#### AFZX-C-CO

(b)(3) (b)(b) 66-2

MEMORANDUM FOR Sampler i Robernste I O AE

SUBJECT: Memorandum of Instruction for Summary Courts-Martial Officer

1. You are hereby appointed as a Summary Court-Martial Officer in the case of US v ان از این میروند این میروند این میروند این این این این این میروند این میروند این میروند این میروند این میروند ا b .... يالان والمحاور م

2. You are instructed to contact the 2d ACR Legal Center as soon as possible to receive a legal briefing on the procedures for the court-martial prior to conducting your summary court-martial.

3. You are advised that you should contact a for all of your administrative needs.

4. You have been given a complete copy of the Court-Martial Packet and a copy of our Summary Court-Martial Briefing Book. The briefing book contains a copy of Appendix 9 of the Manual for Courts-Martial, a copy of DA Pamphlet 27-7 (Guide for Summary Court-Martial Trial Procedure) and a copy of Rules for Court-Martial 1301 - 1304 of the Manual for Courts-Martial. These are the regulations you will need in order to conduct the Summary Court-Martial.

5. Take the time to read through the entire Court-Martial Packet as soon as possible so that you can determine what witness(es) you wish to call in the Court-Martial. The Trial Counsel and/or the Defense Counsel may make suggestions as to witness(es) that you may want to call, but the decision of who to call is yours. It is your responsibility to determine which witness(es) you will need for the Court-Martial. The accused has a right to request witness(es) as well. It is your responsibility to determine which witnesses are relevant and necessary, and to ensure their attendance at the Court-Martial. Your legal advisor can assist you in this matter, as well as other aspects of the Summary Court proceedings will contact the witness(es) for you.

6. I want you to read Sections 1 & 2 of DA Pam 27-7 very carefully as soon as possible (contact your legal advisor to have your duties and responsibilities clarified).

7. During the Court-Martial, if you have any questions regarding procedural matters, you are instructed to contact your legal advisor, is. . . . .

CLAD ĿIÙ

001812

#### AFZX-C-CO

#### 1 2 DEC 2003

p6-2

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE 09324

SUBJECT: Transmittal of Court-Martial Charges in the case of See ;

1. The attached court-martial charges against **Experimentation** have been reviewed. The specifications allege offenses under the Uniform Code of Military Justice and are supported by the evidence attached. The charges are forwarded in accordance with R.C.M. 404, MCM (2002), for appropriate disposition.

2. I recommend:

a. \_\_\_\_\_Trial by () Summary Court-Martial, () Special Court-Martial, X Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.

b. \_\_\_\_\_Nonjudicial punishment under Art. 15.

c. \_\_\_\_Nonpunitive administrative action. () Relief of duties for cause, () Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.

41

d. \_\_\_\_\_ That no action be taken at this time / /

3 Encls

1. Charge Sheet

2. Allied Papers

3. Enlisted Record Brief

# ACLU-RDI 2063 p.2

#### AFZX-CB

#### MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Transmittal of Court-Martial Charge in the case of

1. The attached court-martial charges against **proceeded of Military** have been reviewed. The specifications allege offenses under the Uniform Code of Military Justice and are supported by the evidence attached. The charges are forwarded in accordance with R.C.M. 403, MCM (2002), for appropriate disposition.

2. I recommend:

a. \_\_\_\_\_Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.

b. \_\_\_\_Nonjudicial punishment under Art. 15.

c. \_\_\_\_Nonpunitive administrative action. () Relief of duties for cause, () Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.

d. \_\_\_\_\_ That no action be taken at this time.

3 Encls

1. Charge Sheet

2. Allied Papers

3. Enlisted Record Brief

001814

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, APO AE 09322

#### SUBJECT: Transmittal of Court-Martial Charges in the case of

1. The attached court-martial charges against are forwarded in accordance with R.C.M. 401, MCM (2002), for appropriate disposition.

2. Summaries of expected testimony and documentary evidence upon which the charges are based are attached.

3. All material witnesses are expected to be available at the time of trial.

4. Personal data of the accused is attached as a copy of the accused's Enlisted Record Brief.

- 5. The following additional personal data of the accused is provided:
  - a. Number of dependents in command: Three.
  - b. Previous disciplinary actions: None.
- 6. There is no record of prior court-martial convictions.
- 7. The soldier is not currently pending separation action under the provisions of AR 635-200.
- 8. I recommend:

a. \_\_\_\_\_Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.

b. \_\_\_\_Nonjudicial punishment under Art. 15.

c. Nonpunitive administrative action. () Relief of duties for cause, X Letter of concum/nonpunitive reprimand, or () Administrative discharge proceedings.

d. \_\_\_\_ That no action be taken at this time

**5**3

3 Encls

- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

DOD-046345

16-2

|   |  |   | CHARGE S   | SHEET  |  |  |                                      |
|---|--|---|--|--|--|--|--------------------------------------|
| L   |  |   | I. PERSONAL  | والمركبين المرجوع فمرجونا المحاديني المربو المتعريقي فيرجون والمحدوق |  | E OD DALK  | 4. PAY GR                            |
| A NAME OF ACCI  | JSED (Last, First, MI)   |   | 2. SSN   | - <u>,</u>   | 3. GRAL  | DE OR RANK   | 4. PATON                             |
| 1. NAME OF ACCC   |  |   |  |  |  |  | <u> </u>                             |
| J. UNI UN UNGA  |  |   |  |  | }  | RENT SERVICE   | b. TERM                              |
| J. UNIT ON ORON   |  | b6-   | 5  |  | a. INITIA  |  | 1                                    |
|   |  | Ψ.  | en en en statuer a   | F RESTRAINT OF ÁCCU  |  | Aay 03<br>(S) IMPOSED  | 4 years                              |
| 7. PAY PER MONT   | Н  |   | 8. NATURE O  | FRESTRAINT OF ACCO   | SED 9. DATE  | (0) INF USED   |                                      |
| a. BASIC  | b. SEA/FOREIGN DUTY  | c. TOTAL  |  |  |  |  |                                      |
|   |  |   |  |  |  |  |                                      |
|   | None   |   | None   | OFICATIONS   | N/A  |  |                                      |
|   | VIOLATION OF THE U   |   | ARGES AND SPE  | CIFICATIONS  |  |  |                                      |
| 10. CHARGE I:   | VIOLATION OF THE U   | _   | \$,  |  |  |  |                                      |
| COECIFICA   | TION 1: In that {  | \$6-5.  |  | , U.S. Army, did   | , at or near Ba  | ghdad, Iraq  | , on or                              |
| about betwee  | en 15 June 2003 and 1.   | 5 July 2003, un   | lawfully shock   | k a detainee with a  | an M34 blastin   | ig device.   |                                      |
| about bornet  |  |   |  |  |  |  |                                      |
| SPECIFICA 7   | TION 2: In that  | 66-49   |  | U.S. Army, did   |  |  | , on or                              |
| about betwee  | n 15 June 2003 and 15  | 5 July 2003, un   | lawfully shocl   | a detainee with a  | m M34 blastin  | ig device.   | ,                                    |
|   |  | 17  | C  |  |  |  |                                      |
| the second se | TION 3: In that  | r - •   | 5.5  | U.S. Army, did,  | at or near Bag   | ghdad, Iraq,   | on or                                |
| about betwee  | n 15 June 2003 and 15  | 5 July 2003, unl  | lawfully strike  | a detainee.  |  |  |                                      |
|   |  |   |  |  |  |  |                                      |
| CHARGE II:  | VIOLATION OF TH  | E UCMJ, ARI   | ICLE 134.  | • •  |  |  | •                                    |
| Derween 15 Ju   | ine 2003 and 15 July 2   | 2003, wrongfull   | ly maltreat two  | U.S. Army, did, at<br>detainees by stri                              | pping them of  | their clothi   | ng.                                  |
| berween 15 Ji   | ine 2003 and 15 July 2   | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | or near bagin<br>pping them of   | their clothi   | n or about<br>ng.                    |
| berween 15 Ji   | ine 2003 and 15 July 2   | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | or hear baging pping them of   | their clothi   | n or about<br>ng.                    |
| berween 15 Ji   | ine 2003 and 15 July 2   | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | or near baging pping them of   | their clothi   | n or about                           |
| oerween 15 Ji   | ine 2003 and 15 July 2   | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | or hear bagin<br>pping them of   | their clothi   | n or about                           |
|   |  | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | pping them of  | their clothi   | ng.                                  |
| Derween 15 Ji<br>11a. NAME OF ACCU  |  | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | pping them of  | their clothi   | n or about                           |
|   | SER (Last, First, MI)  |   | ly maltreat two  | o detainees by stri  | pping them of  | their clothi   | n or about<br>ng.                    |
| SPECIFICAT<br>about betwee<br>SPECIFICAT<br>about betwee<br>CHARGE II:<br>SPECIFICAT<br>between 15 Ju           | SER (Last, First, MI)  | 2003, wrongfull   | ly maltreat two  | o detainees by stri  | pping them of  | their clothi   | n or acour<br>ng.                    |
|   | SER (Last, First, MI)  |   | ly maltreat two  | o detainees by stri  | pping them of  | their clothi   | ng.                                  |
| AFFIDA VIT: E<br>appeared the ab-<br>charges and spe-<br>he/she either has                                      | SER (Last, First, MI)  | 26-2<br>med, authorized<br>day<br>hat he/she is a p<br>f or has investig  | III. PREFERRAL<br>b. GRADE   | c. ORGANIZATIO   | PP ing them of<br>PN OF ACCUSER<br>e. DATE<br>es of this chara<br>, and<br>e of Military Ju<br>and that the sar  | their clothin<br><b>0.6</b> DEC 20<br>cter, persona<br>signed the for<br>ustice and that                             | ng.                                  |
| AFFIDA VIT: E<br>appeared the ab-<br>charges and spe-<br>he/she either has                                      | SER (Last, First, MI)<br>L<br>CUSER<br>Before me, the undersig<br>ove named accuser this<br>cifications under oath the<br>s personal knowledge o<br>er knowledge and beliet                        | med, authorized<br>day of<br>hat he/she is a p<br>f or has investig<br>f. | ly maltreat two<br>III. PREFERRAL<br>b. GRADE<br>by law to adm<br>of<br>erson subject to<br>rated the matter | c. ORGANIZATIO   | Pping them of<br>PN OF ACCUSER   | their clothin<br><b>0.6</b> DEC 20<br>cter, persona<br>signed the for<br>ustice and that                             | ng.<br>DD3<br>ally<br>pregoing<br>at |
| AFFIDA VIT: E<br>appeared the ab-<br>charges and spe-<br>he/she either has                                      | SER (Last, First, MI)<br>L<br>CUSER<br>Before me, the undersig<br>ove named accuser this<br>cifications under oath the<br>s personal knowledge o<br>er knowledge and beliet                        | 26-2<br>med, authorized<br>day<br>hat he/she is a p<br>f or has investig  | ly maltreat two<br>III. PREFERRAL<br>b. GRADE<br>by law to adm<br>of<br>erson subject to<br>rated the matter | c. ORGANIZATIO   | PP ing them of<br>PN OF ACCUSER<br>e. DATE<br>es of this chara<br>, and<br>e of Military Ju<br>and that the sar  | their clothin<br><b>0.6</b> DEC 20<br>cter, persona<br>signed the for<br>ustice and that                             | ng.<br>DD3<br>ally<br>pregoing<br>at |
| AFFIDA VIT: E<br>appeared the ab-<br>charges and spe-<br>he/she either has                                      | SER (Last, First, MI)<br>L<br>CUSER<br>Before me, the undersig<br>ove named accuser this<br>cifications under oath the<br>s personal knowledge o<br>er knowledge and beliet                        | med, authorized<br>day of<br>hat he/she is a p<br>f or has investig<br>f. | ly maltreat two<br>III. PREFERRAL<br>b. GRADE<br>by law to adm<br>of<br>erson subject to<br>rated the matter | c. ORGANIZATIC   | Pping them of<br>N OF ACCUSER<br>es of this chara<br>e of Military Ju<br>and that the sar<br>hization of Officer | their clothin<br><b>0</b> 6 DEC 20<br>cter, persona<br>signed the focus<br>istice and that<br>ne are true to<br>Oath | ng.<br>DD3<br>ally<br>pregoing<br>at |
| AFFIDA VIT: E<br>appeared the ab-<br>charges and spe-<br>he/she either has                                      | SER (Last, First, MI)<br>L<br>CUSER<br>Before me, the undersig<br>ove named accuser this<br>cifications under oath the<br>s personal knowledge o<br>er knowledge and beliet<br>Typed Name or Umcer | med, authorized<br>day of<br>hat he/she is a p<br>f or has investig<br>f. | ly maltreat two<br>III. PREFERRAL<br>b. GRADE<br>by law to adm<br>of<br>erson subject to<br>rated the matter | c. ORGANIZATIC   | Pping them of<br>N OF ACCUSER<br>es of this chara<br>e of Military Ju<br>and that the sar<br>hization of Officer | their clothin<br><b>0</b> 6 DEC 20<br>cter, persona<br>signed the focus<br>istice and that<br>ne are true to<br>Oath | ng.<br>DD3<br>ally<br>pregoing<br>at |
| AFFIDA VIT: E<br>appeared the ab-<br>charges and spe-<br>he/she either has                                      | SER (Last, First, MI)<br>L<br>CUSER<br>Before me, the undersig<br>ove named accuser this<br>cifications under oath the<br>s personal knowledge o<br>er knowledge and beliet<br>Typed Name or Umcer | med, authorized<br>day of<br>hat he/she is a p<br>f or has investig<br>f. | ly maltreat two<br>III. PREFERRAL<br>b. GRADE<br>by law to adm<br>of<br>erson subject to<br>rated the matter | c. ORGANIZATIC   | Pping them of<br>N OF ACCUSER<br>es of this chara<br>e of Military Ju<br>and that the sar<br>hization of Officer | their clothin<br><b>0</b> 6 DEC 20<br>cter, persona<br>signed the focus<br>istice and that<br>ne are true to<br>Oath | ng.<br>DD3<br>ally<br>pregoing<br>at |

