

SWORN STATEMENT

FOR USE OF THIS FORM, SEE AR 190-45; THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

LOCATION

Tikrit, Iraq

DATE:

21 Jan 04

TIME:

01:41

FILE NUMBER:

0011-04-CID469-79630-5H1

NAME:

SOCIAL SECURITY NUMBER:

GRADE/STATUS:

E-4/RA

ORGANIZATION: A Company, 1/8th Infantry, Ft. Carson, CO

I want to make the following statement under oath:

I would like to correct some of the fallacies in my statement.

1) When we stopped [REDACTED] & SGT [REDACTED] & myself got out of the Bradley. [REDACTED] and I watched the EPW'S while SGT [REDACTED] went to see what was going on. He came back and told us to bring the EPW'S to the edge of the water. I refused to be apart of it, so I stayed by the Brads. See at the beginning of the patrol SFC [REDACTED] had said over the radio that any curfew breakers we get would be put in the river. SGT [REDACTED] went behind some concrete dividers. I heard a splash. They came back a few seconds later. As we were mounting the Brads, I thought I saw 2 people on the peninsula.

Q: When you say EPW'S, what are you referring to?

A: Enemy Prisoner of War.

Q: What do you mean by curfew beakers?

A: Iraqi's out after curfew.

Q: What time is curfew?

A: I am not sure.

Q: Can you further identify SFC [REDACTED]

A: He is my Platoon Sergeant. I believe his first name is [REDACTED]

Q: Can you tell me who was on patrol that night from your platoon?

A: My entire platoon.

Q: How many soldiers are in your platoon?

A: About 32.

Q: How many Bradley's were in the convoy?

A: At least four.

Q: What time did your patrol detain the EPW 'S?

A: I do not know, I was just told they violated the curfew.

Q: Why were they detained?

A: I was told because of the curfew.

Q: What happened when they were detained?

A: Initially they were searched and their vehicle was searched. They were initially detained because one of them showed us what we believed was a fake ID card. Soon after, he presented us with what we believed to be his correct ID card, so we were told to release them. They got back into their truck for about a minute, but before we left we were told to detain them again, cuff them and put them into the Bradley. Then the convoy departs.

Q: Why were they detained the second time?

A: Ordered to.

Q: Who gave the order?

EXHIBIT: DA FORM 2823E

INITIALS: [REDACTED]

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EXHIBIT

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SWORN STATEMENT

FOR USE OF THIS FORM, SEE AR 190-45: THE PROponent AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

A: SSG [REDACTED] gave the order to us, I am not sure who told him. He had to have been told by the LT or the PLT SGT, as they are the only two that out rank him.

Q: How far did the convoy drive before they were removed from the Bradley?

A: Not a clue.

Q: How long were you in the back while the convoy was moving?

A: I am not sure, maybe less than 30 minutes.

Q: When they were detained did you hear any communication about throwing them into the river?

A: No, only the talk earlier in the night.

Q: Why were the detainees not brought to a detention facility?

A: I am not sure, it is above my level.

Q: What is the SOP for your unit pertaining to detainees?

A: It depends what they were detained for. Some we have released and others we have transported to the detention facility.

Q: Who actually threw the 2 men into the river?

A: SGT [REDACTED] and SPC [REDACTED] are the two that escorted them to the rivers edge. I could not see if either of them threw them in from my vantage point. But I did hear a splash.

Q: Who actually gave the order to throw the EPW'S into the river?

A: I am not sure if that was the actual order given. The order could have been to release them or to specifically throw them in the river, I just don't know.

Q: How far were you away from the detainees when they were pushed into the river?

A: 40 meters maybe.

Q: How many people had eyes on the spot where they were pushed into the river?

A: I would say two, [REDACTED] and [REDACTED]

Q: Did [REDACTED] and/or [REDACTED] say anything when they returned to your location?

A: SGT [REDACTED] said that they were crawling out.

Q: You initially put into your statement tonight, that you saw two people on the bank when you were leaving, then added "I thought I saw", can you explain?

A: Because of my location, the distance away from the area in question, wearing night vision goggles and other factors, I cannot say that I saw two people standing there with 100 % certainty.

Q: Did anyone speak with you or members of your platoon after the fact, about not cooperating with the investigation?

A: We discussed what we were going to say. We agreed on a version of the truth. The LT and SFC [REDACTED] gathered the three of us [REDACTED] and I) to make sure we were all firing on the same page. b6-5, b7c-5

Q: Did the LT or SFC [REDACTED] threaten any of you if you told the truth?

A: No.

Q: What was the agreement or the story to be told by all of you at the conclusion of that meeting?

A: We agreed to say that we detained the two Iraqi's, released them, last seeing them standing on the side of the road.

Q: Have you or any members of your unit been physically in that river?

A: Yes.

Q: Who?

EXHIBIT: _____
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INITIALS: [REDACTED]

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SWORN STATEMENT

FOR USE OF THIS FORM, SEE AR 190-45: THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

A: LT [REDACTED] 66-5, 67C-5 J

Q: When did he go into the river?

A: A few days later, maybe a week after the incident. It was after he sat us down to talk to us.

Q: Why did he go into the river?

A: I think to prove to himself that we didn't kill anybody.

Q: Did he go in alone?

A: Yes.

