

Witness:

The two guys. The tall one and the short one.

Counsel:

Once you got to the ground, what happened?

Witness:

The female, she put her boot on my head, and I hear my friends say come inside the tent. So I enter the tent.

Counsel:

When did you get kicked between the legs?

Witness:

Before they throw me in the air, she kick me.

Counsel:

When she kicked you between the legs, were you standing or were you on the ground?

Witness:

I am standing and walking.

Counsel:

And when she did this, was she in front of you or behind you?

Witness:

She was in front of me. My eye was hurting and I didn't see her very well.

Counsel:

Why was your eye hurting you?

Witness:

Because the short guy hit me on my eye.

Counsel:

Thank you sir. I don't have any further questions for you but please answer questions that the lawyers over at this table may have.

CROSS-EXAMINATION

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

Counsel:

Sir, the tall soldier, was he wearing glasses?

Witness: Yes.

013294

Counsel:
And they were not sunglasses?

Witness:
Yes.

Counsel:
Thank you, no further questions.

I/O:
Any other questions from the defense?

Defense counsel:
No sir.

I/O:
CPT [REDACTED] do you have anything? b(6)-2; b(7)(c)-2

Counsel:
Just one moment, sir. No sir, thank you.

I/O:
Anything further MAJ [REDACTED] (same)

Major [REDACTED] (same)
No sir, thank you.

Questions by the Investigating Officer: LTC [REDACTED] (same)

I/O:
I just want to make sure I have the sequence correct. He says he was grabbed off the bus

Witness:
Yes.

I/O:
There was a tall soldier on his right and a shorter soldier on his left who took control of him.

Witness:
Yes, but the one who pull me out from the bus is different from those two.

I/O:
Okay. He said that the soldier on his right struck him in his right side with his fist?

013295

Witness:

Yes.

I/O:

How many times? Does he know?

Witness:

Once.

I/O:

And the soldier on his left hit him in his eye?

Witness:

Right eye.

I/O:

How many times was he struck?

Witness:

One time.

I/O:

And at that point, his pants came down, is that correct?

Witness:

When the tall soldier beat me on the right, the pants come down. My pants was without belt.

I/O:

And the escorts would not let him take his pants off?

Witness:

They were beating me so I couldn't stop. I got to go. I got to run. So I stay in the shorts. I throw it outside.

I/O:

And then after that point, was he thrown to the ground, or did the female soldier at that kick him between the legs?

Witness:

After the pants came down, the female kicked me and then the two guys they throw me.

I/O:

And then after he was thrown to the ground by the two soldiers, a female put her boot on his head?

013296

Witness:

I just feel some boot was on my neck, but after, my friends tell me that she's a female. Because I swear on the Holy Koran that I would tell the truth. I didn't see her, I didn't hear her voice but my friends told me that she is the female.

I/O:

Was there any further behavior like that between that point, and when he was taken to the processing tent?

Witness:

It was from here to the tent.

I/O:

When he was brought up from the ground, how was that done?

Witness:

I saw my friends, they were before me, and they shout come here, come here, come quickly inside the tent. The two soldiers left me inside this place and they went to bring another one.

I/O:

So he just got up and went to the tent on his own?

Witness:

Yes.

I/O:

Okay. I don't have any further questions. Does anyone else?

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

Counsel:

When did your friends tell you that the female soldier was stepping on your neck?

Witness:

When I just enter the tent.

Counsel:

Just now when you entered the tent?

Witness:

When I entered the tent the same night.

Counsel:

The same night when you entered the tent, that's when your friends told you?

013297

Witness:

Yes.

Counsel:

So you spoke with your friends that night about what had happened?

Witness:

Yes.

Counsel:

Okay. Thank you.

Witness:

They saw me in the shorts. They were asking me where's your pants.

I/O:

Any other questions?

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

Counsel:

I have a couple sir. Do you remember telling me that one of the soldiers had a tattoo on his arm?

Witness:

Yes. This is who was inside the car.

Counsel:

Inside the car?

Witness:

Yes, but he did not kick us.

Counsel:

Now, your testimony here today, is it what happened to you or is it what people told...

Witness:

This is who watch us inside the car, but he did not kick us

Counsel:

Now your testimony here today is it what happened to you or is it what people told you what happened to you?

Witness:

That's what happened to me and I swear it with the Holy Quran about it.

013298

Counsel:
Thank you.

I/O:
Any other questions?

Defense counsel:
No, sir.

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

b(1)-7; b(7)(c)-7

██████████ an interpreter, was previously sworn and interpreted the following witnesses testimony.

DIRECT EXAMINATION

Questions by the trial counsel: MAJ ██████████ b(6)-2; b(7)(c)-2
██████████ b(6)-4; b(7)(c)-4
██████████ a detainee at Camp
Bucca, Iraq was sworn and testified as follows:

Counsel:
Sir, did you come to Camp Bucca on a bus from An Nasaria?

Witness:
Yes.

Counsel:
And did you come here on the 12th of May?

Witness:
Yes.

Counsel:
Sir, would you please tell us what happened when the bus got to Camp Bucca?

Witness:
We arrived night, they let us get out of the bus one-by-one as we get down off the bus two soldier hold me one short guy the other one is tall guy and short female soldier white color and they hold both of my hand behind my back. I feel pain on my hand because they used to be broken and the is steel inside my hands and the female soldier she beat me by boots in my stomach by putting her boot or her leg in front of my leg and when she beat me on my leg I fell down to the floor on the sand...after that they pull me on the sand to holding area and I feel my blood pressure beat up because I used to complain from blood pressure.

013299

Counsel:

Now, sir, were you on crutches when you got to Camp Bucca?

Witness:

No, I didn't use myself.

Counsel:

The female soldier, what did she--do you remember what she looked like?

Witness:

She's short, white, now even if I saw her I wouldn't recognize her.

Counsel:

But she was short and white?

Witness:

Yes, sir

Counsel:

Do you remember anything about the soldiers that grabbed your arms?

Witness:

Only I remember one he was short the other one was tall because of my blood pressure I don't remember.

Counsel:

Now, you said that they hurt your arms?

Witness:

Yes.

Counsel:

How did they hurt your arms?

Witness:

By squeeze my arm and then put behind my back pushing it up and I was screaming.

Counsel:

You were screaming?

Witness:

Yes.

Counsel:

Why were you screaming?

013300

Witness:

Because of pain and I was afraid my hand was going to break.

Defense counsel: MAJ [REDACTED]

b(1)-2; b(7)(c)-2

Excuse me I'd like to point out, for the record, that the witness is touching his left arm not his hand. And the interpreter is saying hand I'd like some clarification on that.

Witness: On his upper arm.

Defense counsel: MAJ [REDACTED]

(same)

Let the record reflect that it is his upper right-upper left arm where his previous injury is.

Witness: Until now it is still painful.

Counsel: And it is still hurting you?

Witness:

Yes a little but, but almost good.

Counsel:

Did you ever resist the soldiers who were holding you?

Witness:

No, sir.

Counsel:

Did you ever try to fight the soldiers at Camp Bucca?

Witness:

No.

Counsel:

Did you obey all of the soldier's commands to you that night when you came to Camp Bucca?

Witness:

Yes, sir.

Counsel:

The short white female soldier how did she hit you in the stomach?

Witness:

By boxing.

Counsel: By boxing, with her hand?

013301

Witness:

Yeah, she hold me from my clothes from her and from other hand boxing me by her fist on my stomach.

Counsel: Let the record reflect that the witness grabbed the top of his shirt indicating she held him there. And then formed his hand into a fist and punched himself in the stomach indicating that's how she hit him.

Counsel: Did you see any of the other prisoners being hurt that evening?

Witness:

b(1)-4; b(7)(c)-4
Yes, I saw major [REDACTED] he has been beaten and laying on the floor and paining.

