED], in the course of this investigation did you investigate any allegations that there was some mistreatment from the in processing center to the confinement facility?

**Witness:**  
During the investigation of this case?

Counsel:  
Yes.

Witness:  
I don't believe so, just from the bus to the staging area not from the in processing to the confinement center, no.

Counsel:  
Do you know if there was a second investigations done that might've covered any allegations ...

Witness:  
Not to my knowledge ma'am.

Counsel:  
No further questions.

[The witness was duly warned, dismissed and withdrew from the room.]

012662

(b)(6)-1 - (7)(c) - 1

SA [REDACTED], U.S. Army, CID, was called as a witness for he Government, was sworn and testified as follows:

**DIRECT EXAMINATION**

Questions by the trial counsel: MAJ [REDACTED] (b)(6)-2; (7)(c) - 2

Counsel:

And you are a Special Agent with the CID, and you are stationed here at Camp Bucca?

Witness:

I was just transferred to Camp Arifjan.

Counsel:

That's right. I don't have any further questions for you. Please answer any questions that the defense may have.

**CROSS-EXAMINATION**

Questions by the defense counsel: MAJ [REDACTED] (b)(6)-2; (7)(c) - 2

Counsel: (b)(6)-1 - (7)(c) - 1

SA [REDACTED] on 14 May Chief [REDACTED] called you all together and said that she needed some help doing a bunch of interviews, right?

Witness:

Yes ma'am.

Counsel: (b)(6)-1

And it was you, SA [REDACTED], and an investigator from MI named [REDACTED]?

Witness:

Yes ma'am.

Counsel:

And you all got together 37 personnel from a bus of EPWs, 37 EPWs that had been transported in on a bus together?

Witness:

Roughly ma'am yes.

Counsel:

And of them you interviewed two, a Mr. [REDACTED] and an [REDACTED], correct?

(b)(6)-4 - (7)(c) - 4

012663

Witness:  
Yes ma'am.

Counsel:  
[REDACTED] number is [REDACTED], if that's written in your AIR?

Witness:  
If it is written it will be ma'am.

Counsel:  
And [REDACTED] number is [REDACTED], if that's what's written in your AIR, correct?

Witness:  
If it is, yes ma'am.

*all  
(b)(6) 4;  
(7c) 4*  
Counsel:  
Mr. [REDACTED] said that he heard things but he couldn't see much on the bus because his head was down, right?

Witness:  
Yes ma'am, that's usually the way they keep them.

Counsel:  
And on the bus the MPs were screaming at the prisoners?

Witness:  
Well that's what the person said that he was scream back at him.

Counsel:  
say again?

Witness:  
That's what he heard or that's the way the MP yell at him by screaming at him.

Counsel:  
And moving on to Mr. [REDACTED] your AIR says he was pushed off the bus on his way out of the bus and he hit his head on the TV located on the ceiling of the bus.

Witness:  
Yes ma'am.

Counsel:  
And that's not exactly correct, right?

Witness:  
But it is in a way correct because he was pushed but later...

012664

Counsel:

Can you clarify what actually happened?

Witness:

Later on he hit his head he hit with the TV, but it was not because of the push it was just because he was going down.

Counsel:

So he may have been pushed but he hit his head on his own on the television later on when he got to the front of the bus?

Witness:

Yes, that's correct.

(b)(6)-4, (7)(C)-4

Counsel:

And again I'm still talking about prisoner [REDACTED], he told you also about his brother had been injured but he was laying both of them were laying down at the time they were injured, correct? That the brother was injured?

Witness:

Yes.

Counsel:

And he couldn't see who it was because his head was down?

Witness:

Yes ma'am he just glimpsed and he cannot really identify who was the person that was beating him.

Counsel:

Also there's just a moment please...he told you that his shirt had been pulled off?

Witness:

Yes, it was taken off by being pushed back and forth by the MP or whoever it was.

Counsel:

You said that sometimes when somebody gets grabbed abruptly their shirt will come off?

Witness:

Yes.

Counsel:

That's what you said?

Witness: If that's what I ...

012665

(b)(6)-4; (7)(C)-4

Counsel:

If that's what okay...Now you got the impression that Mr. ██████████ couldn't see very much... when this was all going on, correct?

Witness:

Well his head was down like I put in my AIR he just glimpsed and from that glimpse, I guess he gave me that information, but according to him that's what he saw that's what I wrote down.