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|   | known to me (See R.C.M. 308           | (a)). (See R.C.M. 308 if noti       | he charges against him/her and<br>fication cannot be made.) |
|---|---------------------------------------|-------------------------------------|---|
| Typed Name of I   | mmediate Commander                    | Organizatio                         | on of Immediate Commanuic.                                  |
|   |                                       | -                                   |   |
|   |                                       |                                     |   |
| · | IV. RECEIPT BY SUMMARY CO             | URT-MARTIAL CONVENING AUT           | HORITY  |
| 13.   | at 1335 hours, 7, Ae                  | c 2003 at                           |   |
|   |                                       |                                     | Designation of Commanu or                                   |
| Regiment, Baghdad, Iraq, A<br>Officer Exercising Summary Court-M  |                                       | •<br>•                              |   |
|   | b6-2                                  | FOR THE 1                           |   |
|   |                                       | Official                            | Capacity of Officer Signing                                 |
| Typed N:  | ame of Officer                        | Unicial C                           | apacity of officer cigning                                  |
|   |                                       |                                     | · · ·   |
| · Si  | gnajule<br>V. REFERRAL:               | SERVICE OF CHARGES                  |   |
| 14a. DESIGNATION OF COMMAN  |                                       | b. PLACE                            | c. DATE (YYYYMMDD)  |
|   |                                       |                                     |   |
| <u> </u>  | , subject to the                      | ollowing instructions:              |   |
|   | of                                    |                                     |   |
| ByCommand or Order  |                                       |                                     |   |
|   |                                       |                                     |   |
| Typed Na  | ame of Officer                        | Official C                          | apacity of Officer Signing                                  |
|   | · · · · · · · · · · · · · · · · · · · |                                     |   |
| G   | Grade                                 |                                     |   |
| ·   | nature                                | · · ·                               |   |
|   |                                       |                                     | f) the above named accused.                                 |
| 15.   | , , I (caused to                      | be) served a copy hereof on (each o |   |
|   | ,, I (caused to                       | be) served a copy hereof on (each o |   |
| 15.<br>On   | ,, I (caused to                       |                                     | or Rank of Trial Counsel                                    |
| 15.<br>On   |                                       |                                     |   |

#### DEPARTMENT OF THE ARMY 2d Armored Cavalry Regiment APO AE 09322

#### AFZX-C-CO

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE 09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (In Lieu of Trial by Court Martial)

1. I recommend (approval) (disapproval) of the request for separation from

635-200, Chapter 10.

2. I recommend that be separated from the service and issued a(n) (General) (Other Than Honorable Discharge Certificate.

3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that  $\frac{1}{96-5}$  not be transferred to the Individual Ready Reserve (IRR).

Encls nc Personal Into Kedacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

001818

# ACLU-RDI 2063 p.7

#### DEPARTMENT OF THE ARMY 2d Squadron, 2d Armored Cavalry Regiment APO AE 09322

#### AFZX-CB

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment, Baghdad, Iraq, APO AE 09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (In Lieu of Trial by Court Martial)

1. I recommend (approval) (disapproval) of the request for separation from \_\_\_\_\_

 $\phi$  , under the provisions of AR 635-200. Chapter 10.

2. I recommend that SSG Peasgood be separated from the service and issued a(n) (General) (Other Than Honorable) Discharge Certificate.

3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that transferred to the Individual Ready Reserve (IRR).

l not be

Encls nc

001819

# ACLU-RDI 2063 p.8

# DEPARTMENT OF THE ARMY 84th Engineer Company

2d Squadron, 2d Armored Cavalry Regiment APO AE 09322

#### AFZX-BC-EN

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, Baghdad, Iraq, APO AE 09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (Discharge in Lieu of Trial by Court-Martial)

1. I recommend (approval) (disapproval) of the request for separation by

under the provisions of AK 635-200, Chapter 10.

2. I recommend that be separated from the service and issued a(n) (General) (Other Than Honorable) Discharge Certificate.

3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that to the Individual Ready Reserve (IRR).

not be transferred

56-

Encls nc

#### DEPARTMENT OF THE ARMY UNITED STATES ARMY TRIAL DEFENSE SERVICE **82D AIRBORNE DIVISION BRANCH OFFICE** FOB RIDGWAY, IRAQ

AFZA-JA-TDS

24 December 2003

MEMORANDUM FOR Commanding General, 1st Armored Division

SUBJECT: Chapter 10 Request, :

Request that you approve 1. Chapter 10 for the following reasons:

665

request for a

has never been in any trouble in the entire 7 years а. he has been in the service, to include article 15s.

. has an exemplary service record (see attached good bu. b. He was chosen to deploy ahead of the rest of soldier packet).

He saved the lives of numerous Iraqi citizens by destroying DPICM submunitions and other UXOs from neighborhoods in Iraq. He was also on the First Response Team for the United Nations bombing and was involved in evacuating casualties. He destroyed over 10,000 VS-50 AP mines and over 500 DPICM Cluster munitions. He was chosen to deploy with 2nd Squadron within 96 hours over all NCOs in his company. His service record is filled with situations where he risked his life for others. In this particular case, he was involved in the stripping of detainees because he did not want to "rough them up" as ordered or kill them like the guards had done prior. It seems ironic that those who shot looters in violation of ROE have been allowed to continue their military careers while : is facing such severe consequences for the offenses charged.

His immediate chain of command recommended that he receive an с. article 15. The Regimental Commander specifically stated in the preferral packet that the case would be returned to the squadron commander for disposition. However, when that commander attempted to take action, the case was removed from his hands. Furthermore, both the Company Commander and Squadron Commander recommended approval of a chapter 10 on 24 December 2003. They both also stated that they would support a General Discharge given service record and dire family situation.

has a four month old baby that was born with two d. He also has a two year old son who is being holes in his heart. treated at the moment for what the doctor's suspect is Leukemia. Approval of the chapter 10 will deprive him of the medical benefits he desperately needs to care for those children.

2. Based on the circumstances, the accused requests approval of the chapter 10 request with a General discharge. AR 635-200, Chapter 10,

001821

## ACLU-RDI 2063 p.10

#### AFZA-JA-TDS

SUBJECT: Chapter 10 Request,

specifically authorizes such a discharge even though it is rare. nderstands that he can receive an Other Than Honorable discharge from this request although he simply requests that a general discharge be considered. Thank you for your consideration of this matter.

001822

REQUEST FOR DISCHARGE IN LIEU OF TRIAL BY COURT-MARTIAL.

#### DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)

AUTHORITY: 5 USC 301, 10 USC 3013.

PURPOSE:

DSE: To be used by the commander exercising general trial by court-martial jurisdiction over you to determine approval or disapproval of your request.

ROUTINE USES: Request, with appropriate documentation including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected. Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

AFZA-JA-TDS

24 December 2003

MEMORANDUM FOR Commander, 1st Armored Division

66-5

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

1. I, voluntarily request discharge in lieu of trial by court-martial under the provisions of AR 635-200, Chapter 10. I understand that I may request discharge in lieu of trial by court-martial because charges have been preferred against me under the Uniform Code of Military Justice that authorizes the imposition of a punitive discharge. I have been charged with violating Articles 128 and 134 of the Uniform Code of Military Justice.

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged, have discussed the elements and evidence with a trial defense lawyer detailed to represent me, and understand that I am guilty of a charge against me or of a lesser included offense therein contained which also authorizes the imposition of a punitive discharge.

3. Prior to completing this form, I have consulted with counsel who has fully advised me of the nature of my rights under the Uniform Code of Military Justice; the elements of the offense with which I am charged; any relevant lesser included offense thereto; the facts which must be established by competent

001823

ACLU-RDI 2063 p.12

DOD-046353

CORR-101, dtd 9 Nov 01

rersonal Info Redacted IAW Sec of Def Memo 01-

AFZA-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although I have been provided legal advice, this decision is my own.

I understand that, if my request for discharge is accepted, 4. I may be discharged under conditions other than honorable and furnished an Under Other Than Honorable Conditions Discharge Certificate. I have been advised and understand the possible effects of an Under Other Than Honorable Conditions Discharge and that, as a result of the issuance of such a discharge, I may be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable I further understand that there is no Conditions Discharge. automatic upgrading nor review by any Government agency of an Under Other Than Honorable Conditions Discharge and that I must apply to the Army Discharge Review Board or the Army Board for Correction of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded. I further understand that if I am issued an Under Other Than Honorable Conditions Discharge, I will automatically be reduced to the rank of Private (E-1).

5. I understand that once my request for discharge is submitted, it may be withdrawn only with the consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge, even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent.

6. I have been advised that I may submit any statements I desire on my own behalf to accompany my request for discharge. Statements in my own behalf are submitted with this request.

AFZA-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

7. I hereby acknowledge receipt of a copy of this request for discharge.

8. I do not request a separation physical.

9. I request a delay in the processing of all trial by courtmartial charges against me pending final action on my request for discharge UP AR 635-200, Chapter 10.

10. Under the provisions of paragraph 10-5, AR 635-200, if the charges are referred to trial and trial results in acquittal or the sentence does not include a punitive discharge, even though one could have been adjudged by the court, withdrawal of this request for discharge is hereby automatically requested without any further action on the part of the accused or his counsel.

\*\*\*\*\*STATEMENT OF COUNSEL\*\*\*\*\*

Having been advised by me of the basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice; of the possible effects of an Under Other Than Honorable Discharge if this request is approved; and of the procedures and rights available to him,  $b_{6-5}$ , personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

001825

CORR-101, dtd 9 Nov 01

Personal Info Redacted IAW Sec of Def Memo 01-

| RECORI  | O OF TRIAL   | BY SUMMARY C  | OUL MARTIAL                                |                 |                      |           |  |  |
|---|--|---|--|-----------------|----------------------|-----------|--|--|
| NAME OF ACCUSED (Last, First, MI)<br>b. GRADE<br>OR RANK<br>BAGHDAD, IRAQ,  |  |   |  |                 | SSN                  |           |  |  |
| Pa. NAME OF CONVENING AUTHORITY (Last,<br>First, MI)  | NAME OF CONVENING AUTHORITY (Last, b. RANK c. POSITION d. ORGANIZATION OF CONVENING AU |   |  |                 |                      |           |  |  |
| a. NAME OF SUMMARY COURT-MARTIAL<br>(If SCM was accuser, so state.)   | b. RANK  |   | ATION OF SUMMARY COURT-MAR                 | TIAL            |                      |           |  |  |
|   | (Check appr  | opriate answer)   |  |                 | YES                  | T         |  |  |
| At a preliminary proceeding held on<br>accused a copy of the charge sheet.  | ······.  | 2004  | _ , the summary court-martial ga           | ve the          | x                    |           |  |  |
| At that preliminary proceeding the summary  | court-martial in   | formed the accused of t                                 | he following:                              |                 |                      |           |  |  |
| a. The fact that the charge(s) had been refe  | rred to a summa  | ary court-martial for tria                              | and the date of referral.                  |                 | x                    | ĺ         |  |  |
| b. The identity of the convening authority.   |  |   | · ·  |                 | x                    |           |  |  |
| c. The name(s) of the accuser(s).   |  | · .   | · · · · · · · · · · · · · · · · · · ·      |                 | x                    |           |  |  |
| d. The general nature of the charge(s)  |  |   |  |                 | x                    |           |  |  |
| e. The accused's right to object to trial by s  | ummary court-  | nartial.  |  |                 | x                    | 1         |  |  |
| f. The accused's right to inspect the allied p  | papers and imm   | ediately available persor                               | nnel records.                              | <u> </u>        | x                    | 1         |  |  |
| g. The names of the witnesses who could be<br>summary court-martial expects to introdu  |  |   | physical evidence which the                |                 | 'X                   |           |  |  |
| h. The accused's right to cross-examine wit accused.  | nesses and have  | the summary court-mar                                   | tial cross-examine on behalf of t          | he              | x                    | <b> </b>  |  |  |
| i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.  |  |   |  |                 |                      |           |  |  |
| j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence. |  |   |  |                 |                      |           |  |  |
| k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would<br>be drawn by the summary court-martial from such silence.   |  |   |  |                 |                      |           |  |  |
| 1. If any findings of guilty were announced<br>or written or both, and to testify and to in   | the accused's r<br>itroduce evidence   | right to remain silent, to<br>ce in extenuation or miti | make an unsworn statement, ora<br>igation. | [               | x                    |           |  |  |
| m. The maximum sentence which could be ad   | ljudged if the ac  | ccused was found guilty                                 | of the offense(s) alleged.                 |                 | х                    |           |  |  |
| n. The accused's right to plead guilty or not   | guilty.  |   |  |                 | х                    |           |  |  |
| At the trial proceeding held on<br>decide, did did not object to trial by<br>ote: The SCM may ask the accused to initial this entry   | summary court-<br>at the time the elec   | 20 04<br>martial.<br>ction is made.)                    | , the accused, after being given           | a reasonal<br>- | ole time<br>(Initial |           |  |  |
| The accused 🔲 was 🖾 was not repres  | ented by counse  | el. (If the accused was repre                           | sented by counsel, complete b, c, and d    |                 |                      |           |  |  |
| NAME OF COUNSEL (Last, First, MI)   | · · · ·  | · .   |  | c. RAI          | NK (lf an            | <i>v)</i> |  |  |
| COUNSEL QUALIFICATIONS  |  |   | ,,,,,,,,                                   |                 |                      |           |  |  |
| D FORM 2329, AUG 84 (EG)  |  |   | 001  | 826             | <u></u>              | _         |  |  |
|   |  |   | <b>.</b>                                   |                 |                      |           |  |  |