Counsel:

Did you see the major being beaten?

Witness:

No I didn't see it by my eye but I heard him yelling and screaming.

Counsel:

Was he yelling and screaming because he was angry?

Witness:

No from pain.

Counsel:

Did you hear any of the other prisoners screaming that night?

Witness:

Yes I did.

Counsel:

Was there anything around your hands when you got to Camp Bucca?

Witness:

In Nasarya the tied my hands in plastic, but it was easy to release my hand from it. After I get down and they hold me it get out.

Counsel:

So, when the two male soldiers pulled your arms back were your hand free from the restraints?

Witness:

Yes, there was nothing in my hand.

013302

Counsel:

Thank you, sir I don't have further questions, but please answer any questions that the other lawyers may have for you.

CROSS-EXAMINATION

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

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

Mr. [REDACTED] the soldiers in Nasarya didn't tell you where you were being taken, did they?

Witness:

No.

Counsel:

But you knew you were coming to Um Quasr, correct?

Witness:

Yes.

Counsel:

And most of the people up there knew that Um Quasr is an EPW camp, right?

Witness:

Yes.

Counsel:

When you got on the bus everybody was sitting pretty close together, right?

Witness:

Yes, the place taken two, three sit on it.

Counsel:

So where two should sit there were three?

Witness:

Yes, and they also on the passage floor.

Counsel:

And there were people sitting in the aisle way as well?

Witness:

Yes.

013303

Counsel:
And the soldiers on the bus they were yelling, right?

Witness:
Yes.

Counsel:
And screaming, too?

Witness:
Yes, and using bad word for us.

Counsel:
They looked tense to you, didn't they?

Witness:
No, I was felling sick I have blood pressure

Counsel:
I'm sorry, they looked uptight--they looked tense?

Witness:
Yes.

Counsel:
The curtains were pulled down on the bus, right?

Witness:
Yes.

Counsel:
And they stayed down for the entire trip, right?

Witness:
Yes.

Counsel:
And when the bus stopped they were still down, right?

Witness:
Yes everyone in his place.

Counsel:
I am talking about the curtains on the bus...the curtains were closed, right?

Witness: Yes, you're right.

013304

Counsel:

When you got to Camp Bucca they weren't opened up were they?

Witness:

Yes.

Counsel:

Yes they weren't opened up or no they were closed?

Witness:

They were closed.

Counsel:

Now, your arm it was injured about four years ago, right?

Witness:

Yes, in the generator.

Counsel:

It was hurt by a generator?

Witness:

Yes.

Counsel:

Four years ago, right?

Witness:

Yes.

Counsel:

And before you got on the bus it would sometimes bother you, correct?

Witness:

No I was normal.

Counsel:

You don't get treatment for it, right?

Witness:

No I didn't get any treatment because I didn't complain from it.

Counsel:

And when you got on the bus you didn't have a bandage on your arm, right?

013305

Witness:

No.

Counsel:

You were wearing a white robe like you're wearing tonight, right?

Witness:

Yes, but almost yellow, not white.

Counsel:

So you can't see the scar through the robe, right?

Witness:

Yes.

Counsel:

After the bus ride, the 44 people from the bus were held together, right?

Witness:

Yes, in holding area.

Counsel:

In a holding area?

Witness:

Only one general they keep him on another tent.

Counsel:

But everybody else from the bus was staying together, correct?

Witness:

Yes.

Counsel:

The major that you talked about before, what was his name?

Witness:

[REDACTED]

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

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

Counsel:

Since that night, you've talked to Major [REDACTED] several times, right?

Witness:

You mean since this night until now?

Counsel: Yes.

013306

Witness:

Yes.

Counsel:

And you've talked about the bus ride several times, right?

Witness:

Normal talking.

Counsel:

You talked about what happened after you got off the bus, right?

Witness:

Yes.

Counsel:

Mr. [REDACTED] b(6)-4; b(7)(c)-4 the night that you got off of the bus, they took all of you, you said, to one holding area, correct?

Witness:

Yes.

Counsel:

And you stayed there until morning, correct?

Witness:

Yes correct.

Counsel:

And you all talked that night about what had happened when you got off the bus, correct?

Witness:

Yes, correct.

Counsel:

And you all told your stories, correct?

Witness:

Yes.

Counsel:

Thank you.

I/O:

Anyone else?

013307

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

Counsel:

Was there a man on the bus with a rifle or a shotgun? Was there a man-a soldier-on the bus carrying a rifle or a shotgun?

Witness:

They have rifle I didn't notice a shotgun--I didn't notice..

Counsel:

Was it a large gun? Was it a long gun?

Witness:

The rifle was biggest.

Counsel:

And was he pointing it at the EPWs?

Witness:

Yes.

Counsel:

Thank you. I have no further questions, sir.

I/O:

Major [REDACTED] (Same)

REDIRECT EXAMINATION

Questions by the trial counsel: MAJ [REDACTED] (Same)

Counsel:

Sir, what you have told us tonight is the truth, correct?

Witness:

Yes, correct.

Counsel:

And no one told this story to you, did they?

Witness:

Yes I swear.

Counsel:

C13308

So when you talked to your other prisoners about what happened that didn't change your story did it?

Witness:

I did not change my story.

Counsel:

Thank you.

Questions by the Investigating Officer:

I/O:

Would you describe for me again where you were hit, when you were taken off the bus?

Witness:

After I get out of the bus two holding me one short on right side the tall man on the left side. They pulled my hand to my back I Feel that my other arm that is jerk forth she tied my shirt and beating my stomach by boxing and she put her leg in front of my leg which cause me falling on sand after that the sand cover full my face then I stand up screaming and yelling. After that they pull me to holding area directly my blood pressure is up. When we go to holding are they let us sit down.

I/O:

About how many times were you hit in the stomach?

Witness:

Several times I don't remember the number but several times.

I/O:

Were you kicked?

Witness:

Yes, sir when I fell down.

I/O:

So the kick caused you to fall down?

Witness:

Yes sir confirmed.

I/O:

Any further questions?

Defense counsel:

No, sir

013309

Major [REDACTED] b(6)-2; b(7)(c)-2
No, sir.

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

b(6)-7 [REDACTED] an interpreter, was previously sworn and interpreted the following
b(7)(c)-7 witnesses testimony.

DIRECT EXAMINATION

Questions by the trial counsel: MAJ [REDACTED] b(6)-2; b(7)(c)-2
[REDACTED] b(6)-4; b(7)(c)-4, a detainee at Camp Bucca, was
sworn and testified as follows:

Counsel:

Sir, did you come to Camp Bucca on a bus on the 12th of May?

Witness:

Yes.

Counsel:

And, did you come from An Nasaria?

Witness:

Yes.

Counsel:

Sir, would you please tell us what happened when the bus got to Camp Bucca?

Witness:

Yes, we arrived around 10 pm night to Camp Bucca around--I was sitting on the bus there was two people coming and taking the people handcuff--they taking them by pulling them off...and first also, but after they taking them out of the bus I don't see them--until my turn come...as I believe the soldiers be tired and my wit is heavy, so those soldier they take me out of the bus by gentle way it was very quiet leaving the bus for me it was very quiet and the best form--until I reach the floor one female soldier came holding me from my right arm and she deal with me very nice she asking me, "excuse me would you like to sit here" --after I sit down on the floor they ask me to put my head down. The female she was in front of me and the soldier beside me he kicked me by his boot it was not a very strong beating. After that they transferred me around one hundred meter by running.

Counsel: Okay, sir, when you were kicked by the soldier with his boot, what were you doing?

013310

Witness:

I was sit down on the floor and looking to the floor with my head down.

Counsel:

Was that because you were told to sit and look down on the floor?