(b)(6)-4; (7)(C)-4

Counsel:

When you first--Let's move on to a SPC ██████████ you interview him and at first CID was thinking that an incident of abuse occurred on the bus, correct?

Witness:

Yes ma'am.

Counsel:

Because the bus had been pulled over...the bus had stopped at some point.

Witness:

No it just stopped for a little bit. We thought that along with the incidents that happened here also maybe there was an incident also when the bus stopped, but apparently, you know, that..

Counsel:

But you investigated that and found that there was the only reason that bus pulled over was for mechanical failure?

Witness:

(b)(6)-4, (7)(E)-4

Well that's what ██████████ told me ma'am. That's the only person I talked to about that.

Counsel:

Now one of the EPWs told me that told you that his brother ██████████ told you that his brother had blood on his shirt.

Witness:

No, the person that told me that he saw blood on his shirt and his brother's T-shirt, pants, and face, that's what he said.

Counsel:

Now did you ask him what color the T-shirt was?

Witness:

No I did not ma'am.

012666

Counsel:

But subsequently CID took up the search looking for that bloody shirt, correct?

Witness:

Yes we did.

Counsel:

And you looked in the rooms of these soldiers who are the subject of this investigation.

Witness:

Well not rooms they were the common area, ma'am.

Counsel:

And you didn't find any bloody shirt in fact you didn't you searched at least two areas and two facilities.

Witness:

Two or three ma'am.

Counsel:

And you found no bloody clothing belonging to the soldiers or otherwise?

Witness:

No ma'am.

Counsel:

What photos did you take as a part of this investigation?

Witness:

(b)(6)-4 ; (7)(C)-4

I think I took Mr. [REDACTED] the 17 or 18-year-old guy with the elbow, really bad, ...

Counsel:

Yeah he was now the elbow you at first thought that something had happened to that elbow, but then he explained to you that it was a childhood injury.

Witness:

Yes, he explained that it was like that before he even got to the camp, but apparently he told me that it was also kicked and because of that maybe it was a little bit worse. To what extent, I can't really say, you know, I'm not a doctor, but it was a little bit swollen and later on we took pictures of him, but, you know, it's not my call.

Counsel:

And what other pictures did you take in relation to this investigation?

012667

Witness:

I can't recall his name ma'am but he was the one of the ones...all together I think I took four photos.

Counsel:

But only two EPWs. How many ...

Witness:

Four EPWs, ma'am.

Counsel:

Three EPWs?

Witness:

They're all EPWs all the ones that we took pictures of.

Counsel:

Did you take any other photos of anything crime scene, or anything in relation to this?

Witness:

No.

Counsel:

Investigation?

Witness:

No.

Counsel:

Now you tried to get some medical reports, didn't you?

Witness:

Yes I did, ma'am.

Counsel:

And you talk to CPT [REDACTED]?

Witness:

(b)(6)-2; (7)(C) -2

[REDACTED] yes, he was the commander at that time.

Counsel:

And he said that he hadn't treated anybody that night?

Witness: No he was not in that day.

012668

Counsel:

And you also went to the Spanish doctor?

Witness:

Yes I did ma'am.

Counsel: (S) (6) -2; (7)(C) -2

Now CPT ██████████ said that usually he has medics on the line when EPWs are coming in at the in processing, right?

Witness:

Yes.

There's actually a medical tent?

Witness:

No not the medical tent. He said that sometimes, or supposedly, they send somebody out to the line to monitor who needs immediate attention, but I don't know, or he didn't know whether the person was in that area or not.

Counsel:

So there had been no reports made to him by his medics that anybody needed medical attention?

Witness:

No his medic didn't tell him anything.

Counsel:

Now you told me about a soldier, I'm sorry, an EPW that claimed he was kicked in the testicles. Do you know which EPW that was?

Witness:

He claimed, I didn't talk to him, one of my colleagues agent talked to him, so but the word was that yes one of them claimed that he was kicked in the groin area.

Counsel:

Do you know which EPW that was?

Witness:

The number, I don't have it, but it should be in the pictures.

Counsel:

And are you said that he has a very serious hemorrhoid problem?

Witness: Yes.

012669

Counsel:  
And you saw photographs of that?

Witness:  
Yes ma'am.

Counsel:  
And you also said that there's no way that you can cause that type of injury with a kick.