Q: What did your patrol do to their vehicle after they were detained?

A: As far as I know we left it on the side of the road. I do not remember anyone touching the vehicle after we detained them.

Q: Have any members of your unit conducted such acts in the past?

A: Yes, they threw another Iraqi off of a bridge before. I was told he survived.

Q: When did this take place?

A: A couple of months ago.

Q: Who actually threw him in the river? 66-5, 67C-5 D

A: I was told it was SGT [REDACTED] and SGT [REDACTED]

Q: What bridge was used?

A: I am not sure.

Q: What city did it take place in?

A: In Balad. They said it was a floating bridge.

Q: Who was there that night?

A: I was not there that night, so I am not sure. But it was common knowledge within the platoon. I think that is where they got the idea from for this incident.

Q: Do you know why they stopped this individual and why they threw him into the river?

A: I do not know.

Q: How did members of your platoon initially hear about the man dying?

A: We were told that there was an e-mail going up the chain of command.

Q: Who told you? 66-5, 67C-5 D

A: LT [REDACTED] or SFC [REDACTED]

Q: I provided you with a photograph of the area near the bridge which is marked. Are the markings on the photograph made by you?

A: Yes.

Q: What do the markings represent?

A: The location where they stood near the river, my location and the location of the Bradley's. And the location where I thought I saw the two Iraqi's as we were leaving the area.

Q: Other than who is mentioned in this statement, is anyone else aware of the truth about what occurred that night? 66-5, 67C-5

A: Yes, my company commander, CPT [REDACTED] is aware of the truth because he talked with us about the version of the story we agreed upon.

Q: Is CPT [REDACTED] aware of the fact that members of his unit pushed those two men into the river? 66-5, 67C-5

A: I'm not sure if anybody was pushed for sure into the river but I know CPT [REDACTED] knows the guys were in the water. 66-5, 67C-5

Q: How were you treated during this interview?

EXHIBIT: _____

INITIALS: [REDACTED]

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PAGES

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66-5, 67C-5

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EXHIBIT 20

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SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

A: Very well.

Q: Were you given the opportunity to take any breaks today during the interview?

A: Yes.

Q: Did you make this statement of your own free will?

A: Yes.

Q: Did you read this statement before you signed it?

A: YES [REDACTED] b6-5, b7c-5

Q: Were you given the opportunity to make changes to the statement before you signed-it?

A: YES [REDACTED]

Q: Is there anything else you would like to add to this matter under investigation?

A: Yes, I am concerned about returning to my unit now that I have told the complete truth. I am concerned that members of my unit will want to harm me when they discover that I am the one that told the complete truth. I fear they will try to physically hurt me. I prefer to not go back to my unit or any other unit within my brigade.

Q: Anything else?

A: No.///END OF STATEMENT/// [REDACTED] b6-5, b7c-5

EXHIBIT: _____
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INITIALS: [REDACTED]

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EXHIBIT 20

SWORN STATEMENT

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SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

Not USED [REDACTED] b6-5, b7c-5

b6-5, b7c-5
I [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b6-5, b7c-5
SIGNATURE OF PERSON MAKING STATEMENT

WITNESS:

SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 21st DAY OF JANUARY 2004, AT TIKRIT, IRAQ

[REDACTED] b6-1, b7c-1
SA [REDACTED]

[REDACTED] b6-1, b7c-1
SIGNATURE OF PERSON ADMINISTERING OATH

SA [REDACTED]

TYPED NAME OF PERSON ADMINISTERING OATH

EXHIBIT: [REDACTED] DA FORM 2823E

INITIALS: [REDACTED]

ARTICLE 136 UCMJ
AUTHORITY TO ADMINISTER OATH
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b6-5, b7c-5
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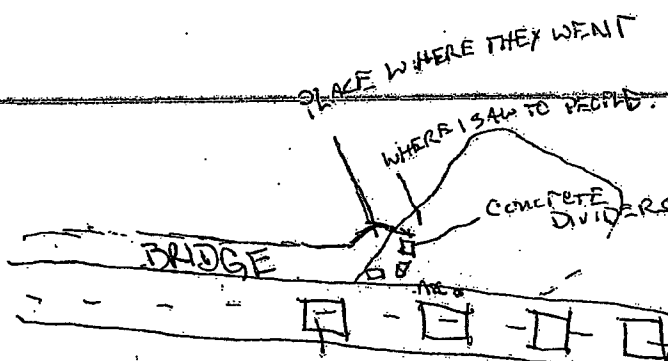
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015345 EXHIBIT 20

I would like to correct some of the falacies in my statement.

1) when we stopped [redacted] SGT [redacted] & myself got out of the Bradley. [redacted] 66-5, 67C-5 & I watched the Epw's while SGT [redacted] 66-5, 67C-5 went to see what [redacted] was going on. He came back & told us to bring the Epw's to the Edge of the water. I refused to be apart of it, so I stayed by the Brado. See at the beginning of the patrol SFC [redacted] 66-5, 67C-5 had said over the radio that any cerfus breakers we get would be put in the river. SGT [redacted] 66-5, 67C-5 & [redacted] 66-5, 67C-5 went behind some concrete divider's. I heard a splash. They came back a few seconds later. as we were mounting the Brado, I saw 2 people one on the peninsula. [redacted] 66-5, 67C-5

[redacted]
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