| 8. The accused was arraigned on the fc. , wing charges an  | d specifications. The | e accused'. as and the findings reached are shown below  |
|--|-----------------------|--|
| CHARGE(S) AND SPECIFICATION(S)   | PLEA(S)               | FINDINGS (including any exceptions and substitutions   |
| CHARGE I: ARTICLE 128, UCMJ.   | Guilty.               | Guilty.  |
| Specification 1: Unlawfully shock,<br>between o/a 15 Jun 03 and 15 Jul 03,   | Guilty.               | Guilty.  |
| an Iraqi detainee with an M34 shocking device.   |                       |  |
|  |                       |  |
| Specification 2: Unlawfully shock,<br>between o/a 15 Jun 03 and 15 Jul 03,<br>an Iraqi detainee with an M34 shocking<br>device.      | Guilty.               | Guilty.  |
| Specification 3: Unlawfully shock,<br>between o/a 15 Jun 03 and 15 Jul 03,<br>an Iraqi detainee with an M34 shocking<br>device.      | Guilty.               | Guilty.<br>Guilty.<br>Guilty.<br>Guilty.   |
|  | Guilty.               | Guilty.  |
| CHARGE II: ARTICLE 134, UCMJ.  |                       | 01   |
| Specification: Wrongfully maltreat,<br>between o/a 15 Jun 03 and 15 Jul 03,<br>two detainees by stripping them of<br>their clothing. | Guilty.               | Guilty.  |
|  |                       |  |
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|  |                       | CODY DECELVED ON   |
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| 9. The following sentence was adjudged: To be an   | d to forfeit          | ; \$   |
|  |                       | · · ·  |
| 10. The accused was advised of the right to request<br>that confinement be deferred. (Note: When confinement                         | convening auth        | as advised of the right to submit written matters to the<br>ority, including a request for clemency, and of the right to<br>by the Judge Advocate General. |
| is adjudged.)<br>TYES NO   | request review        | ∑ YES □ NO   |
|  | [                     | · · · · · · · · · · · · · · · · · · ·  |
| 12. AUTHENTICATION   |                       |  |
| Signature of Summary Court-Martial   |                       | Date   |
| 13. ACTION BY THE CONVENING AUTHORITY  |                       |  |
|  |                       |  |
|  |                       |  |
|  |                       |  |
|  |                       |  |
|  |                       |  |
| 66-2   |                       | 66-2   |
| Typed Name of Convening Authority  |                       | Position of Convening Authority  |
|  |                       |  |
| Dauk   |                       |  |
| Rank   |                       |  |
|  |                       |  |
| Signature of Convening Authority   |                       | Date   |
|  |                       | 001827   |

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#### UNITED STATES

#### STIPULATION OF

#### FACT

9 January 2004

1. It is hereby stipulated between Trial Counsel and Defense Counsel, with the express consent of the accused, that the following facts and attachments are true, susceptible of proof at trial, and admissible under the Military Rules of Evidence. These facts can be considered by the Summary Court-Martial in determining the providency of the accused's pleas of guilty and in determining the appropriate sentence even if the evidence of the facts is otherwise inadmissible. Accused and Counsel agree to waive any possible objections, which may properly be waived, under the Military Rules of Evidence, the United States Constitution, and applicable case law, to matters contained in this stipulation.

2. The accused, b is presently a soldier on active duty in the United States Army. He was on active duty and has been continuously on active duty since 15 June 2003.

3. The accused was at Baghdad, Iraq, between 15 June 2003 and 15 July 2003.

4. The accused,  $bb^{-5}$  unlawfully struck a detainee at or near Baghdad, Iraq between 15 June and 15 July 2003.  $bb^{-5}$  pushed the detainee to the ground and placed his foot into the detainee's chest. The detainee did not act in any manner to provoke such response by

5. The accused,  $b^{-5}$ , was present while a subordinate soldier stripped detainees of their clothes.  $b^{-5}$  | did not do anything to stop this conduct.

6. Striking a detainee unlawfully and allowing a subordinate to strip the detainee of their clothes substantially hinders the rebuilding of Iraq and undermines the trust Iraqi Local Nationals need to facilitate relations between the United States Government and the Iraqi people.

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DOD-046358

# 001829

7. At no time during the events in question was the accused laboring under any mental disease or defect which might have tended to preclude him from appreciating the nature and consequences of his actions.

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## Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

v.

## APPENDIX 1 (QUANTUM)

66-5

#### 8 January 2004

1. I, -66.5, offer to plead guilty to the Charges and Specifications, as stated in the Offer to Plead Guilty, and offer to abide by the other terms and conditions set forth in the Offer to Plead Guilty, provided the Convening Authority withdraws the current charges from a Special Court-Martial and then refers the charges to a Summary Court-Martial.

2. Except as limited above, any other lawful punishments can be approved.

66.5

\_\_\_\_\_, U.S. Army Commanding

| v. |  |
|----|--|
| •  |  |

66-5

#### OFFER TO PLEAD GUILTY

8 January 2004

\*\*\*\*\*\*\*\*\*\*\*\*

1. I,  $D(0^{-5})$  set forth in this paragraph:

ie accused in a pending court-martial, offer to plead guilty as

To Charge I Specification 1: Not Guilty To Charge I Specification 2: Not Guilty To Charge I Specification 3: Guilty To Charge I: Guilty To Charge II and its Specification: Not Guilty

2. As part of this offer, I also agree to the following:

a. I agree to enter into a Stipulation of Fact correctly describing the offenses to which I am offering to plead guilty if such stipulation is requested by the Trial Counsel. I also agree that this stipulation may be used to inform the presiding officer of the summary court-martial of matters pertinent to findings and sentence.

b. I understand that if I were tried by general court-martial, I have a right to be tried by a court consisting of at least five officer members (three members if tried by special court-martial), or by a court consisting of at least one-third enlisted members. None of the members would come from my company. I further understand that I have a right to request trial by military judge alone, and if approved, there would be no court members and the judge alone would decide whether I am guilty or not guilty. If the military judge then found me guilty, the judge alone would determine my sentence. Knowing all the above, I request to be tried by summary court-martial.

3. I agree to take the actions above provided that the Charges are referred to a Summary Court-Martial.

4. I understand that I may request to withdraw the plea of guilty at any time before my plea is accepted and that if I do so, this agreement is canceled. This agreement may also be canceled if:

a. I fail to fulfill any promise contained in the agreement, or

b. The Stipulation of Fact is modified at any time without my consent; or

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of this Offer of guilty.

c. The presiding officer of the summary court-martial's inquiry reveals a disagreement as to a material term in the agreement, or

d. My withdrawal from the pretrial agreement (which I understand that I have the right to do at any time).

5. This writing, including Appendix I (Quantum), includes all terms and conditions of this Offer to Plead Guilty and contains all promises made to me or by me concerning my plea of guilty. There are no other terms or conditions that are not contained in this writing.

Date: \_\_\_\_ January 2004

I have explained all terms and provisions of the forgoing Offer to Plead Guilty (to include Appendix I) to the accused and am satisfied that he understands their meaning and effect.

Date: S January 2004

The foregoing offer is (accepted) (rejected)

Date:

\_\_\_\_, U.S. Army

Commanding



DEPARTMENT OF THE ARMY 2d Armored Cavalry Regiment APO AE 09322



AFZX-C-CO

4 September 2003

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Recommendations for Action Regarding AR 15-6 Investigation

1. I have reviewed the AR 15-6 investigation into detainee abuse by soldiers in the  $6^{-2}$ . I concur with the investigating officer's findings.

2. Based upon this investigation, I have recommended that the Commanding General, First Armored Division, relieve 665 / for cause for maltreating detainees.

3. In accordance with your recommendations, I am returning full authority to you to discipline 665 n a manner that you believe is appropriate.

4. Finally, I am concerned that soldiers from the Rules of Engagement for handling detainees and for using deadly force against intruders within your base camp. I direct you to evaluate your subordinates' understanding of the Rules of Engagement. Based upon your review, you may want to consider additional training on the Rules of Engagement and the law of war.

66-2

001833



#### DEPARTMENT OF THE ARM . 2D ARMORED CAVALRY REGIMENT APO AE 09322

AFZX-C-JA

b6-5

2 8 AUG 2003

ay, recommended

#### MEMORANDUM FOR RECORD

SUBJECT: Chain of command recommendation of relief for cause of

1.  $On^{28}$  AUG 2003, the soldier's company commander, recommended that  $b_{6-5}$ , be relieved for cause. 2.  $On^{28}$  AUG 2003, the soldier's squadron commander, recommended that  $b_{6-5}$ , be relieved for cause.

3. On  $\frac{28 \text{ AUG}}{b6-5}$ , the soldier's regimental commander,  $\frac{1}{b6-2}$ , that  $\frac{1}{b6-5}$ , be relieved for cause.

4. POC is the undersigned at DNVT 587-4512.

p6-2

66-2

66-2-

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

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DEPARTMENT OF THE ARMY ny, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

During Operation Scorpion Sting our whole platoon was attached to Eagle Troop. We assisted them in cleaning up the streets from copper wire in their sector. We spent two days doing that, and we would take at least 15 tuck loads of copper wire to the back of the camp each day. About one week later, we got a call from Cougar x-ray to go link up with Eagle Troop to go pick up some copper wire. When we got there we loaded up the copper wire into our trailers, and headed back to the camp were we had put the copper wire from the week before. As we arrived to the camp, we saw several Iraqi citizens running from were we had put the copper wire the week prior. If the detained back were everyone else was at. About 20 minutes later them. We didn't catch them, so we headed back were everyone else was at. About 20 minutes later for the platoon sergeant that he wanted to go after them again. He said ok. When got back from going after the looters, he came back with five detainees. We down loaded them and had them help the other two unload the trailers. I stayed at my truck because I was hurting from the heat. I also

explained to my soldiers why we need to give the detainees water. Then, after we had them finish down loading the trailers, we took them to the CMOC.

That day bb-4 bb-4 said they saw me shock a detainee. The statements were false, I did not shock a detainee. After bb-4 brought back the five detainees, bb-4 was on the 27 truck as a M249 gunner, bb-4 stayed at his truck like I did because he also was hurting from the heat. All of our trucks were about fifty feet apart at the site facing the opposite way from each other pulling security.

here  $f_{1}$  never once, that I saw, got off of the truck he was on to do anything. I never saw come around my truck after arriving back at Camp Marlboro. He was a prior heat injury so he really did not move out of his truck unless it benefited him. I feel that both  $f_{1}$  and  $f_{2}$  have had it out for me sense they both got moved from my squad.

Periodically we would go in the back entrance of the camp to see if we could catch looters in the back of the camp. On two occasions we detained looters. The first time, we took them to the CMOC were we attempted to hand them over to Bulldog elements. Bulldog 6 told my platoon sergeant that he didn't want them here. Then he told my platoon sergeant to "take them out back and beat the fuck out of them." I thought he was serious because every sense we had crossed the berm, it appeared that he had it out for the Iraqi people. We took the detainees to a building in back of the camp, and a team leader in the platoon told the platoon sergeant if he wanted to teach them we should strip them and send them on there way. We could have shot them because they said that they were breaching the outer perimeter. At the time we were way beyond the outer perimeter. We didn't make the outer perimeter until the first week in August. The ROE was to only shoot when you felt your life or another soldier's life was threatened or when fired upon. The Bulldog element was shooting the looters I thought that was to extreme at the time. Therefore, the platoon sergeant didn't want to shoot them and that is why they got stripped.

July 3, 2003 was the day that: bb - 4 brought back a detainee to the warehouse where we lived. I don't now why he did that, or what he was thinking when he brought him back. That day we went to go get cokes for the 4<sup>th</sup> of July party at the camp. When we headed back to the camp we entered into the back gate because I believe the front gate was closed due to the threat con. As we entered the back gate, there were Iraqi people running from were the copper wire was at. As we started to chase them I got a flat tire, so my truck stopped and we waited for the other trucks. We headed back to the camp and I went to get the spare tire so my squad could fix the flat tire. When I came back bb - 4 c had pulled in with a detainee in the back of his truck. We unloaded him and put him next to the wall. The platoon sergeant sent everyone to chow sense it was about to be over. bb - 4 said that he would watch him while we go to chow. The

two soldiers of mine also stayed back that day so they change the tire. When soldiers in the platoon found out that how what happen while I was at chow, but when we got done with chow we took the detainee to the CMOC. When you come in the way we enter into the building, you can not see to the other half of the warehouse due to a camo net up between were we parked our trucks and were we live. So when I came back I couldn't see if anything was happening around the trucks.

I don't understand why only two people in the platoon said they saw me do something I didn't do. Everyone else in the platoon said they didn't see me do any of those things.

I admit to participating in the stripping of an Iraqi national. I know this was wrong. I am sorry for this and am fully prepared to take responsibility for my actions and the consequences. I have not beat, kicked, or otherwise physically abused Iraqi nationals at any point in time during my time in theatre.

I have been in the Regiment for six of the seven years I have been in the Army. I deployed ahead of the Regiment with 2<sup>nd</sup> Squadron. Due in large part to my expertise in engineer operations and ability to make quick and sound judgments, I was selected as one of 10 engineers to accompany the squadron. My service to the country and Regiment is a source of great pride for me. I look forward to continuing to serve both as soon as possible.

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#### DEPARTMENT OF THE ARMY y, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



28 August 2003

#### MEMORANDUM FOR COMMANDER, 2<sup>ND</sup> ARMORED CAVALRY REGIMENT

#### SUBJECT: Response to 15-6 Investigation

66.4 for approximately one year. During that year he served as the second I have worked with \_\_\_ squad leader, performing well above the standards. When 2/2 ACR received deployment orders, bb = 4 was chosen to deploy ahead of the rest of the bb = 4. He was selected based on his knowledge on engineer task and his ability to make quick, sound decisions. These were characteristics y. He was selected based on needed to provide initial advice to the Squadron Commander and the TAC. 66.4saved numerous lives of Iraqi citizens by destroying DPICM submunitions and other UXO's from neighborhoods in Iraq. He had always had the best interest of the locals in mind. The platoon started assisting Bulldog Company with looters on Camp Marlboro's "back 40" around mid June 2003. During this time 66.4 I was involved with detaining several looters from the back 40. On one occasion, that I was present for, 3-4 looters were detained. We attempted to hand them off to Bulldog personnel and were told to take the looters out scare them, rough them up and release them. I return to our platoon AO and sent the others trucks out to release the looters. Just a day or two earlier a looter had been shot and killed on the back 40, 66-4 <sup>1</sup> made a decision to make the detainee strip. This was done to therefor the PSG and embarrass the looter so he would not return to be shot and possibly killed. The decision may not have been the right one politically, but was effective on saving the lives of those looters.  $b_{b}$ . 337 realizes that the wrong decision was made and is prepared to accept the consequences of his actions.