Witness:

No, it was not the reason, I was sitting on the floor looking down because I was afraid.

Counsel:

The soldier that kicked you with his boot, did you see that soldier?

Witness:

No I didn't see his face--the soldier he was looking to the other side and he kicked me by the back of his boot.

Counsel:

So he kicked with the heel of his boot?

Witness:

Yes.

Counsel:

And where did he kick you?

Witness:

On my side here, on my side.

Counsel:

On your left side?

Witness:

Left side, because I was sitting like this direction, and he was near to the door of the bus.

Counsel:

The--now, you said that after that you were made to run a hundred meters?

Witness:

Yes, like running or walking very fast and they yelling to let us walk fast or running.

Counsel:

And did a soldier tell you to run fast?

Defense counsel: CPT [REDACTED]

Objection, he said walking very fast.

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

013311

Interpreter:
He said both ma'am.

Defense counsel: CPT [REDACTED] b(6)-2, b(7)(d)-2
He used both?

Interpreter:
He said running or walking very fast he used both of those expressions.

Witness:
No they did not order me to run.

Counsel:
Why did you--move fast?

Witness:
As they were pulling me and they were moving fast I was following them.

Counsel:
So were the soldiers or the sol--how many soldiers were with you when you were moving fast?

Witness:
Two soldiers.

Counsel:
And were they moving fast?

Witness:
No, they were not moving fast maybe because they were tired.

Counsel:
So why were you moving fast?

Witness:
As I said or as I believe because they wanted to move prisoner faster from bus to holding area.

Counsel:
Did you see any of the other prisoners being kicked or hit that night?

Witness:
After we arrived to holding area----

Counsel: I wonder if you saw any other prisoners that were with you on the bus, being kicked or hit that night?

013312

Witness:

As I witnessed no I did not see.

Counsel:

Did you hear other prisoners making noise or sounds that night?

Witness:

Yes I heard.

Counsel:

What kinds of sounds were they making?

Witness:

Begging they were begging, screaming from pain, and crying this is what I heard.

Counsel:

Now, when you were in the holding tent, after you got off the bus, did you see anyone that had blood on their face?

Witness:

Yes I saw.

Counsel:

Do you know the person that you saw?

Witness:

Yes I know.

Counsel:

Who was he?

Witness:

When I saw them I don't know their names, but after that I come to know their names like major [REDACTED] and another prisoner his name [REDACTED], and the third man I heard only I didn't see.

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

I/O:

What was the name again, please?

Witness:

[REDACTED] the third person--the other two person I am sure that I saw them by my own eye.

Counsel:

And the two people that you saw, what did you see about them?

013313

Witness:

All the night it was not allowed to raise your head up, so I didn't see them during the night until next morning when the light come I saw [REDACTED] laying on the floor, I saw [REDACTED] blood on his nose and it is looking as broken nose and scratching on front of his face.

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

Counsel:

Did the major have any physical marks on his body?

Witness:

No, I saw him laying and his face on sand I thought he died already.

Counsel:

Were you surprised at the way you and your fellow prisoners were treated that night?

Witness:

Yes, I will tell you the truth it was shock.

I/O:

I'm sorry what was that?

Witness:

It was like shock it was surprised me.

Counsel:

Why?

Witness:

I expect from your side to deal with us as human being. I expect American side not to deal with us like ex BAATH Party. As the way they treat us it does not represent the standard of USA.

Counsel:

Sir, at any point in the evening did you resist any of the soldiers at Camp Bucca?

Witness:

No, and you can check with the soldier I didn't resist any soldier on this night.

Counsel:

Did you try to fight with any of the soldiers on this night?

Witness:

No.

Counsel:

Did you obey the soldiers this night?

013314

Witness:

Yes, I obeyed all order as I was afraid of getting beaten.

Counsel:

Thank you. I have no further questions for you, but please answer any questions from the other lawyers.

CROSS- EXAMINATION

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

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

Mr. [REDACTED] you believed that you were picked up by the Coalition forced because you were trying to contact your brother, right?

Witness:

Yes, right.

Counsel:

So you were trying to contact your brother and that's when you were apprehended?

Witness:

Yes I was trying to contact this woman to give her telephone number and address of my brother in USA.

Counsel:

This woman was an interpreter?

Witness:

Yes.

Counsel:

You weren't picked up because you're a member of the BAATH party?

Witness:

No.

Counsel:

You weren't held at Nasaria for three days because you're a member of the BAATH party?

Witness:

No.

Counsel: Many of the people on the bus with you were held at Nasaria, right?

013315

Witness:

From all states no only from An Nasaria, from many city and states.

Counsel:

Some of the people that were on the bus with you were held with you at Nasaria, too, right?

Witness:

Yes, correct.

Counsel:

And you knew you were coming to Um Quasr, right?

Witness:

Yes, right.

Counsel:

And you knew from other Iraqis that there was an EPW camp here, right?

Witness:

Yes.

Counsel:

Let's talk about the bus a little bit. The people on the bus were very close together, right?

Witness:

Yes.

Counsel:

So people tried to talk to each other, right?

Witness:

Yes a little talking like "can you move little bit give me space" some talking like that.

Counsel:

Even though talking was against the rules there was some talking going on the bus?

Witness:

Yes right.

Counsel:

And if someone talked a soldier would point a weapon at you and say "you talk I'm going to kill you"?

Witness:

013316

No, there's no threat I didn't hear threaten by kill from American soldier. No I didn't see point gun on head any prisoners.

Counsel:

I'm not saying that it was on your head, I'm just saying that those words were used, "if you talk I will kill you".

Witness:

No, I did not hear that.

Counsel:

Did you see anybody get hit on the bus?

Witness:

No, as my head down I didn't see anything.

Counsel:

You know major [REDACTED] correct?

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

Witness:

No, I know him only from the bus.

Counsel:

You met him on the bus? Is that what you're saying?

Witness:

I met him on the bus.

Counsel:

You know who I'm talking about? You know who he is, right?

Witness:

Yes.

Counsel:

Did you see him get hit on the bus?

Witness:

No I did not see.

Counsel:

You were sitting in the middle of the bus, is that right?

Witness:

No I was sitting on chair.

013317

Counsel:
In the middle of the people?

Witness:
Yes in the middle of the people.

Counsel:
And there was a short soldier who was taking prisoners off the bus, right?

Witness:
Yes.

Counsel:
And you saw him take the prisoners and run them down the aisle, right?

Witness:
Yes.

Counsel:
And then he got to you?

Witness:
Yes, right.

Counsel:
And you kind of sat back, right?

Witness:
No.

Counsel:
You put your weight back?

Witness:
Yes, when he come to pick me I put my weight back.

Counsel:
You wanted to make it difficult for him to move you, right?

Witness:
Because I was afraid that he going to beat me.

Counsel:
You made it difficult for him to move you with your weight, right?

Witness: No.

013318

Counsel:

By the time the soldier got to the end of the aisle you thought he was tired from trying to move you, didn't you?

Counsel:

Yes.

Counsel:

He was tired because he was trying to pull you down the aisle, right?

Witness:

He was tired because he already get 15 prisoner out of the bus before me.

Counsel:

When you were sitting down you talked about being kicked, right?

Witness:

Yes.

Counsel:

Off the bus? You're off the bus, right?

Witness:

Yes.

Counsel:

Sitting down?

Witness:

Yes, right.

Counsel:

And it was the soldier's heel that touched you, right?

Witness:

Correct.

Counsel:

It wasn't a hard kick, right?

Witness:

Right.

Counsel:

It was like a tap like he was trying to move you, right?

013319

Witness:

No it was strong kick, but I move my body away from it ...if I was sitting in same place it was going to hurt me.

Counsel:

Do you remember speaking with two attorneys last night? CPT [REDACTED] and MAJ

[REDACTED] (Same)

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

Witness:

Yes.