Witness:  
Well, yes, at least that injury, because if you see you'll understand what I'm talking about. I also want to add that the injury it's not in the groin it's not by his testicles it's above kind of like above his the "copius" area, so it's not like by the testicles.

Counsel:  
So he wasn't injured by his testicles?

Witness:  
Whatever happened to his testicle I have no idea I just took the picture of that area.

Counsel:  
Now the Spanish hospital used to keep a log in both English and Spanish?

Witness:  
No they keep just Spanish.

Counsel:  
Oh, just Spanish.

Witness:  
Their log was in Spanish.

Counsel:  
But they kept a log of who they treated?

Witness:  
Yes it was just in Spanish

Counsel:  
You don't have a copy of that log?

Witness:  
No ma'am.

Counsel: Did anybody from CID to your knowledge try to get a copy of that log?

012670

Witness:

No ma'am, I didn't think that, well he told me if I wanted to get maybe a copy of it...I cannot remember I know he mentioned something like that, but he said he was going to produce two reports of the two persons that he saw, so if he was going to give me a report I didn't see any need on getting a copy of that log.

Counsel:

So he treated two EPWs in that time frame?

Witness:

At least that's what he told me.

Counsel:

And the one was suffering from hemorrhoids he treated him for hemorrhoids?

Witness:

Yes he was admitted for a day.

Counsel:

And he was not treated for any damage to his testicles?

Witness:

I don't know that part ma'am I know he was treated for that other part, but for the testicle...

Counsel:

You got a medical report on this guy, correct?

Witness:

It should be in the case file, ma'am or the report.

Counsel:

And when CID....all total you gathered together a total of eight or so medical reports, is that correct?

Witness:

Six to eight, I'm not sure on the complete number like I said I collected them. It was hard for me to get them, so I got like two in the beginning then I got another two and then finally they produced the others but I'm not sure on the numbers. I collected them and gave it to the case agent to put in the case file.

Counsel:

Thank you. I don't have any more questions, but somebody else might.

012671

Questions by the defense counsel: CPT [REDACTED] (3)(E)2 ; (7)(E) -2

Counsel:

If you looked at your AIR could you tell which is the guy with the hemorrhoids, would you know by the number?

Witness:

It would really hard to do right now.

Counsel:

No, okay, I got these medical record, can I show them to you and ask you what you know about them?...Were they explained to you when they were turned over?

Witness:

Were they explained to me?

Counsel:

Did the doctor tell you when he saw that individual?

Witness:

No ma'am it was supposed to be the same day that it happened, but I cannot tell you what exactly day unless it is on here.

Counsel:

And the only date that I see on there is 26 May.

Witness:

Yes that's the day that probably the commander signed it, ma'am.

Counsel:

Flip it over on the back and tell me if there's anything on that he talked to you about, and you could explain to me.

Witness:

Yes, this is the one that he explained to me what was the injury for. He said that prior to being there he was injured before, so.

Counsel:

Okay, so that pertains to the guy who had the previous injury?

Witness:

Yes.

Counsel:

012672

And you don't know what day he was seen? Can't tell from ..

Witness:

No, it was the same day I just got the report and, like I said, I didn't went into detail 'cause it just happened ...he just the guy said that he was hit that day. When he was seen I can't really tell you ma'am.

Counsel:

Did the doctor tell you anything else about these guy's conditions?

Witness:

No because see the person who gave me that report was the commander...he didn't treat him.

Counsel:

Thanks.

I/O:

Any further questions? Major [REDACTED] (b)(6)-2; (d)(C)-2

Major [REDACTED] No, sir. Thank you.

[The witness was duly warned, dismissed and withdrew from the room.]

(b)(6)1-7(c)1

Special Agent [REDACTED], U.S. Army, CID, was called as a witness for the Government, was sworn and testified as follows:

#### DIRECT EXAMINATION

Questions by the trial counsel: MAJ [REDACTED] (b)(6)2-(7)(C)-2

Counsel: (b)(6)1; (d)(C)-1

SA [REDACTED] were you part of the investigation into allegations that prisoners had been abused on the 12<sup>th</sup> of May, on a bus from...well a busload of prisoners had been abused coming from an Nasariyah to Camp Bucca?

Witness:

Yes.

Counsel:

You were involved in that investigation?

Witness:

Yes, I was.