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DOD-046367



DEPARTMENT OF THE ARMY <sup>av</sup> d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

27 August 2003

#### MEMORANDUM FOR COMMANDER, 2<sup>ND</sup> ARMORED CAVALRY REGIMENT

#### SUBJECT: Response to 15-6 Investigation

During the first week of June 2003, we first detained looters from the back of Camp Marlboro. At the time we (EN 27, EN22) took the looters to the CMOC, they told us they could not take them at the time, and told us to take them out and scared them. I told my translator to tell the looters they are going to the jail. After we told them they are going to jail, we took them to their house next to Camp Marlboro, turned them over to their family, and witnessed the detainee's father beat them front of us. When I saw this, I told all my squad leaders when we detain any looters we will take them back to their family. The second time we detained looters, I took them back to their house located down an ally. I didn't feel comfortable going down the alleyway and I didn't want my platoon to get ambushed, so I decided that the next time we detained looters I wasn't going to take them back to their house.

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop off in the back of Camp Marlboro We again detained looters from the back of Camp Marlboro. Instead of taking them to their house, I took them to the CMOC. At the time our ROE was not to shoot the looters. Only time we were authorized to shoot or kill anyone was when we felt our life or another soldiers' life was in danger, i.e.; someone is pointing weapon at you or get shoot at. That's what I understood about our ROE. It wasn't true because Bulldog element shot and killed one looter, and wounded at least two other people. When they shot and killed the looter, they put the dead body on the hood of a vehicle and took the body into Al-Thawra. When I took the looters from the back of Camp Marlboro I could have shot and killed them when they tried to run, but I didn't. I attempted to turn them over to Bulldog elements and let them take care of it. When I walked into the CMOC (same location as Bulldog TOC) I saw 66-4, and told him I have detained the looters for them. At that time  $\phi_0 - \psi_1$  told me, "just take them back and beat the fuck out of them". I was standing next to me and heard what was was shocked at what he just told me to do. said. I walked out and told the squad leaders what had just told me. I was going to just take. them out of Camp Marlboro and release them. At that time bby said, if you want to teach them a 664 lesson, why don't you strip them and send them away. When told me I really wasn't thinking about striping the looters, but while I was taking the looters to the back of the camp, I realize these looters will return and possibly be killed by Bulldog elements. I didn't want that to happen to them, so when we stopped at the back of Camp Marlboro there was an empty building we went to. I wanted to just release them but I feared that they would return. I made a bad decision and told 66.4 o strip the detainee. I know that it was not the right thing to do, but at the same time I wanted for the detainee to never want to return to our camp to steal. I never saw the same looters again after that striping.

On 3 July 2003 we had a mission to pick up sodas for the squadron 4<sup>th</sup> July party. When we were coming back from picking up the sodas we saw looters at the back of Camp Marlboro. We tried to detain them, but they got away. EN22 had a flat tire, so I told EN22, EN23 to return back to camp. When EN23 came in to our AO, bb-4 told me he had detained a looter after all. I told him we would just take him back later since dinner chow was almost ending. I told them to go to the chow, then we will take the looter back to the CMOC. bb-4 didn't want to eat so he stayed back and watched the detainee. After I returned from chow, I was sitting on my cot, bb-4 told me bb-4 was bouncing a soccer ball on the detainees' head. I went to the back of the AO and asked bb-4 what the hell he was doing and told him not to dot that again. We took the detainee to the CMOC. When the entire platoon was back at our AO, I told them we would not abuse or miss treat detainees. When we do pick up any detainees in future we will just take them to the COMC.

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Around mid July 2003, while we were returning from the RTOC, I saw a person on the top of the telephone pole cutting wire. We stopped and detained them. I was with EN26, SIGO, when I detained the individuals and took them to the CMOC turning them over to Bulldog elements.

On 19 July 2003, we were going to the ASP. I saw a person pointing to a vehicle and copper wire on the sidewalk. It looked like someone stole the wire. I told EN21, EN22 to stop. When I walked up with my translator to try to find out where they got this copper wire, my translator told me it was stolen. I was trying to talk to the Iraqi citizen who owned the vehicle to find out where he got this wire from when he tried to push me or grab me. I felt like he was going for my weapon. I grabbed him and told my Driver to hand cuff him. While we were trying to put the handcuffs on, I heard gun shots coming from my left. I told

stay and cuff the detainee. When I walked over to the vicinity the gunshot came from, I saw a person with an AK-47 ready to shoot again. The individual was aiming at EN21, I fired 3 shots and took him down. When I walked over to the body, I saw that it was a female, she was trying to get to the AK-47 she dropped.  $\frac{1}{2}$  took the AK-47 and took her to Camp Marlboro.  $\frac{1}{2}$  i gave the shooter first AID, and she lived. Later we found out, from our translator who escorted the women through the medical channels, that the woman's brother was the shooter. After he ran she thought he was shot and brought out another AK-47. I feel that if I had not taken the actions I did, that she would have shot and possibly killed members of my platoon who could not see her.

I know that what I did was wrong, I made a bad judgement call on stripping the looters. I am ready to take responsibility for my action.

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#### DEPARTMENT OF THE ARMY 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, iraq APO AE 09322-2381



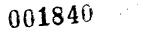
#### AFZX-CB-EN

28 August 2003

#### MEMORANDUM FOR COMMANDER, 2<sup>ND</sup> ARMORED CAVALRY REGIMENT

#### SUBJECT: Response to 15-6 Investigation

b6-4 was assigned to 84th Engineer Company as 2nd Platoon Sergeant about two weeks after I took over as the Platoon Leader. Since his first day, he has mentored and coached me to be a leader. His emphasis on taking care of the soldier and living the Army values has set a base for my development as an 664 officer. During Operation Iraqi Freedom, has demonstrated his ability to react to any situation, ranging from helping a depressed soldier to calming upset citizens of Iraq. When the platoon started detaining looters, 66-4 was the first to make sure they were treated right. He would give water to the thirsty and when informed of possible mistreatments, he talked to the platoon to make sure it would not happen. For a brief period looters were being shot when looter on the back of Camp Marlboro. When told to rough up, scare, and release detainees 66.4 felt it necessary to embarrass them to the point they would not return to loot and possibly get shot. His decision was to make he detainee strip and walk home nude. The decision may not have been the best, but it worked. - bb-4 is aware that he made a bad choice, but in that choice had saving the lives of the looters in his mind. He is a great asset to the platoon and should not be punished to the point of losing his position as Platoon Sergeant.



#### DEPARTMENT OF THE ARMY 2d Armored Cavalry Regiment APO AE 09322

#### AFZX-CB-EN

#### MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

#### SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

165 I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

<u>I</u> request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.

DATE: 25 Aug 2003 0910 hrs

001842



#### DEPARTMENT OF THE ARMY Head arters, 2d Armored Cavalry Regins APO-AE 09322



AFZX-C-CO

23 August 2003

#### MEMORANDUM FOR

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. You mistreated Iraqi detainees who were under your control.

2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.

Encl.

001843



#### DEPARTMENT OF THE ARMY Hea larters, 2d Armored Cavalry Regn APO-AE 09322



:d

23 August 2003

AFZX-C-CO

Encl.

#### MEMORANDUM FOR

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

66-2

1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. While serving as the platoon sergeant, you mistreated Iraqi detainees who were under your control.

2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.

3. You are suspended from your platoon sergeant duties pending resolution of this matter.

001844

# ACLU-RDI 2063 p.32



15-6 Report Maltreatment of Detainees July — August 2003

# 001845

# ACLU-RDI 2063 p.33

#### 12 August 2003

#### AFZX-C-JA

#### MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: 15-6 Report of Investigation, Maltreatment of Detainees, July-August 2003

1. I have reviewed the subject report of investigation. The report is legally sufficient and the recommendations are consistent with the findings.

2. The appointing authority should consult with the trial counsel regarding UCMJ or other adverse actions prior to taking them.

3. For administrative completeness the appointing authority should complete Section VIII of the DA Form 1574.

4. There is no legal objection to approval of the findings and recommendations of the investigating officer.

# 001846

| Privacy Act Statements (Certificate, if statemen              | n provigeg orally) (    |  | regularities, or othe   | · · · · · · · · · · · · · · · · · · ·   |   |  |
|---|-------------------------|--|---|---|---|--|
| . All other written communications to or from the             | e appointing authority? |  |   |   |   | - <del>                                     </del>   |
| Other correspondence with respondent or counse                | el, if any?             |  |   |   |   | X  |
|   |                         |  | <u> </u>  |   |   |  |
| are the following inclosed and numbered consecuti             | ively with Roman num    | erais: (Attache  | d in order listed)  |   |   |  |
| nclosures (para 3-15, AR 15-6)                                |                         | :  |   |   |   |  |
| COMPLETE IN ALL CASES   |                         |  | · · ·   |   |   | YES NO <sup>Y</sup>  |
|   | SECTION III - C         |  | R PROCEEDINGS   |   |   |  |
| completed findings and recommendations at                     |                         | 1600hrs<br>(Time)  | ······································  | on  | (Date)  |  |
| · · · · · · · · · · · · · · · · · · ·                         | · · ·                   | 1(001  | (Time)  |   | 10 Assessed   | (Date)<br>2003   |
| (investigating officer) (board) finished gatherin             | g/hearing evidence at   | <u></u>  | 1800hrs   | on  | <u> </u>  | igust 2003   |
|   | •                       |  |   |   |   |  |
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| to to the post of the ment of the portained to the            |                         | · · · · · · · · · · · · · · · · · · ·                          | •   |   |   |  |
| e following persons (members respondents cour                 | nsel) were absent: (Ir  | nclude brief exp   | lanation of each abs  | ence.) (See paras   | 5-2 and 5-8a, A   | R 15-6.)   |
|   |                         |  | •   |   |   | ·  |
|   | · · · ·                 |  |   | •   | •<br>•  |  |
|   | - ·                     | •  |   | • •   |   |  |
| an a                      |                         |  |   | •   |   |  |
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| 방법을 만나 있는 것이다.  | · · .                   | * <i>2</i>   |   |   |   |  |
|   |                         | 2  | · · ·   |   |   |  |
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| (Date)<br>inded, the place, persons present and absent, and d | explanation of absence  | es, if any.) The   | following persons   | (members, respon  | dents, counsel)   | were   |
| 29 July - 8 Aug 03 (If a formal bo                            | oard met for more tha   | n one session. d   | heck here 🔲 . Indi  | cate in an inclosu  | re the time each  | session began and  |
| ine (invesugation) (board) commenced at <u>Can</u>            | up manifold bag         | (Place   |   |   |   | (Time)   |
|   | no Mariboro. Bao        | hdad. Irao   |   | •   | £t ·  | •  |
|   | SI                      | CTION II - SE  | 3310113   |   |   |  |
|   | <u> </u>                |  |   | <u> </u>  | <u></u>   |  |
| (Attach inclosed)<br>(Date):                                  | ame I. Dener of uppor   |  | - J of arm appoint  |   | · · · · · · · · · · · · · · · · · · ·   |  |
| 28 JULY 2003 (Amount in also                                  | sure 1. Fatter of anno  | intment ar cum   | nary of oral appoints   | nent data.) (See n  | ara 3-15 AR 15  | -6.)   |
|   | <u> </u>                | <u> </u>   |   | _;  | · · · · · · · · · · · · · · · · · · ·   |  |
| Appointed by  |                         | (Аррс  | inting authority)   |   |   |  |
| h   |                         |  |   | e   |   |  |
|   | SEC                     | CTION I - APP  | OINTMENT  |   | · · · ·   |  |
| IF MORE SPACE IS REQ  |                         |  |   | M, ATTACH ADL   | DITIONAL SHEE   | 7S   |
|   | For use of this form,   | 598 AM 10-0; U   | a proponent agency  | 301270.   |   | ( <u> </u>   |
| REPORT OF PRO   | SOLLDING DI             |  | a propòpent agency i  | OTING   |   |  |
|   | Appointed by            | IF MORE SPACE IS REQUIRED IN FILLING of<br>SEC<br>Appointed by | If MORE SPACE IS REQUIRED IN FILLING OUT ANY POR<br>SECTION I - APP         Appointed by       06         (Appointed by       (Appointed by)         (Dde)       (Attach inclosure 1: Letter of appointment or suma<br>(Dde)         SECTION II - SE         The (investigation) (board) commenced at Camp Marlboro, Baghdad, Iraq<br>(Place)         m_29 July - 8 Aug 03       (If a formal board met for more than one session, or<br>nded, the place, persons present and absent, and explanation of absences, if any. The<br>reserve (After each name, indicate capacity, e.g., President, Recorder, Member, Legal<br>indication of the sense present and absent and explanation of absent: (Include brief exp<br>reserve (After each name, indicate capacity, e.g., President, Recorder, Member, Legal<br>is (investigating officer) (board) finished gathering/bearing evidence at<br>(Introduction of the sense present and absent)         e following persons (members, respondents, counsel) were absent: (Include brief exp<br>is following persons (members, respondents, counsel) were absent)         e (investigating officer) (board) finished gathering/bearing evidence at<br>(Time)         SECTION III - CHECKLIST FO         COMPLETE IN ALL CASES<br>actionary (para 3-15, AR 15-6)<br>re the following inclosed and numbered consecutively with Roman numerals: (Attache<br>The letter of appointment or a summary of oral appointment data?         Copy of notice to respondent, if any?         Copy of notice to respondent, if any?         Other correspondent, if any?         Other correspondent, if any?         Other correspondent or form the appointing a | IF MORE SPACE IS REQUIRED IN FILLING OUT ANY FORMON OF THIS FOR<br>SECTION 1 - APPOINTMENT         Appointed by | SECTION I - APPOINTMENT  Appointed by  Appointed by  Appointing authority)  Appointing authority  Appointed by  Appointed as  App | IF MORE SPACE IS REQUIRED IN FULDIO OUT AN PORTION OF THIS FORM, ATLACH ADDITIONAL SHEE<br>SECTION 1 - PPOINTMENT         Appointed by       (Appointing authority)         (Appointing authority)       (Appointing authority)         an       (Attach inclosure 1: Latter of appointment or nummary of oral appointment data.) (See para 3-15, AR 15<br>(Date)         SECTION I - SESSIONS       SECTION II - SESSIONS         The (investigation) (board) commenced at Camp Mariboro, Baghdad, Iraq<br>(Place)       et |