Counsel:

You remember telling them that the soldier hit you with the side of his heel?

Witness:

No I said his back ...back of his boot not side of his boot.

Counsel:

Okay, back of his heel and that you were tapped, correct?

Witness:

Yes right.

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

Counsel:

So you didn't see Major [REDACTED] come off the bus, right? He was in front of you.

Witness:

No I didn't see him because my head was down.

Counsel:

(Same)

And you didn't see [REDACTED] come off the bus either, did you?

Witness:

Correct I did not see him.

Counsel:

Thank you.

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

Questions by the defense counsel: MAJ [REDACTED]

Counsel:

You said there was a short young soldier escorting the people off the bus. Taking from their seat to the door of the bus, correct?

Witness: Correct.

013320

Counsel:
And you watched him run these prisoners off of the bus?

Witness:
Yes.

Counsel:
You did not want to run off the bus, correct?

Witness:
No is not correct.

Counsel:
Do you recall talk--you remember talking to CPT [REDACTED] and myself last night, correct?

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

Witness:
Yes I remember you.

Counsel:
And do you remember saying that that soldier was very tired by the time he got to take you off the bus?

Witness:
Not very tired, but tired.

Counsel:
You said to us "and I am big, bigger than him so I--" and you put your arms up you flexed your shoulders back and made a motion as if you were grounding in and said you did that when he came to get you.

Witness:
Yes.

Counsel:
And when we asked you if you got beat, you said, "I don't get beat, I beat", is that correct?

Witness:
It was joke. I was joking with interpreter.

Counsel:
You did not know the major at the t--on the bus--but you did not know him by name but now you know him by name, correct?

013321

Witness:
Correct.

Counsel:
And you have talked to him since that night, correct?

Witness:
Correct.

Counsel:
Thank you, I have no further questions.

I/O: Major [REDACTED] b(6)-2; b(7)(c)-2

REDIRECT EXAMINATION

Questions by the trial counsel: MAJ [REDACTED] (same)

Counsel:
Sir, have you told us the truth tonight?

Witness:
Yes God willing I told you the truth.

Counsel:
And just because you know this major, now, you haven't changed your story have you?

Witness:
I told you the truth and I swear by Koran.

Counsel: Thank you, sir. I have no further questions.

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

[REDACTED] b(6)-7; b(7)(c)-7
[REDACTED], an interpreter, was previously sworn and interpreted the following witnesses testimony.

DIRECT EXAMINATION

Major [REDACTED] b(6)-4; b(7)(c)-4
[REDACTED] a detainee at Camp Bucca,
was sworn and testified as follows:

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

Counsel:
Sir, I noticed that you walk with a limp?

013322

Witness:

Yes, I've been hurt in the war.

Counsel:

Were you hurt in this war?

Witness:

Yes. It was April eight.

Counsel:

And how were you hurt?

Witness:

I was in Baghdad. I was in the Rasheed camp. I was going to the U.S. Army to give myself up. There was a checkpoint for the Fedahyeen Saddam. We didn't stop for them. We passed them. They open fire on us. Three of us were injured.

Counsel:

Were you shot with a gun?

Witness:

With a rifle.

Counsel:

Did you lose your leg?

Witness:

No. They left us after they fired. They thought we are dead. Before the car get explosion, we get out of it. The American troops came to us. The Fedahyeen run away. When the American soldiers came to us, I put my hand up to them and they carried us away from the car. They gave me first-aid because I was injured in my head.

Counsel:

You were injured in your head and in your right arm, and in your right leg, is that right?

Witness:

Right hand and my leg. And also my left leg.

Counsel:

In both of your legs, you were injured?

Witness:

Yes. A bullet here and a bullet here. And, even in my back.

Counsel: So your left foot, your right foot, your right knee, your back, your right arm and your head?

013323

Witness:
Yes.

Counsel:
But you still have both of your legs, right?

Witness:
Yes.

Counsel:
Did you come to Camp Bucca on the bus on the twelfth of May?

Witness:
Yes.

Counsel:
Please tell us what happened when you got here to Camp Bucca?

Witness:
I was the first one sitting on the floor. A soldier ask me to go out. At that time I couldn't walk and I was on crutches. On that same day I just get out of the hospital to the Nasiriyah base. So I began moving on my ass, from the back of the bus to the door. When I came near the door, the soldier that was sitting in the back, he throw on me the crutches. My hands were tied. Another soldier was on the ground and near the door of the bus. I think what he said was he's telling me to get up. So I show him my hands were tied and I cannot stand up. He took a knife from his belt, and he told me to do like this.

Counsel:
So you held up your hands in front of your face?

Witness:
Yes.

Counsel:
And what did the soldier do?

Witness:
He cut the wire.

Counsel:
Okay. He cut the wire and your hands were free?

Witness:
Yes.

013324

Counsel:
Then what happened?

Witness:
There was an interpreter. He said to us to stay in one line. And we stand in one line near the fence. The two fence is like an arrow. I was the first one and I went in the open of the fence and I stand up. And the interpreter told me to get inside this narrow.

Counsel:
And were you using your crutches to walk?

Witness:
Yes. Even with the crutches, I was walking slowly.

Counsel:
And is that because you have been wounded in so many places?

Witness:
Yes. Here is the most pain.

Counsel:
Your knee-wound was the most serious?

Witness:
Yes. This one and my foot.

Counsel:
Okay.

Witness:
So I walked inside the narrow. I looked at the interpreter and I said please, my Arabic brother, I can't walk. He said I'm sorry, I am ordered not to talk to you or to help you. I began walking. Two American soldiers were behind me. They shouted at me go, go, go. I was walking slowly.

Counsel:
Sir, were you moving as fast as you could?

Witness:
Yes.

Counsel:
What happened next?

013325

Witness:

After they were shouting at me, one of them push me with his hand on the ground. I am with my crutches and I come down on the ground on my face.

Counsel:

Did the soldier push you from behind?

Witness:

Yes., in my back.

Counsel:

How hard did the soldier push you?

Witness:

Hard.

Counsel:

Did you see the soldier that pushed you?

Witness:

No I didn't.

Counsel:

Then what happened?

Witness:

One of them put his hand on my hand and he put it this way. And the other one took my left hand.

Counsel:

Let the record reflect that the witness is holding his hands out, away from his body, with his arms pointed downward and moving his arms backward, as if his arms were being swept towards his back. What did the soldiers do next?

Witness:

I was laying down on the floor and after they did this to me, they were pulling me in front of me.

Counsel:

Were they pulling you by your arms?

Witness:

No from my hands.

Counsel:

They were pulling you by your hands?

013326

Witness:

Yes.

Counsel:

And your hands were behind your back?

Witness:

Yes.

Counsel:

Were you standing?

Witness:

No I was on my face.

Counsel:

Was your face touching the ground?

Witness:

No my face was off the ground but this area and down was on the ground.

Counsel:

Okay, from the waist down. And the soldiers held his hands behind his back?

Witness:

Yes.

Counsel:

Did that hurt?

Witness:

Yes.

I/O:

Excuse me. I'm having a hard time visualizing how he was on the ground. If he can kind of demonstrate?

Counsel:

Let the record reflect that the witness is bending over and his arms are extended backwards to their full extent, moving up and away from his body, but going backwards. Did you see the soldiers that had a hold of your hands?

Witness:

No, because it was dark and I was sick.

013327

Counsel:
How far did they pull you along like this?

Witness:
About a hundred meters.

Counsel:
Did you say anything while this was happening?

Witness:
Yes. Please mister, please.

Counsel:
What happened to your crutches?

Witness:
I don't know what happened to them, but later one soldier bring it to me.

Counsel:
Did you resist the American soldiers that night?

Witness:
No.

Counsel:
Did you obey the orders of the American soldiers?