012673

Counsel:

During the course of that investigation, did you take the statement of a SSG Scott McKenzie?

Witness:

Yes I did.

**The government had the statement and rights warning marked as Exhibit 11, showed it to the witness for identification. And there being no objection it was offered into evidence.**

Counsel:

Did you also take a statement from one SPC [REDACTED] (b)(6)-5; (7)(C) -5

Witness:

Yes I did.

**The government had the statement and rights warning marked as Exhibit 12, showed it to the witness for identification. And there being no objection it was offered into evidence.**

Counsel:

Thank you. I don't have any further questions for you. Please answer any questions that defense counsel might have at this time.

#### CROSS- EXAMINATION

Questions by the defense counsel: CPT [REDACTED] (b)(6)-2; (7)(C) -2

Counsel:

Agent Iem, you assisted in the search of the ten suspect's living areas correct?

Witness:

Yes I did.

Counsel: (b)(6)-2; (7)(C) -2

And it was 1LT [REDACTED] that gave the authorization to search, right?

Witness:

Yes.

Counsel:

He authorized a search for clothing and boots, correct?

012674

**Witness:**

No, he said he authorized just a search. There was no specification, at the time, and when we did the search it came out later that we were why we were actually searching.

**Counsel:**

So you said just do a search?

**Witness:**

Well, I was told that we were just doing a search and we were given authorization for a search.

**Counsel:**

Who, do you know which agent worked with 1LT [REDACTED] (b)(6) -1 ; (7)(C) -1 on the search authorization?

**Witness:**

I believe that was our SAC at the time.

**Counsel:**

There was no physical examination of the ten soldiers from the 320<sup>th</sup>, correct?

**Witness:**

Meaning medical, ma'am?

**Counsel:**

No physical...were the soldiers lined up?

**Witness:**

No ma'am.

**Counsel:**

Show me your hands...

**Witness:**

No.

**Counsel:**

To look for cuts, bruises, swollen knuckles, anything like that?

**Witness:**

No there wasn't.

**Counsel:**

You learned of the allegations of mistreatment when you went down to segregation, right?

012675

Witness:

I'm not sure I understand your question ma'am.

Counsel:

Okay, the first time you talked to an EPW about mistreatment was when you took a trip down to segregation, right?

Witness:

That is correct.

Counsel:

But you weren't going down to segregation to talk to them about mistreatment, right?

Witness:

That is correct.

Counsel:

You went down to segregation to talk to a police captain, and a police major.

Witness:

That's correct.

Counsel:

Because something wasn't right about their capture tag number, is that what it was?

Witness:

No ma'am there was ...that information when we do an investigation we would like to have all their information meaning full name, tag number, and place of birth, time of birth. We didn't have their place of birth so we went down there ma'am.

Counsel:

Okay, so you went down there to talk to them about something unrelated?

Witness:

No, it is related because it's part of the investigation, so it is related to it.

Counsel:

Your investigation to determine whether or not they were involved in war crimes, right?

Witness:

No.

(6)(6) - 2; (7)(C) - 2

Counsel:

Can you remember talking to CPT [REDACTED] and I the last time we were here two weeks ago it was late at night like this, and you told me we didn't know anything about mistreatment until we went down there to try and get something else straightened out?

012676

Witness:

Negative, I told you that we didn't know at the time that they were injured. That they were mistreated because at the time nobody had said anything during our canvas, if they're injured. But when we got there to get their information to fully ID them that's when they told us that they were one of the victims.

Counsel:

They told you that they were pretty pissed off about being placed in a metal CONEX with barbed wire, right?

Witness:

Right.

Counsel:

And you talked to them a little bit and told them, "we'll move you and then I'll come back to you later", right to get more details?

Witness:

We told them that they would be moved because we were having a compound made for officers.

Counsel:

After you talked to them you went down to compound 8 to talk to some of the other people that had been on the bus, right?

Witness:

Yes, we were still trying to get full identification on some of the ones that we did not have.

Counsel:

And when you went down to compound 8 you talked to every body in a group, right?

Witness:

Well they all crowd around when...

Counsel:

When you guys got there they all came up to the wire?

Witness:

Right, yes.

Counsel:

And at that point the EPWs started pushing people forward?

012677

Witness:

At that point they'd indicated that there were people that were injured and it was during the time that when they came that they were injured.