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.

| 2            | Exhibits (para 3-16, AR 15-6)  | YES  | NOUN          | V                   |
|--------------|--|--|---------------|---------------------|
|              | a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?  | ×  |               |                     |
|              | b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?   |  | <u>†</u> ──†- | -                   |
|              | c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?  | ×  |               | ·                   |
|              | d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?                                |  |               | X                   |
|              | e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?  | <u>.                                    </u> |               | $\overline{\times}$ |
|              | f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?   | ×  |               |                     |
|              | g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? |  | >             | ×                   |
| 3            | Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?   | -  |               | Ñ                   |
| B.           | COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)  |  |               |                     |
| 4            | At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?  | -  |               | ľ                   |
| 5            | Was a quorum present at every session of the board (para 5-2b, AR 15-6)?   |  | ·             |                     |
| 6            | Was each absence of any member properly excused (para 5-2a, AR 15-6)?  |  |               | -                   |
| 7            | Were members; witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?   | -+   |               | -                   |
| 8            | If any members who voted on findings or recommendations were not present when the board received some evidence,  | -+   |               | -                   |
|              | does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?  |  |               |                     |
| C            | COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)  |  |               |                     |
| <u>9</u>     | Notice to respondents (para 5-5, AR 15-6):   | -  |               | ĺ                   |
|              | a. Is the method and date of delivery to the respondent indicated on each letter of notification?  | -  |               |                     |
|              | b. Was the date of delivery at least five working days prior to the first session of the board?  |  |               | l                   |
|              | c. Does each letter of notification indicate –   |  |               |                     |
|              | (1) the date, hour, and place of the first session of the board concerning that respondent?  | ++   |               |                     |
| -            | <ul> <li>(1) the matter to be investigated, including specific allegations against the respondent, if any?</li> </ul>  |  |               |                     |
| -            | (3) the respondent's rights with regard to counsel?  |  | ·····         |                     |
|              | <ul><li>(4) the name and address of each witness expected to be called by the recorder?</li></ul>  | ++   |               |                     |
|              | <ul> <li>(4) the name and address of each whiless expected to be called by the recorder?</li> <li>(5) the respondent's rights to be present, present evidence, and call witnesses?</li> </ul>              | ╶╁╶╍╧╺╉                                      |               |                     |
|              |  | +  |               |                     |
|              | d. Was the respondent provided a copy of all unclassified documents in the case file?  |  |               | ļ.                  |
|              | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?   |  |               |                     |
| 10           | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):   |  |               |                     |
| ·            | a. Was he properly notified (para 5-5, AR 15-6)?   | ++-  |               |                     |
|              | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?  |  |               |                     |
| 11           | Counsel (para 5-6, AR 15-6):   |  |               |                     |
|              | a. Was each respondent represented by counsel?   |  |               |                     |
|              | Name and business address of counsel:  |  |               |                     |
|              |  |  |               |                     |
|              | (If counsel is a lawyer, check here 🔲 )  |  |               |                     |
|              | b. Was respondent's counsel present at all open sessions of the board relating to that respondent?   |  |               |                     |
|              | c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?                     |  |               |                     |
| 2            | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):  |  |               |                     |
|              | a. Was the challenge properly denied and by the appropriate officer?   |  | 1             |                     |
|              | b. Did each member successfully challenged cease to participate in the proceedings?  | 1  |               |                     |
|              | Was the respondent given an opportunity to (para 5-8a, AR 15-6):   |  |               |                     |
|              | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?  |  |               |                     |
|              | b. Examine and object to the introduction of real and documentary evidence, including written statements?  | ††   |               |                     |
|              | c. Object to the testimony of witnesses and cross-examine witnesses other than his own?  | ┼┈──┼┈                                       |               |                     |
| _ <u>(</u> _ | d. Call witnesses and otherwise introduce evidence?  | ╆───┼─                                       |               |                     |
| - L          | e. Testify as a witness?   | ┼──┼─  |               |                     |
| - 1          | f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?  | <u>├</u>                                     |               |                     |
|              |  | ┟┣   |               |                     |
| - [-         | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in<br>arranging for the presence of witnesses (para 5-8b, AR 15-6)?                         |  |               |                     |
|              | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an  |  | ·             |                     |
|              | inclosure or exhibit to it (para 5-11, AR 15-6)?   |  | - }           |                     |
|              | 00184  | -8   |               |                     |

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|              | SECTION IV - FINDINGS (para 3-10, AR 15-6)<br>The (investigating officer) (board), having carefully considered the evidence, finds:   |   |
|--------------|---|---|
|              | I find that soldiers of 2nd Platoon, 84th Engineers Company have committed detainee abuse.  | pb-Sall   |
| •            | The first incident was on or about the middle of June 03. An Iraqi civilian was detained in the fields behind Camp<br>was trying to steal copper wire. He was arrested by members of 2nd Platoon. The detainee was then brought to the<br>Operations Center (CMOC) for processing into the detention center. Upon 2nd Platoon's arrival at the CMOC, a<br>him. An entry of the did not want any detainees at the CMOC. It was better for him to take the detainee<br>him. An entry of the detainee to an abandoned building behind Camp Marlboro. When they arrived<br>the detainee inside the building. They yelled and screamed at him. An entry of gave an order to the<br>the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the<br>the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the<br>the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the<br>the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the<br>the clothing of the detainee inside the building. They selled and screamed at him. The entry of gave an order to the<br>the clothing of the detainee inside the building the seller is clothing. They have the detainee after<br>removed. Exhibits M, T, & U support these facts. | e Civilian Military<br>away and to release<br>then<br>then<br>to remove all |
|              | The second incident occurred a few days to a week later. The Platoon had detained two looters trying to steal copp<br>detainees to the same building behind Camp Marlboro and the clothing of the detainees. The detainees were released<br>building. The detainees were released<br>clothing was removed. Exhibits A, D, E, M, O, Q, T, & U support these facts.   | er wire. They took the<br>detainees into the<br>l once all of their         |
|              | The third incident occurred on the 3rd of July. The Platoon was tasked to get sodas for the Squadron's fourth of July back to Camp Marlboro with the sodas, they were tasked to chase looters away from the back fields. ENG23 captures was then told to take the detainee back to the Engineers barracks on Camp Marlboro. ENG23 arrived at the barrac removed from the back of the truck and placed up against the wall. The barrack bounced a soccer ball off the head reprimanded by both the detainee. Exhibits B, D, E, G, H, J, K, L, M, O, Q, R, T, U, Z, & AA support to the sock of the truck and placed up against the solution.   | red a looter. ENG23<br>ks and the detainee was                              |
|              | Three soldiers wrote sworn statements of the use of an M34 blasting device to shock Iraqi detainees. Exhibits B, D these statements . However, during further investigation, the accused denied any use of the M34 blasting device to detainee. Exhibits M, U, V, X, &, Z support these statements.   | shock any Iraqi   |
| dtd 9 Nov 01 | In addition, during the course of this investigation, <b>construction</b> was implicated in numerous alleged questions alleged actions are serious and are detrimental to the overall mission. Exhibit T supports this statement.   | ble actions. These  |
| dtd          |   |   |
| 01,          |   | ·   |
| CORR-101,    |   |   |
| R            |   |   |
| 8            |   |   |
| 1            | SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)  |   |
| •            | In view of the above findings, the (investigating officer) (board) recommends:<br>At a minimum the unit:  |   |
|              | a. Enforce patrol and mission debriefs at the Troop level at a minimum. For more significant events a debrief shou S-2.   | ld be conducted by the  |
|              | b. Reprimand <b>Constant of</b> for his poor judgement, lack of battlefield composure, and loss of military discipline a senior noncommissioned officer. Continued performance like this could result in an uprising of the citizens of Iraq  | and professionalism as against US Forces                                    |
|              | c. Refine and clarify the ROE and treatment of detainees. Conduct a stand down day to refocus the Troops and esta for processing detainees.   | blish clear procedure   |
|              | d. Appoint an Investigating officer in commensurate grade or higher to conduct an inquiry of alleged a  | ctions.   |
|              |   |   |
|              |   |   |
| .            |   |   |
|              |   |   |
|              |   | 1040  |
| A            | CLU-RDI 2063 p.37   | 1849  |

•••

| (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the<br>reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)<br>(Member)<br>SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)<br>The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/<br>substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or   |                                       |                         | SECTION V         | I - AUTHENTICA                         | TION (para 3-17, AR  | ( 15-6)                      |                                       |                 |
|--|---------------------------------------|-------------------------|-------------------|--|----------------------|------------------------------|---------------------------------------|-----------------|
| (Recorder)       (Recorder)         (Member)       (Member)         (Member)       (Member)         SECTION VII - MINORITY REPORT for 5-13, AE 15-0,         The be extent infected in Inclosure       Section viewers and doct one concurr for the fordings and/or recommendations may be included in the inclosure.)         Odember)       (Member)         (Member)       (Member)   | THIS REPORT OF PRO                    | DCEEDINGS IS COM        | IPLETE AND A      | ACCURATE. (If                          |                      |                              | gn here or in Section V               | 717             |
| (Member)       (Member)         SECTION VII - MINORITY REPORT (pare 3-13, AR 15-6)       (Member)         To the extent indicated in Inclosure   | below, indicate the reaso             | on in the space where   | his signature sh  | nould appear.)                         | , ,                  |                              | •<br>·                                |                 |
| (Member)       (Member)         SECTION VI- MINORITY REPORT (pare 3-13, AR 15-6)       (Member)         To the extent indicated in Inclosure   | · · · ·                               |                         | :                 |  |                      |                              |                                       |                 |
| (Member)       (Member)  |                                       | · · ·                   |                   |  |                      |                              |                                       |                 |
| (Member)       (Member)  |                                       |                         |                   | • •                                    |                      | · .                          |                                       |                 |
| (Member)         (Member)           Geneber)         (Member)           SECTION VII - MINORITY REPORT (pare 3-13, AR 15-6)         (Member)           To the extent indicated in luclosure, the undersigned do(es) not concur in the findings and recommendations of the board.         (Member)           To the extent indicated in luclosure, the undersigned do(es) not concur in the findings and recommendation in which the dissenting member(i) do(es) not concur. State the easons for disagreement. Additionally ubstitute findings and/or recommendations may be included in the inclosure.)           (Member)         (Member)           SECTION VIII - ACTION BY APPOINTING AUTHORITY (pare 2-3, AR 15-6)           (The findings and recommendations of the proceedings to the investigating o  |                                       |                         |                   |  |                      |                              |                                       |                 |
| (Member)       (Member)         Geneticity       (Member)         Ote extent indicated in Inclosure  | ,                                     | ·                       |                   |  |                      |                              |                                       |                 |
| (Member)       (Member)         Genome       SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)         To the extent indicated in Inclosure   | · · · ·                               | •                       |                   |  |                      |                              | •                                     | _               |
| (Member)       (Member)         SECTION VI - MINORITY REPORT (para 3-13, AR 15-6)  |                                       |                         |                   |  |                      |                              |                                       |                 |
| (Member)       (Member)         SECTION VI - MINORITY REPORT (para 3-13, AR 15-6)  |                                       |                         | · .               |  | •                    |                              |                                       |                 |
| (Member)       (Member)         SECTION VI - MINORITY REPORT (para 3-13, AR 15-6)  | · · · · · · · · · · · · · · · · · · · | (Recorder)              |                   | · · · ·                                |                      | (Investigating Officer) (Pre | sideni)                               | -               |
| (Member)           SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)           To the extent indicated in Inclosure, the undersigned do(es) not concur in the findings and commendations of the board.           (In the inclosure, identify by number each findings and/or recommendations in which the dissenting member(6) do(es) not concur. State the reasons for disagreement. Additional substitute findings and/or recommendations may be included in the inclosure.)           (Member)           (Member)           (Member)           SECTION VII - ACTION BY APPOINTING AUTHORITY (para 2-3, dk 15-6)           The findings and recommendations of the (investigating officer) (board) are (approved) (disagroved) (approved with following exceptions/ substitutions). (ff the appointing authority returns the proceedings to the investigating officer or board for jurther proceedings or corrective action, attach that correspondence (or a summary, if oral) at a numbered inclosure.)  |                                       | (1000/10)/              | -                 |  | · · ·                |                              |                                       |                 |
| (Member)           SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)           To the extent indicated in Inclosure, the undersigned do(es) not concur in the findings and commendations of the board.           (In the inclosure, identify by number each findings and/or recommendations in which the dissenting member(6) do(es) not concur. State the reasons for disagreement. Additional substitute findings and/or recommendations may be included in the inclosure.)           (Member)           (Member)           (Member)           SECTION VII - ACTION BY APPOINTING AUTHORITY (para 2-3, dk 15-6)           The findings and recommendations of the (investigating officer) (board) are (approved) (disagroved) (approved with following exceptions/ substitutions). (ff the appointing authority returns the proceedings to the investigating officer or board for jurther proceedings or corrective action, attach that correspondence (or a summary, if oral) at a numbered inclosure.)  |                                       |                         |                   |  |                      |                              | 4                                     |                 |
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| SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)         To the extent indicated in Inclosure  | •                                     | Mambar                  |                   |  | <u></u>              | (Memher)                     |                                       |                 |
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DOD-046379

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#### DEPARTMENT OF THE ARMY Headquarters, 2d Armored Cavalry Regiment Unit 92401 APO AE 09322-2401

### AFZX-C-CO

28 July 2003

### MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

1.4 b 6-2 1.4 pursuant to AR 15-6 to conduct an informal investigation into the circumstances involving alleged detainee abuse by soldiers assigned to the 84<sup>th</sup> Engineer Company.