Witness:
Yes.

Counsel:
Did you try to fight with any of the soldiers?

Witness:
No.

Counsel:
You were a Major in the police force?

Witness:
No I am Major in the military.

Counsel:
In the military?

Witness: In the Iraqi Army.

013328

Counsel:

I don't have any further questions. Please answer any questions of these people.

CROSS-EXAMINATION

Questions by the defense counsel: CPT [REDACTED]

Counsel:

You said that you are a Major in the Iraqi Army?

Witness:

Yes.

Counsel:

And you've been in the Iraqi Army for eighteen years?

Witness:

Yes.

Counsel:

Eighteen years he's been in the Army?

Witness:

Yes.

Counsel:

The day that they loaded the bus at Nasiriyah, you were placed in two lines, correct?

Witness:

Yes.

Counsel:

And you started off in the line with everyone else, but then you had to be isolated, correct?

Witness:

He used crutches to get to the door, and then he tried to get in.

Counsel:

When you were standing in line, they removed you away from the other prisoners, correct?

Witness:

I was in the last four and some short soldier came and took me and put me the last one.

013329

Counsel:

So you were the forty-fourth person to get on the bus, correct?

Witness:

Yes.

Counsel:

And you sat in the aisle way of the bus, correct?

Witness:

I was the last one to get in the bus so I am in the beginning now.

Counsel:

So he was at the beginning of the bus in the aisle?

Witness:

Yes.

Counsel:

When they told you to sit in the aisle, you said I can't I have a back problem?

Witness:

I told him I am sick. This is the only word I know. He told me to sit down on the ground.

Counsel:

He actually pointed a shotgun at you and told you to sit down, correct?

Witness:

Yes.

Counsel:

And the soldier with the shotgun is big and has a red face, correct?

Witness:

Yes.

Counsel:

Now once the bus started moving, that soldier with the shotgun sat near you on the bus, correct?

Witness:

Yes, very near to me.

Counsel:

And you claim that he continued to point the gun at you?

013330

Witness:
Yes.

Counsel:
And you claimed that he continued to yell at you, correct?

Witness:
Yes.

Counsel:
You claim that he kicked you in the leg on the bus, correct?

Witness:
Yes. I cannot move my leg inside, so he kicked me on it.

Counsel:
That soldier left something inside you that you just can't forget, correct?

Witness:
Yes.

Counsel:
Then they switched the shotgun off to a small soldier, correct?

Witness:
Yes.

Counsel:
And you claim he said if anyone talks I'll hit you with a water bottle?

Witness:
No. Not that exactly. The short soldier has a water bottle he was drinking from and would say don't talk and was beating them like this.

Counsel:
Beating them with the water bottle?

Witness:
Yes.

Counsel:
And you claim he beat you ten times on the head with the water bottle, correct?

Witness:
Yes, about ten times.

013331

Counsel:

And that water bottle, you claim, was half full of water, correct?

Witness:

Yes.

Counsel:

You recall that the bus broke down on the way to Camp Bucca, correct?

Witness:

Yes. It was like a flat tire so the bus stop.

Counsel:

And the soldiers on the bus, they were terrified, correct?

Witness:

They were scared and they put the guns on us.

Counsel:

And they kept shouting at you to keep quiet?

Witness:

Yes they were shouting at us not to move, not to talk?

Counsel:

You were the first person off of the bus, correct?

Witness:

Yes.

Counsel:

And there was a group of five of you that were taken off the bus, correct?

Witness:

I don't know how many people came after me.

Counsel:

There was a couple of people behind you, correct?

Witness:

Yes I heard them.

Counsel:

You claim that two soldiers drug you across the ground?

013332

Witness:
Yes.

Counsel:
The prosecutor stopped you, but there's more to your claim, correct?

Witness:
Yes.

Counsel:
You claim that three different soldiers were kicking you that night, correct?

Witness:
No only two. The third one bring crutches to me and throw it on me.

Counsel:
And you claim another soldier was beating his gun into your chest, correct?

Witness:
Yes, the back of the rifle in this area.

Counsel:
Do you know prisoner [REDACTED] b(6)-4, b(7)(c)-4

Witness:
I want his full name.

Counsel:
[REDACTED] Prisoner number [REDACTED] - (same)
|

Witness:
There is a prisoner in the camp who is a Captain named [REDACTED] is that what you mean?

Counsel:
Yes.

Witness:
Yes I know him.

Counsel:
Two days after this happened; you were called in by CID, correct?

Witness:
Yes.

Counsel: And they asked you if you had been beaten.

013333

Witness:
Yes and I told them no.

Counsel:
No further questions.

I/O:
Any other questions? Major [REDACTED] b(6)-2; b(7)(c)-2

REDIRECT EXAMINATION

Questions by the trial counsel: MAJ [REDACTED] (same)

Counsel:
Why didn't you tell the CID about this story when they first talked to you?

Witness:
Because I was sick and I know that this will get a lot of investigation and this will be a long time and I was wishing to go out of this camp.

Counsel:
Are you telling us the truth tonight, sir?

Witness:
Yes. All the truth. And I swear on the Holy Koran.

Counsel:
Thank you, sir.

RECROSS-EXAMINATION

Questions by the defense counsel: MAJ [REDACTED] (same)

Counsel:
When you gave your statement to CID, you had been cleared to leave Camp Bucca, to be released, correct?

Witness:
Yes. The interrogator talk to me three times. The last time, he tell me that he does not need anything from me and I will write a report for my boss to release you in the end of June.

Counsel:
It was after that when he came forward with his story about being hit.

013334

Witness:

It was before this. Like around June twenty, they bring the people of the bus and on that day I tell my story.

Counsel:

And he was told that other American soldiers saw these beatings and all he had to do was give a statement and did not have to stay for the trial, correct?

Witness:

Yes.

Counsel:

Thank you, no further questions.

I/O:

Any further questions?

Defense counsel: No, sir.

I/O:

Major [REDACTED] b(6)-2; b(7)(c)-2

Major [REDACTED]

(Same)

No, sir.

I/O:

Okay, just a couple of things.

Questions by the Investigating Officer:

I/O:

Am I to understand that this individual was kicked on the leg while he was on the bus on the ride to Camp Bucca?

Witness:

Yes.

I/O:

And the circumstances for that kick was what, I was not clear on that?

Witness:

The soldier was ordering me to put my leg back, but I cannot because it was injured. That's why he kick me.

I/O:

Was this the larger soldier or the shorter one?

013335

Witness:
The tall one.

I/O:
The one who had the shotgun, or the large rifle originally?

Witness:
Yes.

I/O:
And is it also true that he was hit with the water bottle by the shorter soldier, approximately ten times, is that correct?

Witness:
Yes.

I/O:
And am I also to understand that after the bus arrived and he had been taken off the bus, that there was a third soldier who beat him with the butt of a gun, is that correct?

Witness:
Only the two soldiers beated him, but the third one throw my crutches on me.

I/O:
So there was no soldier that beat him with a gun?

Witness:
I don't recognize who is the one that beated me on my chest with the back of the rifle.

I/O:
But that did happen?

Witness:
Yes.

I/O:
Did you provide a description, other than tall and short, of the soldiers who drug him across the ground? Can you provide anymore of a description of the soldiers who drug him across the ground?

Witness:
The tall one has a green eye and he has a tall face.
The other one, his face look like Japanese or Philippi no. And the third one is American, but he is short. I don't know the people who dragged me, but I think it's one of those people that was on the bus.

013336

I/O:

Can he positively identify either of those two soldiers today?

Witness:

No because I was sick and I just get out of the hospital at that time.

I/O:

And what was his description of the third soldier who threw the crutches at him?

Witness:

I didn't see him.

I/O:

Was anything said to him when he was initially pushed to the ground?