Counsel:

So people that were injured were pushed forward?

Witness:

They were brought to us they weren't pushed over, because of the pain of their injuries, they were actually brought to us.

Counsel:

The EPWs brought them to you, right?

Witness:

Correct.

Counsel:

Then after that, I don't know if you'd call that a canvas, but after that...after that event you guys went back and talked to all 44 over again, right?

Witness:

I did not.

Counsel:

The work was divided amongst...

Witness:

Amongst the agents, yes.

Counsel:

Right and all 44 were talked to a second time?

Witness:

That is correct.

Counsel:

So you didn't talk to them so you're not sure who went back and did that second...

Witness:

Yes.

Counsel:

012678

Or whether they were interviewed individually or in a group, wouldn't know?

Witness:

No.

Counsel:

When you went down to talk to the police major and captain did you go by yourself?

Witness:

No.

Counsel:

Who was with you?

Witness:

SA [REDACTED] (b)(6)1 - (7)(C)-1

Counsel:

You were also involved in the crime scene investigation, correct?

Witness:

Yes.

Counsel:

You went out with Agent [REDACTED] (b)(6)1 - 7(C)1

Witness:

Yes ma'am.

Counsel:

And there were some soldiers that were present at the crime scene, right?

Witness:

Yes ma'am.

Counsel:

Can you remember who was there?

Witness:

SPC [REDACTED], SPC [REDACTED] and SGT [REDACTED]

(b)(6)-4; (7)(c)-4

Counsel:

[REDACTED], and you did a crime scene sketch, right?

Witness: Yes ma'am.

012679

Counsel:  
You didn't put them on the sketch did you?

Witness:  
No.

Counsel:  
'Cause they pointed out to you where they had been standing that night, right?

Witness:  
Yes.

Counsel:  
Kinda walked you through what happened?

Witness:  
Correct.

Counsel:  
But they were not placed on the sketch, so you can look back and say, "Hey, this is what they told us"?

Witness:  
No I did not place them on the sketch, ma'am.

Counsel:  
And they didn't give you a second statement when they were out there with you clarifying where they were standing or anything like that?

Witness:  
No, they pretty much said the exact same thing that was on their statement.

Counsel:  
Thank you, no further questions.

[The witness was duly warned, dismissed and withdrew from the room.]

(b)(6)1 - (7)(E) - 1 DIRECT EXAMINATION  
MAJ [REDACTED], U.S. Army Reserve, was called as a witness for he Government, was sworn and testified as follows:

Questions by the trial counsel: MAJ [REDACTED] (b)(6) - 2 ; (7)(C) - 2

Counsel: What are your duties here?

012680

**Witness:**

I am the 800<sup>th</sup> MP S1 Forward responsible for in processing and out-processing operations for all EPWs

**Counsel:**

And how long have you held that position?

**Witness:**

Since the end of March.

**Counsel:**

And you are a Military Police Officer, is that correct?

**Witness:**

That's correct.

**Counsel:**

How long have you been a military police officer?

**Witness:**

I've been in an MP unit for 14 years MOS qualified for 3 years.

**Counsel:**

Now do you remember the night of May the 12<sup>th</sup>?

**Witness:**

Yes I do.

**Counsel:**

Were you on duty at the holding area that night?

**Witness:**

Yes I was.

**Counsel:**

Did you have anything to do with the busload of prisoners that came from An Nasiriyah that night?

**Witness:**

As far as in processing I did, yes.

**Counsel:**

Okay, what did you have to do with that busload of prisoners?

**012631**

Witness:

Well, of course, as the prisoners are done being searched and segregated, they're brought down to my line where they're in processed into the Detainee Reporting System.

Counsel:

When you were working that night and the busload came in did you see those prisoners as they came into your area?

Witness:

Yes I did.

Counsel:

Did you notice anything about those prisoners?

Witness:

Yes.

Counsel:

What did you notice?

Witness:

One in particular had a broken nose it was split open and he was bleeding.

Counsel:

So it was a fresh injury?

Witness:

Yes.

Counsel:

Did you notice anything else about any of the other prisoners?

Witness:

They seemed to be hobbling quite a bit and in pain. But nothing else.

Counsel:

Did anyone come to you and report any behavior regarding the soldiers that had escorted these prisoners?

Witness:

Yes.

Counsel:

Who came and talked to you?