2. In your investigation, all witness statements will be sworn. From the evidence, you make findings of fact.

3. Submit four copies of your findings on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

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001851

|  | DCEDURE/WAIVER CERTIFICATE  |
|--|---|
| DATA REQUIR  | RED BY THE PRIVACY ACT  |
|  | th means by which information may be accurately identified.<br>mate means of identification to facilitate filing and retrieval. |
| 1. LOCATION<br>(GM) Markoro, Bachdad Irac  | 2. DATE<br>31 Suly 03. 3. TIME 4. FILE NO.<br>2040hrs 4. FILE NO.   |
| 5. NAME (Last First MI)  | 8. DRGANIZATION DR ADDRESS  |
| 6. SSN 7. GRADE/STATUS   |   |
| PART I - RIGHTS WAIN   | VERINON-WAIVER CERTIFICATE  |
| Section A. Rights  |   |
| The image of the United States Army  | and wanted to question me about the following offense(s) of which I am  |
| suspected/accused: Shorporry Treg. Citizen and bee   | whing an Inergi citizen   |
| <ol> <li>Befor Diske asked me any questions about the offense(s), however Diske made it clear to me that I have to</li> <li>I do not have to answer any question or say anything.</li> <li>Anything I say or do can be used as evidence against me in a criminal trial.</li> <li><i>(For personnel subject othe UCMJ</i> I have the right to talk privately to a lawyer before, during, and afted during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or both.</li> </ol> | ter questioning and to have a lawyer present with me  |
| <ul> <li>(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, will be appointed for me before any questioning begins.</li> <li>If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have speak privately with a lawyer before answering further, even if I sign the waiver below.</li> </ul>                   | or if I cannot afford a lawyer and want one, a lawyer   |
| 5. COMMENTS <i>(Continue on reverse side)</i>  |   |
| Section B. Waiver  |   |
| understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make  | e a statement without talking to a lawyer first and without having a lawyer present with me.                                    |
| WITNESSES (If available)   | 3. SIGNATURE DE INTERVIEWEE _ 66.5  |
| a. NAME (Type or Print)  | 2003  |
| D. ORGANIZATION OR ADDRESS AND PHONE   | 4   |
| a. NAME <i>(Type or Print)</i>   | 5 STREED NAME OF INVESTIGATOR   |
| ORGANIZATION OR ADDRESS AND PHONE  | 6. ORGANIZATION OF INVESTIGATOR   |
| ection C. Non-waiver   |   |
| l do not want to give up my rights   |   |
| l want a lawyer  | I do not want to be questioned or say anything  |
| SIGNATURE OF INTERVIEWEE   | 001852  |

| ······   |   |   |   |           |                                       |                  |                                       |                   |                   | :      |
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| ·  | - <u></u>   |   | DATA REQUIRED                               | BYTH      | E PRIVACY ACT                         | - <u></u>        |                                       | •                 |                   | ·      |
| AUTHORITY:<br>PRINCIPAL PURPOSE:<br>ROUTINE USES:<br>DISCLOSURE: | Title 10, United States C<br>To provide commanders a<br>Your Social Security Num<br>Disclosure of your Social | nd law enforcen<br>ber is used as ar          | nent officials with<br>n additional/alterna |           | -                                     |                  |                                       |                   |                   | ·      |
| 1. LOCATION  |   |   | <u> </u>                                    | 2.        | DATE                                  | 3.               | TIME                                  | 54                | 4. FILE NO.       |        |
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|  |   | 7   | ETATUS                                      |           | · · · · · · · · · · · · · · · · · · · |                  |                                       | -                 |                   |        |
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| ection A. Rights   |   | PARI I  | - HIGHTS WAIVE                              | HINUN     | WAIVER CERTIFI                        |                  |                                       |                   |                   | c      |
| ection A. Rights   | · · · · · · · · · · · · · · · · · · ·   |   |   |           | · · · · · · · · · · · · · · · · · · · |                  | · · · · · · · · · · · · · · · · · · · |                   |                   |        |
| he investigator when I Law                                       | halan sald  | the United States                             | : Army                                      |           | · .<br>                               |                  |                                       | · .<br>           |                   |        |
| 0 00-5   |   | <u> </u>                                      | and 13                                      | eatin     | and wanted to quest                   | tion me about t  | -                                     | offense(s) of whi | ich I am          |        |
|  | ns about the offense(s), however the  | CILI <mark>gens</mark><br>Dishe made it clear |   |           | 0 0                                   | CINIZE           |                                       |                   |                   | dtd    |
| l do not have to answer any c                                    | . –   |   |   |           |                                       |                  |                                       |                   |                   |        |
|  | sed as evidence against me in a crim  |   |   |           | ,                                     |                  |                                       |                   |                   | Nov () |
| •  | CMJ I have the right to talk private  |   | -   |           |                                       |                  |                                       |                   |                   | N N    |
|  | er can be a civilian lawyer I arrange   | for at no expense                             | to the Government or                        | a militar | y lawyer detailed for                 | rme at no expan  | ise to me,                            |                   |                   | ,<br>1 |
| ar both.   |   |   |   | . OF .    |                                       |                  |                                       |                   |                   |        |
| Kee emilians not subject to th                                   | e UCMJ/ I have the right to talk priv   | ustolu to s loumer                            | hafam during and at                         | - 10 -    | tioning and to have a                 | lawver nresen    | t with                                |                   | •                 |        |
|  | stand that this lawyer can be one th  |   |   |           |                                       |                  |                                       |                   |                   |        |
| will be appointed for me befor                                   |   | ar i arrange roi er                           | titly often onponeor of                     |           |                                       |                  | ,                                     |                   |                   |        |
| • •  | the offense(s) under investigation, v   | vith or without a la                          | awyer present, I have                       | a right t | o stop answering que                  | estions at any t | ime, or                               |                   |                   |        |
| speak privately with a lawyer                                    | before answering further, even if I s   | sign the waiver bel                           | low.  |           |                                       |                  |                                       |                   | • .               |        |
|  |   |   |   |           |                                       |                  |                                       |                   |                   |        |
| COMMENTS (Continue on re   | verse side)   |   |   |           |                                       |                  |                                       |                   |                   |        |
| ection B. Waiver   |   |   |   |           |                                       |                  |                                       |                   |                   |        |
| nderstand my rights as stated abov                               | ve. I am now willing to discuss the o   | ffense(s) under inv                           | restigation and make a                      | a statem  | ent without talking to                | o a lawyer first | and without                           | t having a lawyer | present, with me. |        |
|  | WITNESSES <i>(If available)</i>   |   |   | 3.        | SIGNATURE OF IN                       | TERVIEWEE        | ·                                     |                   |                   |        |
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| ORGANIZATION DR ADDRES   | S AND PHONE   | ·   |   | 6.        | ORGANIZATION OF                       | FINVESTIGATO     | R                                     |                   | <u> </u>          |        |
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| ·  | <u></u>   |   |   |           |                                       |                  |                                       |                   |                   |        |
| ction C. Non-waiver  |   |   |   |           |                                       |                  |                                       |                   |                   |        |
| l do not want to give up my ri                                   | ghts  |   |   | -         | l do not want to l                    | ha muanta-ad a   | r rou nauthi                          |                   |                   |        |
| l want a lawyer  |   | <u>.</u>                                      |   |           | i do not want to t                    | ve questioned o  | - Say Bitytill                        | ••••              |                   |        |
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|   | PAL PURPOSE:<br>IE USES:  | To provide com<br>Your Social Sec   | curity Number is   | v enforcement off   | onal/alternate    | ans by which informal<br>means of identification   |   |  |                 |                |          |          |
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|   | A 47' 3 .   |   |  | PART I - RIGH   | TS WAIVER         | NON-WAIVER CERTI   | FICATE  | <u> </u>   | ····            | <u> </u>       | <u> </u> | <u> </u> |
|   | A. Rights   | nu tald ma that   | Plata is with the U $46-5$   | nited States Army   |                   | and wanted to que  | estion me abo   | ut the following                                 | offensels) of y | vbich 1 am     |          |          |
|   | laccused: Strip   | eitz In   | agi ci   | -izens  | + B-m             | Ling Fren  | ·   | Hzen   |                 |                |          |          |
| . Ida   | /she asked me any questions abo<br>o not have to answer any questi<br>ything I say or do can be used a:   | on or say anything  | <b>9</b>   |   | hat I have the fo | llowing rights:  | •   |  |                 |                |          |          |
| dur   | r personnel subject othe UCMJ<br>ing questioning. This lawyer car<br>both.  | -   |  |   |                   |  |   |  |                 |                |          |          |
|   |   |   |  |   |                   | r questioning and to have<br>I cannot afford a lawyer  |   |  | •               |                |          |          |
| me<br>will<br>If I<br>spe   | during questioning. I understand<br>I be appointed for me before any<br>am now willing to discuss the o<br>eak privately with a lawyer befo   | d that this lawyer<br>y questioning begin<br>ffense(s) under in<br>re answering furtl   | can be one that I a<br>ns.<br>westigation, with o  | rrange for at my ow<br>r without a lawyer p                     | m expense, or if  | l cannot afford a lawyer   | r and want on   | e, a lawyer                                      |                 |                |          |          |
| me<br>will<br>I. If I<br>spe  | during questioning. I understand<br>I be appointed for me before any<br>am now willing to discuss the o   | d that this lawyer<br>y questioning begin<br>ffense(s) under in<br>re answering furtl   | can be one that I a<br>ns.<br>westigation, with o  | rrange for at my ow<br>r without a lawyer p                     | m expense, or if  | l cannot afford a lawyer   | r and want on   | e, a lawyer                                      |                 |                |          |          |
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| me<br>will<br>4. If I<br>5. CC<br>5. CC<br>5ection I<br>understar<br>1a. N/<br>1a. N/ | during questioning. I understand<br>I be appointed for me before any<br>am now willing to discuss the o<br>sak privately with a lawyer befo<br>DMMENTS <i>(Continue on reverse</i><br>B. Waiver<br>nd my rights as stated above. I a<br>AME <i>(Type or Print)</i><br>RGANIZATION OR ADDRESS AN<br>AME <i>(Type or Print)</i><br>RGANIZATION OR ADDRESS AN<br>C. Non-waiver<br>do not want to give up my rights | d that this lawyer<br>y questioning begin<br>(ffense(s) under in<br>re answering furth<br>e side)<br>em now willing to<br>WITNESSES <i>(If 2</i><br>VD PHONE        | can be one that I a<br>ns.<br>vestigation, with o<br>her, even if I sign t<br>discuss the offens | rrange for at my ow<br>r without a lawyer p<br>he waiver below. | m expense, or if  | I cannot afford a lawyer<br>right to stop answering<br>statement without talkin<br>3. SIGNATUDE O<br>4. 5. <u>TYPED NAME</u><br>5. <u>TYPED NAME</u><br>6. ORGANIZATIO | r and want on<br>questions at a<br>ng to a lawyed<br>E INCENTIGA                | e, a lawyer<br>any time, or<br>r first and witho |                 | nyer present w |          | 2        |