Witness:

They were saying fucking and fuck you. I didn't understand what they were saying but later I know it was not a good word.

I/O:

Any further questions? Please thank him for his testimony. He'll be escorted back to the holding area.

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

SPC [REDACTED] U.S. National Guard, was recalled as a witness for the government, was reminded of her previous oath, and testified as follows:

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

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

Counsel: b(6)-4; b(7)(c)-4
SPC [REDACTED] you are the same SPC [REDACTED] that testified earlier in this hearing?

Witness:

Yes.

Counsel:

I want to remind you that you are still under oath from your previous testimony, do you understand?

Witness:

Yes sir.

013337

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

SPC [REDACTED] do you remember the day that the CID came and searched certain areas of the 320th Company's living quarters?

Witness:

I remember the day. I don't remember the date.

Counsel:

What were you doing when CID came that day.

Witness:

I was actually in the shower area taking a shower.

Counsel:

Where did you live at that time?

Witness:

1ST Platoon's tent, which was on the other side of the living compound.

Counsel:

Where did Sergeant [REDACTED] live? b(6)-5; b(7)(c)-5

Witness:

In the same tent.

Counsel:

In relation to where your living are was, where was hers?

Witness:

We were side by side, probably four foot apart.

Counsel:

Now, you say you were at the shower trailer when CID came?

Witness:

At the showers, yes sir.

Counsel:

Did you come back from the showers?

Witness:

Yes. I was on my way back from the showers when I noticed that CID was in the area.

Counsel:

Okay. What did you do?

013338

Witness:

I continued on to my tent. They were... I had to walk passed 4TH Platoon's tent to go back to my tent. That's when I noticed CID was there. I didn't think anything of it. I kept on going. PFC [REDACTED] stopped me on the way in because I was going to head in. She said you can't go in there right now. She explained that CID was in there searching.

Counsel:

Okay. At any time during this period, did you see Sergeant [REDACTED]

Witness:

No, not until after the search had been completed.

Counsel:

Did you see her after the search had been completed?

Witness:

Yes. I went into the tent and she was in there.

Counsel:

What was she doing?

Witness:

Sitting on the floor crying.

Counsel:

Did she say anything?

Witness:

She said that she was really upset that they searched her stuff. She felt like a common criminal. And it wasn't fair.

Counsel:

Did she tell you anything?

Witness:

The exact conversation, I don't remember. She was voicing her concerns about what was going to happen and things like that. Then she started to pick up her stuff and put it back together. At that point in time is when she let me know that I had her journal in my stuff.

Counsel:

Do you remember specifically what she said to you?

Witness:

She told me that she put her journal on my bookshelf so that CID wouldn't get it because was worried about what they might find in it.

013339

Counsel:

All right. Did you give her permission to put her journal in your bookshelf?

Witness:

No.

Counsel:

Did you know that she was going to do that before she did it?

Witness:

No.

Counsel:

What did she do with the journal after CID left?

Witness:

She put it back in with her stuff.

Counsel:

Do you remember what the journal looked like?

Witness:

It was about that big.

Counsel:

About ten inches by...

Witness:

About that wide.

Counsel:

...six inches.

Witness:

Roughly. It was blue. It had line pages on the inside and it had a design on the cover, but I can't remember what the design was.

Counsel:

Okay. Did you ever see her writing in it?

Witness:

Yes.

Counsel:

How often did she write in it?

013340

Witness:

Quite frequently, but I can't say every single day.

Counsel:

Since the CID came and searched the tent and she put the journal in your bookshelf, have you seen that journal since then?

Witness:

Yes. I did see it before she moved out of the tent because...we had a table in between our two bunks. It had a little top-shelf to it and it would usually sit in the corner by her bed, on the top shelf.

Counsel:

Besides telling she didn't want CID to see what was in it, did she articulate anything more than that?

Witness:

No.

Counsel:

I don't have any further questions, thank you.

I/O:

Defense?

CROSS-EXAMINATION

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

Counsel:

You don't know what CID was searching for on that day?

Witness:

I just know what we were told after they had left, and it was by what others had said.

Counsel:

So you don't know who gave the search authorization, correct?

Witness:

No I don't.

Counsel:

You don't know what the scope of the authorization was, correct?

Witness:

What do you mean by that, sir?

013341

Counsel:
You don't know what CID was allowed to search for?

Witness:
No.

Counsel:
You don't know if they were allowed to look for anything and everything or if they were looking for something very specific?

Witness:
All I know, sir, is that I was told that they were looking for...this is what I was told afterwards...
any blood, in relation to clothing, and anything pertinent to the investigation.

Counsel:
Who told you that?

Witness:
To be honest with you, I don't know. Rumors fly around that unit. And it's been awhile.

Counsel:
When you took this journal off your bookshelf, you didn't turn it in to CID, correct?

Witness:
No, I gave it back to Sergeant [REDACTED] b(6)-5; b(7)(c)-5

Counsel:
Were you concerned that there were things in that journal that pertained to you that might be incriminating to CID?

Witness:
What do you mean by that, sir?

Counsel:
She was one of your roommates, correct?

Witness:
Correct.

Counsel:
Were you least bit concerned that anything she had written in her journal would incriminate you in any way, if it was turned into CID?

Witness: Incriminate me in what way, sir? I wasn't under investigation.

013342

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

I'm asking you Specialist [REDACTED] were you concerned that there was anything in her journal that might incriminate you?

Witness:

I still don't understand. In what respect are you asking?

Counsel:

You did not turn in the journal to CID?

Witness:

No I didn't.

Counsel:

b(6)-5; b(7)(c)-5
When you came in, you said Sergeant [REDACTED] was upset and she was crying?

Witness:

Yes sir.

Counsel:

And you said that she felt that she'd been treated like a common criminal?

Witness:

Yes sir.

Counsel:

You said that she felt like privacy had been invaded?

Witness:

Yes sir.

Counsel:

(same)
You knew Sergeant [REDACTED] wrote personal things in her journal, correct?

Witness:

Yes sir.

Counsel:

She wrote things about her relationship with her husband?

Witness:

Yes sir.

Counsel: And she wrote other personal things that were private to her, correct?

013343

Witness:
Yes sir.

Counsel:
And you stated before that you had no idea what CID was allowed to search for, correct?

Witness:
No, that was above my rank.

Counsel:
And you have no idea if they were even authorized to search for documents, correct?

Witness:
It wasn't my concern, sir.

Counsel: b(6)-4; b(7)(c)-4
Thank you Specialist [REDACTED] I have no further questions.

I/O:
Any follow-ups Major [REDACTED] b(6)-2; b(7)(c)-2

REDIRECT EXAMINATION

Questions by the trial counsel: MAJ [REDACTED] (same)

Counsel: b(6)-4; b(7)(c)-4
Yes sir. Specialist [REDACTED] why didn't you turn the journal over to CID?

Witness:
Sir, I didn't want to get involved in this. It wasn't my problem. I wasn't directly involved in it. It wasn't anything that concerned me and I just didn't want to get involved in it.

Counsel:
Thank you.

RECROSS-EXAMINATION

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

Counsel: b(6)-4; b(7)(c)-4
I have one follow-up question, sir. You said, Specialist [REDACTED] that you did not want to get involved in this situation, and that's why you didn't turn it in?

Witness: At that point in time, no sir I didn't.

013344

Counsel:
But last night you sought out MAJ [REDACTED] and volunteered this information, correct?

Witness:
I asked him about it.

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

Counsel:
You told him this unsolicited, correct?

Witness:
Yes sir.

Counsel:
Nothing further sir.

I/O:
Anything Major [REDACTED] (Same)

Counsel:
No sir, thank you. Actually I do have one more.

REDIRECT EXAMINATION

Questions by the trial counsel:

Counsel: [REDACTED] b(6)-4; b(7)(c)-4
Specialist [REDACTED] why did you come and talk to me last night?