012682

Witness:  
Well one of the prisoners did.

Counsel:  
And I suppose that prisoner talked to you through an interpreter?

Witness:  
Correct.

Counsel:  
What did that prisoner communicate to you?

Witness:  
That he was beat up by a US soldier, female and kicked.

Counsel:  
Did anyone else report anything to you about the actions of the escorting Military Police Officers?

Witness:  
Yes, the DOD MI interrogator did as well.

Counsel:  
And who is that person?

Witness:

Counsel:  
Is that Mr. [REDACTED]

Witness:  
Yes.

Counsel:  
Did anyone else report anything to you?

Witness:  
Yes, they did.

Counsel:  
Who else?

Witness:  
SSG [REDACTED] (b)(6)-4 ; (7)(C) - 4

012683

Counsel:  
SSG [REDACTED] from the 223<sup>rd</sup> MP Company? (b)(6)-4; (7)(C)-4

Witness:  
That's correct.

Counsel:  
What did he tell you?

Witness:  
He wanted to let me know that there was an incident that had happened as the group got off the bus, that he was very uncomfortable with it, and it was definitely they had crossed the line.

Counsel:  
Did he say who it was that had crossed the line?

Witness:  
He said 320<sup>th</sup> soldiers...he didn't get into any other specifics.

Counsel:  
Now was there anyone else that came and talked to you?

Witness:  
Yes.

Counsel:  
Who else?

Witness:  
The First Sergeant for the 314th MP Company.

Counsel:  
And what's his name?

Witness:  
I can't recall...I'll remember in a minute.

Counsel:  
Did you know him at the time?

Witness:  
Yes.

Counsel:  
And you know him?

012684

Witness:  
Yes, I know him.

Counsel:  
You just can't remember his name?

Witness:  
Exactly.

Counsel:  
What did he tell you?

Witness:  
He actually flagged me down and at the end of the evening and wanted to let me know that his soldiers had reported to him an incident with the bus. And that they felt very uncomfortable with it and it was on the border.

Counsel:  
Now, with all this information that you had been given what did you do with it?

Witness:  
I reported it up through my chain of command.

Counsel:  
And when did you do that?

Witness:  
At 8 o'clock the next morning.

Counsel:  
What time was this when all these reports were coming in to you?

Witness:  
It was between the time of about 2300 until midnight.

Counsel:  
And between midnight and 8 o'clock the next morning what were you doing?

Witness:  
Sleeping.

Counsel:  
So you slept and then you reported this incident immediately?

Witness: Yes.

012685

Counsel:

And you said that you've been MOS qualified as an MP for three years...

Witness:

And part of an MP unit for 14 years.

Counsel:

Are you familiar with soldier's obligations towards prisoners?

Witness:

Absolutely.

Counsel:

What are the duties of American soldiers towards prisoners?

Witness:

Well of course every soldier in the military is trained in the 5 "S"s, and then of course any Internment resettlement battalion or unit is trained towards AR 190-8, which specifically talks about safeguarding, caring and accountability of EPWs.

Counsel:

And what about prisoner's obligations to the soldiers that are guarding them. Do prisoners have to obey soldiers that are guarding them?

Witness:

Yes they do--██████████ is his name--the First Sergeant his name is ██████████ (b)(6)-4, (g)(c)-4

Counsel:

I have no further questions. Please answer any questions that the other defense counsel may have for you.

#### CROSS- EXAMINATION

Questions by the defense counsel: CPT ██████████ (b)(6)-2; (g)(c)-2

Counsel:

Ma'am you said you are the OIC of in processing?

Witness:

That's correct.

Counsel:

Whose responsibility is it for unloading prisoners from the bus?

Witness:

That would be the MPs.

012686

Counsel:  
Which MPs?

Witness:  
In the holding area.

Counsel:  
The holding area MPs?

Witness:  
That's correct, or actually the escorts then the holding area MPs will come and escort them back after they're segregated.

Counsel:  
So the escorting MPs are supposed to take them off the bus?

Witness:  
They typically, yes.

Counsel:  
Is it clearly somebody's responsibility?

Witness:  
Yes.

Counsel:  
And it's clearly the responsibility of the escorting MPs?

Witness:  
Yes. I'm not responsible for them so you can look at their SOP.

Counsel:  
It's your understanding that it's their job to get them off the bus?

Witness:  
That's correct.