|  |   | DATA REQUIRED   | BY THE PRIVACY ACT   |  |                       |  |
|--|---|---|--|--|-----------------------|--|
| PRINCIPAL PURPOSE:<br>ROUTINE USES:  | Title 10, United States Code, Sectio<br>To provide commanders and law enf<br>Your Social Security Number is used<br>Disclosure of your Social Security Nu   | orcement officials with n<br>as an additional/alternat                      |  | •  |                       |  |
| LOCATION<br>Camp Marlbonn.   | Baghdad   |   | 2 DATE<br>8 Aug @ 3  | 3. TIME<br>1417  | 4.                    | FILE NO.                               |
| 5. NAME (Last First MI)  | b65   | · · · · · · · · · · · · · · · · · · ·                                       | 8. CANZATION OR  | DDRESS   | ·····                 | ······································ |
| 6. SSN   |   | ADE/STATUS  |  |  |                       |  |
|  |   | <u> </u>  | ·  | · · · · · · · · · · · · · · · · · · ·  |                       |  |
|  | P/  | ART I - RIGHTS WAIVER   | NON-WAIVER CERTIFICAT  | E  |                       |  |
| Section A. Rights  |   |   | ······   |  |                       |  |
| The investigator where some successful to the  | and me the helshe is with the United !  | States Army   |  |  |                       | ,                                      |
|  | b6-5  | •<br>   | and wanted to question i   | ne about the following offense   | (s) of which I am     | •.                                     |
|  | tance rouse   |   | · · · · · ·  | ······································   |                       |  |
| Befor the sked me any questions about 1. I do not have to answer any question  | · · · · ·   | t clear to me that I have the   | following rights:  |  |                       |  |
|  | evidence against me in a criminal trial.  | • .   |  |  |                       | . ·                                    |
| ). (For personnel subject othe UCM.) 1   | have the right to talk privately to a lawy  | er before, during, and after (  | uestioning and to have a lawyer  | present with me  |                       |  |
|  | pe a civilian lawyer I arrange for at no.ex   | pense to the Government or .  | a military lawyer detailed for me  | at no expense to me,   |                       |  |
| or both.   | ·<br>•  |   | • 07 -   |  |                       |  |
|  |   |   |  | vor grocost with   |                       |  |
| (For civilians not subject to the UCM.   | J) I have the right to talk privately to a la   | awyer before, during, and an  | ter questioning and to have a law  | Act hissent with   |                       |  |
| me during questioning. I understand t  | hat this lawyer can be one that I arrange   |   |  |  |                       | · ·                                    |
| me during questioning. I understand t<br>will be appointed for me before any q   | hat this lawyer can be one that I arrange<br>juestioning begins.  | e for at my own expense, or i   | f I cannot afford a lawyer and w   | int one, a lawyer  | . *                   | •                                      |
| me during questioning. I understand t<br>will be appointed for me before any q<br>(. If I am now willing to discuss the offe   | hat this lawyer can be one that I arrange   | for at my own expense, or i<br>out a lawyer present, I have                 | f I cannot afford a lawyer and w   | int one, a lawyer  | . *                   |  |
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| me during questioning. I understand t<br>will be appointed for me before any q<br>I. If I am now willing to discuss the offi<br>speak privately with a lawyer before<br>. COMMENTS <i>(Continue on reverse s</i>   | hat this lawyer can be one that I arrange<br>questioning begins.<br>ense(s) under investigation, with or with<br>answering further, even if I sign the wai  | for at my own expense, or i<br>out a lawyer present, I have                 | f I cannot afford a lawyer and w   | int one, a lawyer  |                       |  |
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|                   |   | DATA REQUIRE  | BY THE PRIVACY ACT  |   |                          |                                       | ······································ |
| PRII<br>ROU       | HORITY:       Title 10, United States Code, Sec         VCIPAL PURPOSE:       To provide commanders and law e         TINE USES:       Your Social Security Number is us         CLOSURE:       Disclosure of your Social Security  | enforcement officials with<br>ed as an additional/alterna   | · ·   |   |                          | <br>                                  |  |
|                   | gen Marthan Bachdad   | Irca  | 2. BATE   | 3. TIM  | oscho                    | 4. FILE NC                            |  |
| <b>5</b> .        |   | 66.5  | 8. ORGANIZATION   | DR ADDRESS  |                          |                                       | · .                                    |
| 1.1               | SSM 7.  | <u>GRADFISTA</u> TUS  |   |   | -                        |                                       |  |
|                   |   | PART I - RIGHTS WAIV  | ER/NON-WAIVER CERTIFI   | CATE  |                          |                                       |  |
| ect               | ion A. Rights   | <u> </u>  |   | ······  | -                        |                                       | (                                      |
| 'he iı            | nestinate wheet bb-5 a to the   | States Army   |   | · · · · · · · · · · · · · · · · · · ·   | ·                        |                                       |  |
|                   | ctellaccused: totainer Abu  | 40.   | and wanted to quest   | ion me about the follow   | wing offense(s) of which | h 1 am                                |  |
| lefor             | The sked me any questions about the offense(s), however<br>I do not have to answer any question or say anything.<br>Anything I say or do can be used as evidence against me in a criminal trial<br>(For personnel subject othe UCMJ) have the right to talk privately to a la   | L   |   | vyer present with me  |                          | • •                                   |  |
|                   | during questioning. This lawyer can be a civilian lawyer I arrange for at no<br>or both.  | o expense to the Government   | or a military lawyer detailed for<br>- or -   | me at no expense to r   | ne,                      |                                       | ¢ F                                    |
|                   | during questioning. This lawyer can be a civilian lawyer I arrange for at no  | o expense to the Government<br>o a lawyer before, during, and<br>ange for at my own expense,<br>without a lawyer present, I ha                  | or a military lawyer detailed for<br>- or -<br>after questioning and to have a<br>or if I cannot afford a lawyer ar   | me at no expense to r<br>lawyer present with<br>Id want one, a lawyer   |                          |                                       |  |
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ACLU-RDI 2063 p.44

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|   | •   |   | VARNING PROC<br>of this form, see AR 190                    |   |  |   |                                | * a           |            | ·   |
|---|---|---|---|---|--|---|--------------------------------|---------------|------------|---|
| · · · · · · · · · · · · · · · · · · ·   |   |   | DATA REQUIRED   | BY THE PR   | IVACY ACT  |   |                                | ,             |            |   |
| AUTUODITY.  | Title 10 United St  | ntan Cada Cantian A   | 017/41  |   |  |   |                                |               |            |   |
| AUTHORITY:<br>PRINCIPAL PURPOSE:  | Title 10, United Sta<br>To provide comman   |   | ement officials with  | means hy wh   | ich information ma   | w he accurate   | elv identified                 |               |            |   |
| ROUTINE USES:   |   |   | an additional/alterna                                       |   |  | •   | · · .                          |               |            |   |
| DISCLOSURE:   | Disclosure of your 1  |   |   |   |  |   |                                |               |            |   |
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| · · · · · · · · · · · · · · · · · · ·   | ·   | PAR1  | r i - Rights Waive  | R/NON-WAI   | VER CERTIFICATI  | E   | <u>.</u>                       | ·             | · .        |   |
| Section A. Rights   |   |   | •   |   |  |   |                                |               |            |   |
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| The investigator whose areas  | and the second  | bla-2   | · · • · · ·   | •. •  |  |   | ·                              |               |            |   |
|   |   | 000   | ·   | and (   | wanted to question m   | e about the fol   | llowing offense(s)             | of which I am |            |   |
| uspected accused:   | Deminee   | Abuse   |   |   |  |   |                                |               |            |   |
| leforemeshe asked me any questi   | ons about the offense(s), how   | rever hashe made it cli   | ear to me that I have th                                    | e following rigi  | nts:   |   |                                |               |            |   |
| . I do not have to answer any   |   | •   |   |   |  |   |                                |               |            | , second s |
|   | used as evidence against me i   |   |   |   |  | •   |                                |               |            |   |
|   | UCMJ I have the right to tall   |   |   |   |  |   |                                |               |            |   |
|   | yer can be a civilian lawyer l  | arrange for at no expen   | ise to the Government o                                     | r a militery law  | vyer detailed for me a   | t no expense t  | o me,                          | •             | •          | · C   |
| or both.  |   |   |   |   |  |   |                                |               |            |   |
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| me during questioning, I and<br>will be appointed for me bef  | the UCMJ) I have the right to<br>erstand that this lawyer can b<br>ore any questioning begins.<br>is the offense(s) under investi   | be one that I arrange to  | r at my own expense, o                                      | r if I cannot af  | ford a lawyer and wa   | nt one, a lawy  | er                             |               |            |   |
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|  | S WARNING PROCEDURE/WAIVER CERTIFIC, E<br>se of this form, see AR 190-30; the proponent agency is ODCSOPS  |
|--|--|
|  | DATA REQUIRED BY THE PRIVACY ACT   |
| •  | orcement officials with means by which information may be accurately identified.<br>as an additional/alternate means of identification to facilitate filing and retrieval.   |
| 1. LOCATION Main How Bahad   | ad tirring 2. Date 3. TIME 4. FILE NO.   |
| 5. <u>NAME</u> (Last, First, MI)   | 8. ORGANIZATION OR ADDRESS   |
| P/   | ART T - RIGHTS WAIVER/NON-WAIVER CERTIFICATE   |
| Section A. Rights  |  |
| The investigator whose name annears being told and the United States and the United Stat       | States Army  |
| Suspected Auge   | and wanted to question me about the following offense(s) of which I am   |
| <ol> <li>Before for she asked me any questions about the offense(s), however for the made in         <ol> <li>I do not have to answer any question or say anything.</li> <li>Anything I say or do can be used as evidence against me in a criminal trial.</li> <li><i>(For personnel subject othe UCMJ)</i> I have the right to talk privately to a lawy during questioning. This lawyer can be a civilian lawyer I arrange for at no export both.</li> <li><i>(For civilians not subject to the UCMJ)</i> I have the right to talk privately to a lawy during questioning. This lawyer can be a civilian lawyer I arrange for at no export both.</li> </ol> </li> </ol>   | Ver before, during, and after questioning and to have a lawyer present with me<br>pense to the Bovernment or a military-lawyer detailed for me at no expense to me,<br>- or -<br>awyer before, during, and after questioning and to have a lawyer present with |
| <ul> <li>If I am now willing to discuss the offense(s) under investigation, with or withdespeak privately with a lawyer before answering further, even if I sign the weit for the second se</li></ul> |  |
| Section B. Waiver  | ۲<br>۲<br>۲  |
| understand my rights as stated above. I am now willing to discuss the offense(s) un  | ider investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.   |
| WITNESSES (If available)   | 3. SIGNATUREOF INTERVIEWEE   |
| 1a. NAME (Type or Print)   | 166-5  |
| b. ORGANIZATION OR ADDRESS AND PHONE   |  |
| ta. NAME (Type or Print)   | 5. TYPED NAME OF INVESTIGATOR  |
| D. ORGANIZATION OR ADDRESS AND PHONE   | 6. ORGANIZATION OF INVESTIGATOR  |
| Section C. Non-waiver  |  |
| 1. I do not want to give up my rights  | l do not want to be questioned or say anything   |
| 2. SIGNATURE OF INTERVIEWEE  | 001858   |

|  | ROCEDURE/WAIVER CERTIN<br>R 190-30; the proponent agency is ODCS   |   |                  |          |
|--|--|---|------------------|----------|
| DATA REQU  | IRED BY THE PRIVACY ACT  |   |                  |          |
| AUTHORITY:       Title 10, United States Code, Section 3012(g)         PRINCIPAL PURPOSE:       To provide commanders and law enforcement officials of ROUTINE USES:         Your Social Security Number is used as an additional/alt         DISCLOSURE:       Disclosure of your Social Security Number is voluntary.  | ternate means of identification to fac   |   |                  |          |
| 1. Camp Harlboro 2/2 ACR Bashdad Irag  | 2. DATE<br>1 Aug Ø3  | 3. TIME<br>1245 hrs                     | 4. FILE NO.      |          |
| 5 blast die blas |  | d d                                     |                  |          |
|  |  | · · · · · · · · · · · · · · · · · · ·   | ·                |          |
|  | AIVER/NON-WAIVER CERTIFICATE   |   |                  |          |
| Section A. Rights  | <u></u>  |   |                  | Ğ        |
| b6-5<br>The inv <u>estigator where same annears below told me the Cabe he</u> is with the United States Army   | · · ·  | · · · · · · · · · · · · · · · · · · ·   |                  | CORR-101 |
|  |  | about the following offense(s) of which | hlam             | 01       |
| suspectediaccused: Stripping Strong Citizens +<br>Before holshe asked me any questions about the offense(s), however (holshe made it clear to me that I have   | Scenting - + 1 Cocci   | Lifigens                                |                  | , dtd    |
| I. I do not have to answer any question or say anything.   | as the logitimity lithers.   |   |                  | 9        |
| Anything I say or do can be used as evidence against me in a criminal trial.   | ·  |   |                  | Nov      |
| . (For personnel subject othe UCMJ 1 have the right to talk privately to a lawyer before, during, and  | after questioning and to have a lawyer pr  | esent with me                           |                  | VO       |
| during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Governme   | ent or a military lawyer detailed for me at  | no expense to me,                       | •                | 2        |
| or both.   | · .  | ,                                       |                  |          |
|  | - 07 -   |   |                  |          |
| (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during,   | -  |   |                  |          |
| me during questioning. I understand that this lawyer can be one that I arrange for at my own expen   | se, or it I cannot afford a lawyer and wan   | one, a lawyer                           |                  | •        |
| will be appointed for me before any questioning begins.  | I have a state of an annual an available   | at any time or                          |                  |          |
| If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I<br>speak privately with a lawyer before answering further, even if I sign the waiver below.   | i nave a right to stop answerning questions  | at any time, or                         |                  |          |
| Speak phratery with a lawyer before answering thittler, even in 1 sign the warver below.   | • •<br>•   |   |                  |          |
|  |  |   |                  |          |
|  |  |   |                  |          |
| COMMENTS (Continue on reverse side)  |  |   |                  |          |
|  |  |   |                  |          |
| ection B. Waiver   |  |   |                  |          |
| ection B. Waiver<br>understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and r   | +  |   | present with me. |          |
| ection B. Waiver   | make a statement without talking to a law<br>3. SIGNATURE OF INTERVI                                       |   | present with me. |          |
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| ORITY:       Title 10, United States Code, Section 3012(g)         To provide commanders and law enforcement officials with         INE USES:       Your Social Security Number is used as an additional/altern         DSURE:       Disclosure of your Social Security Number is voluntary.         LOCATION       Composition         LOCATION       Composition         LOCATION       Composition         LOCATION       Composition         LOCATION       Composition         LOCATION       Composition         NAME (Last, First, MI)       bb-5         SSN       7.         GRADE/STATUS         PART 1 - RIGHTS WAIV         In A. Rights         Stigator whose name annears helow told me that the United States Army         Stigator whose name annears helow told me that the United States Army         Stigator whose name annears helow told me that the United States Army         Stigator whose name annears helow told me that the United States Army         Stigator whose name annears helow told me that the United States Army         Stigator whose name annears helow told me that the United States Army         Stigator whose name annears helow told me that the States and the United States Army         Stigator whose name annears helow told me that the States and the United States Army         Stigator do can be used as  | ate means of identif   | C3<br>CATION OR ADDR<br>CATION OR ADDR<br>CAT | 3. TIME<br>12.56<br>12.56<br>SESS<br>bout the following offer<br>ent with me<br>expense to me, | val.                  | 4. FILE ND.                           |
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| •  | o a right to stan assur  | orian questions at  | any time or  |                       |                                       |
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| B. Waiver  |  |   |  | • .<br>• • • •        | · · · · · · · · · · · · · · · · · · · |
| and my rights as stated above. I am now willing to discuss the offense(s) under investigation and mak  | e a statement without  | talking to a lawys  | er first and without ha  | ving a lawyer prese   | ent with me.                          |
| WITNESSES (If available)   | 3. SIGNATU   | RE OF INTERVIEW   | YEE  | •                     |                                       |
| NAME <i>(Type or Print)</i>  |  |   |  | . '                   | 66-5                                  |
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| DRGANIZATION OR ADDRESS AND PHONE  | 4. SIGNATU   | RE DE NIVESTIGA   | TOR  |                       |                                       |
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| DRGANIZATION OR ADDRESS AND PHONE  | 6. ORGANIZ   | 4   |  |                       | J                                     |
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| C. Non-waiver  |  |   |  |                       |                                       |
| do not want to give up my rights   |  |   |  |                       |                                       |
| I want a lawyer  | 🔲 i do not   | want to be questi   | ioned or say anything  |                       |                                       |
| IGNATURE OF INTERVIEWEE  | <u></u>  | ·   | ······   |                       | <b>186</b> 0                          |