Witness:
It's been a very hard time for me the past couple of months dealing with this, knowing that I had information that might help or hinder numerous people in my platoon and in my unit. It's been very hard for me and certain things I've had to just remember and it's been over the course of time. I thought I already mentioned it to you. That's why I sought you out with it.

Counsel:
Thank you, no further questions.

I/O:
Do you have anything, CPT [REDACTED] b(6)-2; b(7)(c)-2

Counsel:
No sir.

Questions by the Investigating Officer:

013345

I/O: ^{b(6)-4; b(7)(c)-4} [redacted] ^{b(6)-5; b(7)(c)-5} is there anything contained in Sergeant [redacted] journal that would be incriminating or implicate you in this investigation?

Witness:

In this investigation? No I wasn't there. I don't ^(same) have anything to do with it. I know everything that I know from what Sergeant [redacted] told me after the fact. After everything has occurred, that's is when I know about it.

I/O:

Are there other personal details in that journal that you would have preferred CID not to have known about?

Witness:

About me?

I/O:

Yes.

Witness:

Sir, if there is, if it needs to come out, it needs to come out. There might be there might not. I don't know what Sergeant [redacted] ^{b(6)-5; b(7)(c)-5} wrote in her journal. I know I've been through a very difficult time since I've come to the unit and been deployed to Iraq. And I've shared a lot of that with Sergeant [redacted]. And there have been instances in-country that have been personal in nature regarding me. If she wrote about them that's in there.

I/O:

Do you know the whereabouts of this journal now. Do you have any idea?

Witness:

If it's not in with her stuff, sir, I don't know where it would be.

I/O:

Is there anything else with regard to Sergeant [redacted] ^(same) or the incidents in question from May the twelfth that you have knowledge of, that you should tell me with regard to the investigation?

Witness:

I think I've gone over everything sir, that I've mentioned in my sworn statement and that I've mentioned to you so far in this proceeding.

I/O:

Has anyone else, besides Sergeant [redacted] ^(same) approached you with information with regard to this investigation or the incidents of twelve May?

013346

Witness:

No. Not out of anybody that had first hand knowledge. I've been asked questions by several people about what I know. And people have come up with rumors on what's been going on with the investigation, but as to pertinent information on what happened that day. I was given some details, but that was about it. And none of that is in any statement that I've given.

I/O:

Any of the accused here today, aside from Sergeant [REDACTED] b(6)-5; b(7)(c)-5 or any other members of the 320th who were present that night, have come to you with information or comments, or details with regard to what happened that evening?

Witness:

Meaning the ten that were involved in the escort mission on that day, sir?

I/O:

Yes.

Witness:

No.

I/O:

Any other questions?

Counsel:

No, sir.

I/O:

Thank you. You are dismissed.

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

Do we have MAJ [REDACTED] here now?

Counsel:

No sir we have CID.

I/O:

Okay, let's get started on CID.

013347

b(6)-1; b(7)(C)-1
SA [REDACTED] U.S. Army, CID, was called as a witness for the government, was sworn and testified as follows:

DIRECT EXAMINATION

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

Counsel:
You are [REDACTED] b(6)-1; b(7)(C)-1

Witness:
Yes I am.

Counsel:
And you are a Special Agent?

Witness:
Yes I am.

Counsel:
With the Criminal Investigation Division?

Witness:
Yes sir.

Counsel:
You're the Special Agent in-charge here at Camp Bucca?

Witness:
Yes I am.

Counsel: (Same)
Special Agent [REDACTED] did you participate in the investigation into the alleged abuse of prisoners on the twelfth of May, on the bus coming from Nasiriyah to Camp Bucca?

Witness:
Yes I did.

Counsel:
Did you conduct an interview of Master Sergeant [REDACTED] b(6)-5; b(7)(C)-5

Witness:
Yes I did.

013348

Counsel:

And as a result of that interview, did you obtain a sworn statement from her?

Witness:

Yes I did.

Counsel:

I'd like to have this exhibit marked as eight.

Special Agent [REDACTED] b(6)-1; b(7)(c)-1 let me hand you exhibit eight and ask you to take a look at it. Do you recognize that document?

Witness:

Yes I do.

Counsel:

Is that the statement you took from Master Sergeant [REDACTED] b(6)-5; b(7)(c)-5

Witness:

Yes it is.

Counsel:

Subject to any objection, I'd like to offer exhibit eight into evidence at this time. Special Agent [REDACTED] b(6)-1; b(7)(c)-1 was this your first involvement with anything involving Master Sergeant [REDACTED] b(6)-5; b(7)(c)-5

Witness:

No it wasn't.

Defense Counsel: CPT [REDACTED] b(6)-2; b(7)(c)-2

Objection. Sir, the prosecution is gonna try to go into things that are completely outside of the scope of this investigation. And that is completely not relevant.

I/O:

How do I know that without hearing the question?

Major [REDACTED] b(6)-2; b(7)(c)-2

Would you like your legal advisor sir?

I/O:

I guess so. Let's go off the record.

[The I/O met with the legal advisor.]

013349

I/O:

Defense's objection was to a line of questioning by the government regarding incident previous to the investigation at hand. The government will confine their questioning to the investigation's charges and specifications we're dealing with here.

Counsel:

Thank you. I have no further questions.

I/O:

Questions from the defense?

CROSS-EXAMINATION

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

Counsel:

Thank you sir. Mr. [REDACTED] b(6)-1; b(7)(c)-1
you conducted interviews of some EPWs on fourteen May, correct?

Witness:

That's correct.

Counsel:

When you conducted those interviews, they had already been identified to you as victims that point, correct?

Witness:

The group had. That is correct. They had identified the whole bus load. I was going to do the screening interviews.

Counsel:

Okay. And you interviewed them in segregation, is that correct?

Witness:

Only four of them were in segregation at the time and the rest were in the general compound.

Counsel:

There were two EPWs that you interviewed together, is that correct?

Witness:

I believe so.

013350

Counsel:

And then there were...do you remember who those EPWs were that you interviewed together?

Witness:

There was four in segregation. I don't believe I interviewed them together but they said the same thing. Two were in 310 and 317. I can't remember where the other two were.

Counsel:

And 310 and 317 that could be Mr. [REDACTED] and Mr. [REDACTED]

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

Witness:

That's sounds correct I'd have to look at my AIR if you have it available.

Counsel:

And you think that those were the ones that you interviewed together?

Witness:

Those are the ones that I interviewed separately, I'm sure of it.

Counsel:

Do you remember how you directed the conversation towards what it was that you wanted to talk to them about?

Witness:

I just explained who I was, what I was doing, and asked what had occurred the night prior... or actually it would have been two nights prior by that time.

Counsel:

And do you remember asking them if they had been kicked where they'd been kicked, things of that nature?

Witness:

I don't recall asking them specifically, but yes that would have been the line of questioning I used.

Counsel:

You don't recall how much leading you did or how much...how many open ended questions you asked?

Witness:

I don't ask leading questions of course open-ended questions is more what I would use.

013351

Counsel:

And you did tell them that you were there because you believed that they had been assaulted by MPs or that you had heard that they had been assaulted by MPs?

Witness:

That's correct.

Counsel:

Did you take notes at these interviews?

Witness:

I believe I did, yes.

Counsel:

Do you have those notes?

Witness:

Not available.

Counsel:

Are those noted in the CID file?

Witness:

No, they're not.

Counsel:

Of the people that you interviewed that day two of them complained that they were assaulted. Is that correct?

Witness:

That's correct.

Counsel:

One of those people was Mr. [REDACTED]

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

Witness:

If I could look at my AIR just to confirm the names, I know them by mostly numbers...