Counsel:  
Is there an SOP that kind of coordinates what the escorting units are doing with what the in-processing folks are doing?

Witness:  
Yes.

012687

Counsel:

Is there a requirement that the escorting MPs call the in-processing center before they arrive, to let you guys know that they are coming?

Witness:

Typically yes. The TOC will call, but everyone knows that there's a mission and an estimated time of arrival.

Counsel:

How would you get that information?

Witness:

From their mission board. Their chain of command would brief them, the 320<sup>TH</sup>.

Counsel:

The in-processing soldiers would be briefed by who?

Witness:

Are you talking about the MPs?

Counsel:

Yes.

Witness:

Their chain of command.

Counsel:

Did you know that these guys were kind of caught by surprise on the twelfth of May, the in-processing guys?

Witness:

No I didn't.

Counsel:

(b)(6)-4 ; (7)(C) - 4

You said you talked to a First Sergeant [REDACTED] right?

Witness:

That's correct.

Counsel:

(b)(6)-4 ; (7)(C) - 4

Didn't talk to Staff Sergeant [REDACTED]

Witness:

No I didn't.

012688

Counsel:

Or Sergeant [REDACTED] (b)(6)-4; (b)(C)-4

Witness:

No.

Counsel:

Or any of the soldiers who were actually on the ground working with the 320<sup>TH</sup>?

Witness:

No.

Counsel: (b)(6)-4; (b)(C)-4

And First Sergeant [REDACTED] told you that they didn't want to make a report, right?

Witness:

They wanted to make sure that I knew that they preferred not to make an official report.

Counsel:

Because the conduct that they saw was on the border?

Witness:

They were very uncomfortable with it and they wanted to make sure it didn't happen again. They felt a loyalty to a fellow MP.

Counsel:

His words to you was that the conduct was on the border line of acceptable behavior?

Witness:

Yes.

Counsel:

You have a system by which you keep track of the EPW's that you have down at the IF, right?

Witness:

Yes.

Counsel:

And you can type an EPW's number and their picture will pop up and some of their information as well, correct?

Witness:

That's correct.

Counsel: Can you tell me, the pictures that you see, when are they typically taken?

012689

Witness:

Right at the time they are in-processed.

Counsel:

I'm not sure about the system ma'am. If you type in somebody's number and it says no photo available, why might that be?

Witness:

There can be a variety of reasons. We might have to go to a different database to locate it. Photos take up a lot of space so sometimes they're stored separately.

Counsel:

Is there another database that has old photos?

Witness:

Sure, I could get you a photo. Plus we have records of everybody that came in with their photo.

Counsel:

Thank you ma'am.

Questions by the defense counsel: MAJ [REDACTED] (b)(6)-2; (7)(C)-2

Counsel:

The area where this all happened is plowed down now, and it's my understanding that the barbwire lane or chute that goes down to another barbwire area with an in-processing tent in it called the holding area. Does that sound right to you?

Witness:

That's correct. There's a reception area where they would be held until they're ready to be in-processed. And then there would be an area where they would walk down to the in-processing tent.

Counsel:

Is it normal to let them sleep in that area at night?

Witness:

It would depend on how many, of course, because you can, you know--at that time, we'd in-processed over eight thousand prisoners.

Counsel:

You normally in-process people at night, arriving that late?

Witness:

At the time, we were working 24/7.

012690

Counsel:

And were any in-processed that night?

Witness:

I don't recall if they were that night, or first thing in the morning. I'd have to check.

Counsel:

Are there usually medics there at that reception area?

Witness:

Yes.

Counsel:

Were there medics there that night?

Witness:

There were definitely medics there that night.

Counsel:

Do you recall who they were?

Witness:

No I don't, but I know because they went and got one.

Counsel:

I don't think I have any more questions.

I/O:

Anyone else from the defense?

Counsel:

No, sir.

I/O:

Major [REDACTED] ?

(b) (6) -2 ; (7)(C) -2

Major [REDACTED]

No, sir.

Questions by the Investigating Officer: LTC [REDACTED] (b) (6) -2 ; (7)(C) -2

I/O: (b) (6) -1 ; (7)(C) -1

MAJ [REDACTED] you indicated that one of the EPW's had a split nose and was bleeding?

Witness: Yes sir.

012691

I/O:

Did that EPW receive any medical treatment that night?

