

put them into the holding are. Um...immediately, I'd say it was with the first couple of 'em, he noticed when they were being taken off uh...and they were taken over, what they'd do is they'd take them off the bus, take them about 15 feet away, line them up in a line of five, and from there-after they got the five out there-they would take them to the holding are. Um...it was either the first person or the second person in the group ... It was either the first person or the second person on the bus was the ...uh...EPW with crutches and uh...that person was being taken over from the bus to just where they would set them down and he was basically being tripped up while he was being carried over there. And was kinda just like, kinda if you did the right leg in front of his left leg and threw him to the ground.

Counsel:

Did you see who did that to him?

Witness:

Uh...negative, I just remember seeing it kind of out of the corner of my eye type of thing.

Counsel:

So you don't have any idea who it was that?

Witness:

Negative.

Counsel:

So you don't know if it was a 223rd soldier or a 320th soldier?

Witness:

Uh...negative, at that time, if I remember right, I don't think any of our personnel were actually escorting over that part of the ...I could not answer that question to the best of my knowledge.

Counsel:

Now, after this was over with you made a ...you gave a written statement to the uh..CID, did you not?

Witness:

Roger.

Counsel:

Um...and that was on the 14th of May?

Witness:

Roger.

Counsel:

013071

Do you remember telling them, in that statement, or writing in that statement that it was a 320th MP that had tripped the prisoner on crutches?

Witness:

Um...I do remember saying that, sir, and uh...that being two days from the time of the moment that would be the correct statement.

Counsel:

You're willing to..., because it was closer in time to the events?

Witness:

Right, it's not something that I necessarily want to think about over these past four months, so...what's written in my statement would be the correct answer.

Counsel:

Now, but besides seeing that it was a 320th soldier, you're not sure which one it was?

Witness:

Correct.

Counsel:

So then what happened after that did...with regard to that Iraqi prisoner who was on crutches...he was tripped up?

Witness:

Yes sir.

Counsel:

What happened to him?

Witness:

Sir I think it would be best probably if I did review my statement at this time.

Counsel:

You need to refresh your recollection?

The Government marked the witnesses statement as Exhibit 4 for identification and was allowed to review it for recollection.

Counsel: Does that refresh your recollection SGT [REDACTED]

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

Witness:

Yes it does sir.

013072