[The witness was given what has been marked as Exhibit 9 to refresh his recollection and to confirm the names of the detainees.]

Witness: Okay yes the two names are the ones I interviewed.

Counsel:

And Mr. [REDACTED] he is EPW [REDACTED] correct?

(same)

013352

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

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.

013353

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; b(7)(c)-4
Mr. [REDACTED] 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?

013354

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, b(7)(c)-4

Mr. [REDACTED] 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:

That's correct it says here, "Mr. [REDACTED] (Same) 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:

C13355

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:

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:

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:

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.

013356

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.

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

Counsel:

You also interviewed Mr. [REDACTED] (same)

Witness:

Yes I did.

Counsel:

And Mr. [REDACTED] (same) 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:

013357

b (6)-4; b (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?

013358

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:

Mr. [REDACTED] also had no visible injuries, is that correct? b(6)-4; b(7)(c)-4

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.

013359

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:

013360

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 14th that's correct.

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

Counsel:

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

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:

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]

Counsel:

013361

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:

Nothing on there about Mr. [REDACTED] 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 [REDACTED]

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

Agent [REDACTED] you interviewed MSG [REDACTED] for this case, correct? b(6)-5; b(7)(C)-5

Witness:

That's correct.

Counsel:

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

Witness:

013362

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 see 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?

013363

Defense Counsel: Just a few.

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

Questions by the defense counsel: CPT [REDACTED]

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

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

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: (Same)

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.

013364

I/O: [REDACTED] b(6)-2; b(7)(c)-2

Major [REDACTED] (same)
Major [REDACTED] No, questions, sir.

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

b(6)-1; b(7)(c)-1 **DIRECT EXAMINATION**

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; b(7)(c)-2

Counsel: b(6)-1; b(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 12th of May?

Witness:
Yes sir

Counsel: b(6)-5; b(7)(c)-5
During the course of your investigation did you take a statement from SPC [REDACTED]
[REDACTED]

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 Canjar.

Counsel:
Is that the rights warning and the statement that you took from SPC Canjar from SPC Canjar regarding this investigation?

Witness:
Yes it is.

013365

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 [REDACTED] b(6)-2; b(7)(c)-2

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

Agent [REDACTED] 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?

013366

Witness:

I searched through the belongings of one individual in particular.

Counsel:

And whose was that?

Witness:

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

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.

013367

Counsel:

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

Witness:

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

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.

Counsel:

Was that SPC [REDACTED]

b(6)-4; b(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?

013368

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.

013369

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 

b(6)-1; b(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.

013370

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: b(6)-4; b(7)(c)-4
Okay were you present when COL [REDACTED] was briefed on the 24th of May?

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

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

Witness:
I'm not sure ma'am.

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

Witness:
Who would that be ma'am?

Counsel: b(6)-4; b(7)(c)-4
A Major [REDACTED]

Witness: b(6)-4; b(7)(c)-4
No ma'am the only person I talked to, as far as a briefing, was LTC [REDACTED] and was for the opine.

Counsel: same
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?

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

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

013371

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

[REDACTED] - b(6)-4; b(7)(c)-4

Counsel:

Okay. Thank you Agent [REDACTED] b(6)-1; b(7)(c)-1

I/O:

Any further questions?

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

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

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.]

013372

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

SA [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; b(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; b(7)(c)-2

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

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: (same)

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; b(7)(c)-4

013373

Witness:
Yes ma'am.

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

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

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

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

Witness:
If it is, yes ma'am.

Counsel: (Same)
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: (Same)
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...

013374

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(1)-4; b(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 ...

013375

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

Counsel:

If that's what okay... Now you got the impression that Mr. [REDACTED] 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; b(7)(c)-4

Counsel:

When you first--Let's move on to a SPC [REDACTED] 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:

(same)

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

Counsel:

(same)

Now one of the EPWs told me that told you that his brother [REDACTED] 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.

013376

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; b(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?

013377

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]

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

Witness: (same)

[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.

013378

Counsel:

And you also went to the Spanish doctor?

Witness:

Yes I did ma'am.

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

Counsel:

Now CPT [REDACTED] 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.

013379

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?

013380

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.

013381

Questions by the defense counsel: CPT [REDACTED] b(1)-2; b(7)(c)-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:

013382

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; b(7)(c)-2

Major [REDACTED] No, sir. Thank you. same

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

Special Agent [REDACTED] U.S. Army, CID, was called as a witness for the Government, was sworn and testified as follows: b(6)-1; b(7)(c)-1

DIRECT EXAMINATION

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

Counsel:

SA Iem, were you part of the investigation into allegations that prisoners had been abused on the 12th 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.

013383

Counsel:

During the course of that investigation, did you take the statement of a SSG [REDACTED]

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

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 Timothy Canjar?

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; b(7)(c)-2

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

Agent [REDACTED] you assisted in the search of the ten suspect's living areas correct?

Witness:

Yes I did.

Counsel:

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

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

Witness:

Yes.

Counsel:

He authorized a search for clothing and boots, correct?

013384

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] on the search authorization?

Witness:

I believe that was our SAC at the time.

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

Counsel:

There was no physical examination of the ten soldiers from the 320th, 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?

013385

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.

b(6)-2; b(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?

013386

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?

C13387

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:

C13388

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

Counsel:

(same)
SGT [REDACTED], and you did a crime scene sketch, right?

Witness: Yes ma'am.

C13389

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.]

DIRECT EXAMINATION

MAJ [REDACTED] U.S. Army Reserve, was called as a witness for he Government, was sworn and testified as follows: b(6)-4; b(7)(c)-4

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

Counsel: What are your duties here?

C13390

Witness:

I am the 800th 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 12th?

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?

C13391

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?

C13392

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:
[REDACTED] b(6)-4; b(7)(c)-4

Counsel:
Is that Mr. [REDACTED] (Same)

Witness:
Yes.

Counsel:
Did anyone else report anything to you?

Witness:
Yes, they did.

Counsel:
Who else?

Witness:
SSG [REDACTED] (Same)

013393

Counsel:
SSG [REDACTED] from the 223rd MP Company?

b(6)-4; b(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 320th 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?

C13394

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.

C13395

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:

b(6)-4; b(7)(c)-4 (same)
Yes they do-- [REDACTED] is his name--the First Sergeant his name is [REDACTED]

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 [REDACTED] b(6)-2; b(7)(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.

C13396

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.

013397

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 320TH.

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:

You said you talked to a First Sergeant [REDACTED] right? b(6)-4; b(7)(c)-4

Witness:

That's correct.

Counsel:

Didn't talk to Staff Sergeant [REDACTED] (same)

Witness:

No I didn't.

013398

Counsel:
Or Sergeant [REDACTED] b(6)-4; b(7)(c)-4

Witness:
No.

Counsel:
Or any of the soldiers who were actually on the ground working with the 320TH?

Witness:
No.

Counsel: (same)
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?

013399

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; b(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.

013400

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; b(7)(c)-2

Major [REDACTED]

(same)

No, sir.

Questions by the Investigating Officer: LTC [REDACTED] (same)

I/O:

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

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

Witness: Yes sir.

013401

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.

b(1)-4; b(7)(c)-4

I/O:

First Sergeant [REDACTED], he's the First Sergeant of the 314TH 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?

013402

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; b(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 320TH soldiers had crossed the line.

013403

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 800TH 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; b(7)(c)-2

Counsel:

Did the First Sergeant--he didn't specifically say 320TH 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 320TH.

Counsel:

He specifically said 320TH?

Witness: Yes he did.

013404

Counsel:
But he didn't name any?

Witness:
No he didn't.

Counsel:
Thank you.

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

I/O:
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? b(6)-2; b(7)(c)-2

Major [REDACTED] (Same)
Not tonight sir.

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

Major [REDACTED] (Same)
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.]

013405