Witness:

Yes he did.

I/O:

From one of the medics there?

Witness:

I believe he did because I sent somebody to get the medic to make sure they got medical attention. I personally didn't check so I'm assuming that he did.

I/O:

So you're not sure what treatment he actually received, is that correct?

Witness:

That's correct.

I/O:

(b)(6); (7)(C) - 4

First Sergeant [REDACTED] he's the First Sergeant of the 314<sup>TH</sup> MP Company?

Witness:

Yes, sir.

I/O:

And he approached you and wanted you to know that there was some borderline activity or incidents that had taken place that night, but he didn't want to make an official report, is that correct?

Witness:

He was visibly upset sir. He said that the EPW's were roughed up pretty bad, but they felt uncomfortable making an official complaint. I wasn't too concerned because there were so many other complaints. I did tell him that I would report it to his chain of command, which I did.

I/O:

Did he indicate whether he had firsthand knowledge of this or was this information that had been passed along to him from his soldiers?

Witness:

I believe it came from his soldiers, sir.

I/O:

Did he indicate who?

012692

Witness:  
No he didn't.

I/O:  
Did he go into any type of detail with regard to what the activity was that caused them this concern?

Witness:  
No he didn't go into specifics----

I/O:  
He just said that his soldiers were upset by what they saw?

Witness:  
They were very upset. They were concerned and they wanted to make sure that I knew so we can make sure it doesn't happen again.

I/O:  
He didn't offer to bring these soldiers to you?

Witness:  
No.

I/O:  
Did you inquire into any more detail about that, in terms of who these soldiers were or what the information was, or activity was?

Witness:  
I didn't sir, because I already knew. And there was enough--I mean I personally talked to the EPW's, so I didn't.

I/O: (b)(6) -4 (7)(c) -4  
And Sergeant [REDACTED] approached you as well to that night?

Witness:  
Yes sir.

I/O:  
Was he the first one who had approached you?

Witness:  
I believe he was.

I/O:  
He had told you that 320<sup>TH</sup> soldiers had crossed the line.

012693

Witness:

Yes, sir, absolutely.

I/O:

Did he go into any detail?

Witness:

No. He said they had roughed up and, basically, beaten up the EPW's. I told him I'd be reporting it, just so he knew, and he understood.

I/O:

Was it your assumption that probably with these reports, that there would be a further investigation into the details of that--of those incidents would come out at that point?

Witness:

I assumed there would be a 15-6, sir. I didn't know the extent that evening of the incident.

I/O:

Did you see any other injuries on any other EPW's that caused you concern, or raised doubts in your mind?

Witness:

Oh I did. I did. One of them was on crutches. He had a hard time walking. I know another one wanted to talk to me too. What I did was, instead of talking to all of them, I apologized on behalf of the 800<sup>TH</sup> and assured them they wouldn't be harmed again at Camp Bucca, and that I would get them medical treatment. That was the conclusion.

I/O:

I don't have any further questions.

Questions by the defense: MAJ [REDACTED] (b)(6)-2,(7)(C)-2

Counsel:

Did the First Sergeant--he didn't specifically say 320<sup>TH</sup> soldiers? He just said the EPW's were roughed up that night, or the EPW's --he was uncomfortable with the way the escorts----

Witness:

No he said the 320<sup>TH</sup>.

Counsel:

He specifically said 320<sup>TH</sup>?

Witness: Yes he did.

012694

Counsel:  
But he didn't name any?

Witness:  
No he didn't.

Counsel:  
Thank you.

I/O: (b)(6)-1, (7)(c)-1  
Any further questions? MAJ [REDACTED] thank you.

[The witness was duly warned, dismissed and withdrew from the room.]

I/O: Major [REDACTED] do we have any other witnesses?

Major [REDACTED]  
Not tonight sir.

I/O:  
Does that exhaust the witness list or do you anticipate more witnesses being called tomorrow?

Major [REDACTED]  
Well sir. I think we need to have an Admin meeting about that. We don't have any more witnesses here at Camp Bucca. The Government doesn't have any more. I don't know if the Defense requests any more at Camp Bucca. I mean I know that there are more witnesses----

I/O:  
Let's go off the record and we'll discuss the proceedings from here.

[The Article 32 hearing held with witnesses at Camp Bucca, Iraq recessed at 2230 hours, 29 August 2003.]

012695