|  |  | D   | ATA REQUIRED BY T  | HE PRIVACY ACT   |  | •                    |                                       |          |
|--|--|---|--|--|--|----------------------|---------------------------------------|----------|
| AUTHORITY:<br>PRINCIPAL PURPO  |  | d States Code, Section 3012<br>Imanders and law enforcemen  | •  | ;<br>s by which informati  | on may be accurately id  | entified.            | · · ·                                 |          |
| OUTINE USES:<br>ISCLOSURE:   | Your Social Se   | curity Number is used as an a<br>our Social Security Number is  | dditional/alternate mea  |  |  |                      |                                       |          |
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| BIABAT Hand F  |  | <b>D</b> <u>66-</u>   |  | ORGANIZATION   | OR ADDRESS.  |                      |                                       |          |
|  |  | C   | RIGHTS WAIVER/NO   | N-WAIVER CERTIF  |  | ·                    | ·                                     |          |
| ction A. Rights  | <u> </u>   |   |  |  |  |                      | •                                     | <u> </u> |
| e investination  | b  | 6-5<br>re United States A   | וחזיץ  |  | i  |                      |                                       |          |
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| spected accused:   | any questions about the offense(s)   | however by she made it clear to   | o me that i have the follow  | wing rights:   | · .  |                      | ·                                     | ·        |
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|  | do can be used as evidence agains<br><i>bject othe UCMJ</i> I have the right t   |   | team rathe boar minub a  | Lioning and to have a la   | wyer present with me   | •                    |                                       | , c      |
| during questionin  | g. This lawyer can be a civilian law   | ver l arrange for at no expense to  | e, outing, and aster quest<br>the Government or a mil  | itary lawyer detailed fi   | or me at no expense to me,   |                      |                                       |          |
| or both.   |  |   |  |  |  |                      |                                       | •        |
|  |  |   |  |  | •  |                      |                                       |          |
|  | - time as at a 10788 II throw also a   | nha en enlle mainstatu en a lannuar h   |  | or -   | a lawyer present with  |                      | · · · ·                               |          |
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## Index of all Exhibits

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Exhibit A Exhibit B Exhibit C Exhibit D Exhibit E Exhibit F Exhibit G Exhibit H Exhibit I Exhibit J Exhibit K Exhibit L Exhibit M Exhibit N Exhibit O Exhibit P Exhibit Q Exhibit R Exhibit S Exhibit T Exhibit U Exhibit V Exhibit W Exhibit X Exhibit Y

Exhibit Z

Exhibit AA

ACLU-RDI 2063 p.50

CORR-101, dtd 9 Nov 01

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**NTINIA** 

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001862

Ho-Yall SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: » Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: DISCLOSURE Disclosure of your social security number is voluntary. 3. TIME 4. FILE NUMBER 1. LOCATION 2. DATE (YYYYMMDD) CAMP DRAGOON 2003 07 28 1930 BAGHDAD FRA LAST NAME, FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 6. SSN 8. ORGANIZATION OR ADDRESS <u>ک</u>، 9. Personal Info Redacted IAW Sec of Def Memo 01 CORR-101, dtd 9 Nov 01 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 19 JULY It was brought to my attention that a soldier under my command had vent to the Chaplin. reference the possible mis-treatment of Ing; civilians. -. ) and received the information upon finding this out, I went to the that was bright to his attention. Upon hearing the possible allegations I went to the Platoon Leader & Sergent to get an intial read, they both said they had here sumors or talk but Knew noting. I then talked with a couple of soldiers. was the soldier that went to the Chaplin and he confirmed what the Chaplin had told me. He said that the platoon had stripped on Fragi civilian, Shocked an Iragi civilian with an M34 blasting device and royhed a civilian up in who stated that the platoon provokal their ADD. I also talked with a lot of things and both soldiers stated the platoon was doing things they should not be doing. The following day, 20 JULY 03, I had the come to my Loation. I then begin asking them goesting reference the proposed allegations. I also spoke with all ~ Upon my questioning I gathered the follows information. To the best of my knowledge all incidents happened in the absence of the PL. He stated he had no Knowledge and had heard some talk but had not seen any admitted to of the above stated incidences. After initial questioning. bein present for all and directing the stripping of one individual. seems & have been present for all and took part in the stripping and shocking admitted to being present but had no direct inwhere. also admitted + being present but had no direct involvement. Upon questions incident. other soldies to the best of my Knowledge I believit as the So from the INITIALS OF DEPSON MAKING STATEMENT 10. EXHIBIT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

### DOD-046392

001863

TAKEN AT E-EE, Bachded DATED 28. July 2003 STATEMENT OF Mile 9. STATEMENT . (Continued) information that I gathered the stipping incident happened truice, there was one shocking incident and one possible roughing up incident. with all soldies questioned only one mentioned the royhis up, and one admitted seein it (-66-4 ion). The NICO's present / accound isaid they spectorment take and as a means to teach Mem a lesson by not stealing use and not shooting Here. Upon questioning all process and officers I \$6-5 read Herr Heil rights. Soldiers were not read their rights hence faith the reason for only **CORR-101** Personal mentioning two names. I am under on the total number of incidences. It be three separate but to my knowledge I believe it to the three. incidents / allegations and only two individuels. Prior sto this incident NCO'S inquestion had will his confidence and support. To ne they were Redacted IAW NCO'S and possibly want for and took on where of a situation The should have. NOTHENG FOLCOWS this prove a sign water where is interested the what said the the theory and he walk Sec of Def Memo watcher why the total when States and the states A Start Start Proje I in Sec. 1. 6 . . . AFFIDAVI 1. . , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 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; OF UNLAWFUL INFLUENCE 664 Sec. Sec. 1. S. S. S. S. S. Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of at Kumber To WITNESSES: 1 < 3ering Oath) ORGANIZATION OR ADDRESS Name of Person Administering Oath, -6 (Authority To Administer Oaths) ORGANIZATION OR ADDRESS page 2. OF 2 INITIALS OF PERSON MAKING STATEMENT PAGES USAPA V1.00 FORM DOTO DEC TOOR

001864

DOD-046393

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). To provide commanders and law enforcement officials with means by which information may be accurately AUTHORITY: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. PRINCIPAL PURPOSE: ROUTINE USES: Disclosure of your social security number is voluntary. 3. TIME FILE NUMBER DISCLOSURE 2. DATE (YYYYMMDD) 1. LOCATION 0150 2:00307 Sayhda 7. GRADE/STATUS 6. SSN LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 9 CORR-101, dtd 9 Nov 01 Personal Infor Redacted IAW Sec of Def Memo 01 On or about "2 weeks prior to the 4th of July I witnessed acts aginst an Iraqi Civilian that I for allong with other soldiers felt was wrong. 3 of the plateons trucks had gone on a misson to buy drinks for the 4th of July (trucks 27, 23, 22). On the way back from the misson they went through the back forty to look for looters. One Iraqi boy was apperhanded (between 10+ 18 years old) and brought back to Camp Marlboro. Instead of taking him to be turned in PIt Sof called the truck with the prisiner and told them to the & Warehouse with out dropping off the prisiner. was dropped off at the translator office and they all met at the warchouse. While every one was untoching drinks the prisinor was taken off the tra and asked teared up against the wall. The the prisinon if he wanted water then proceeded to pour water all over the prising. Then 66.5 took a blesting machine and should the prising on his fact that while he was zip cutts. I then left the area and told was happening . He went to the Plt Syd and told him that it was not wright. I returned to the warchouse about thour 11. INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF 10. EXHIBIT ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

TAKEN AT K-TOC, Bestelad DATED 28 July 05 STATEMENT O 9. STATEMENT (Continued) and 20 minuts laters They louded the prisiner the Plt Sqt's truck and 21,27, and 22 victors left the with the prising and want back to the back side of lang Matlbors, There the prosinar was taken off the truck and a building a White he was I could not INS1 first but heard hots 7 hon I gould see him and watched as they stripped him at CORR-101, dtd 9 Nov 01 his clothing. They made him start walking away Nated and then spray al pepper spray on his clothing that was a all in the buldings. Then they said that will supprise him if he comes back to get his blothes. Then to the trucks and we all returned to Gunp Marlbore For was talked badly about behind his back by must of was not allould to growt on missons with the Plt set speaking up the Platron and unloss there way no office option . AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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. (Signature of Person Making State Subsoribed and sworn to before me, a person authorized by law to administer paths, this 280 day of July WITNESSES Kegiments Tec Boshile Signature of Oston Siministering Oath) ORGANIZATION OF ADDRESS (Typed Name of Person Administering Oath, 15-6 (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGES OF Ć PAGE . UŞAPA ¥1.00 1866 ACEU-RDF-2063-p.54998

Personal Info Redacted IAW Sec of Def Memo 01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** Disclosure of your social security number is voluntary. DISCLOSURE: 4. FILE NUMBER 2. DATE (YYYYMMDD) 3. TIME 1. LOCATION Bayhdah 21:30 20030728 GRADE/STATUS SSN LAST NAME 8. ORGANIZATION OR ADDRESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: A few days after July 4th at about 1500 hrs " - Ceme to me and said you want believe that I saw. I said what he told Personal Info Redacted IAW Sec of Def Memo 01 CORR-101, dtd 9 Nov 01 me that they had carght an Iraqi steeling. He told me that they had taken a 9 millimeter pistol and hit him with it and knocked him unconcisions and left him there bleading and in zip cutts. Then would be walked up to me an told me the same thing and that he had watched it huppen. 11. INITIALS OF PERSON MAKING STATEMENT PAGES 10. EXHIBIT PAGE 1 OF ø DATED ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT THE POTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER AC

00186

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Baghdud Map Murlboro Irny 20030729 730 5. LAST NAME FIRST NAME MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. 9. CORR-101, dtd 9 Nov 01 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: \$ b-7 by On or about 15 Jul 03 I was approach A concerning treatment of Iragi defamers. It was brought to my attention that one of my soldiers approched him and told of mistreatment of the Iraqis. Upon hearing this information I went to my platoon sergement and informed him that there are ramors at mistreatment of detainers, and that if it is happening it needs to stop. acknowledged and said it : Eisnot happening and won't heppen. Thread, the initianing investigation by The Destroy of the approx 2 weeks prior to myself talking to 66-2 that all detainers were detained and taken directly to Bulldog X-Ray at Camp Marlbord, The allertions brought to my attention by incrimin were: forcing detainers to strip, shocking with a blasting 66.5 and 66-5 Machine, and excessive beating. I personally was unaware of these types of actions if they were occurring. I was with and mother signad while detailing 3 or 4 individuals on approx 2"d or 3rd week of June. During this process, the Tragi were flex cuffed and put into the truck, They were then taken to Bulldog X-Ruy at Camp Marlboro to be hundred off to Bulldog Bathay: Apon arriving, the motheriz of an of the bays came to the camp and her son left on her custody. CODDODOD We were then instructed that nothing could be done rocht then, so our choices were to leave the defainers in the holding Cull at Camp Marthoro or take them out, drive around and release them. We down to take them out + release the detainees. I stayed at Camp Martbord and sent my other 2 trucks out to release the detainers. to our Wharehouse. I am aware of one instance of a detainee being brough My second sound vehicle had a flat tire, so while the tore being fixed my Platoon Sergement drove back to the wharehouse with the detainer in the back. One of the soldiers in the back had bounced a soccier ball off and told aim he didnot : approach the detainees head. y, made sure like the way the Iraq, in steing Heated. Since that, talk no Impis were treated mistreated again. I am not numer of any shecking with a blasting Machine. I have talked with my soldiers and no individuals have seen or done this action. I have heard the possibility of 2 lings being forced to strip + walkhome, but have not seen this. - Nothing Follows-11. INITIAL SEF PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

ACLU-RDI 2063 p.56

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DOD-046397

LISUIIAI IIIIUI NEURCIEU IA W SEC OI DET MEMO UI-

DATED TAKEN AT STATEMENT OF 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 Zis De Black AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT . 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 BE THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OF Sec. La (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, thi n WITNESSES: 66-ng Oath 66-2 UNUANIZA HUN UN AUCH All the sector of the sector o (Typed Name of Person Administering Oath) Latin wavying & # allifully Trein '3 (Authority To Administer Oaths) URGANIZATION DI ï PAGES OF 2 PAGE 2 INITIALS OF PERSON MAKING STATENT USAPA V1.00 PAGE 3, DA FORM 2823, DEC 1998

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 3. TIME 2. DATE (YYYYMMDD) 4. FILE NUMBER and Marlborg 20030629 2010 ST NAME, FIRST NAME, MIDDLE 6: SSN 7. GRADE/STATUS OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: CORR-101, dtd 9 Nov 01 Before the 4th of Suly my pit was celled to pick up a bunch of copper wine front Eagle theops sector. We came book to camp merline to the back 40 and son a bunch Je chosed them on food to rente ceres one of them was making from of us as he remained. We got beal its on vehicles and an PS6 had 2 defances the leader stated to come bede so my squad dropped on theile, ad went out to ite alros, CD that time it cought 2 more dorters. We told preventithem bade and no: \$65 ne one of the detainees was the one making. fun or They took his off the truck took his to the first of their trude and roughed him up. Put their food in hi Topole him u tha Chest. I voew machine. We was bode and dropped ittem off abithe (moc When we got bode the PSG asked me up it bothered we evel I soid yes, "The second occasion we preked up looters at the same place. We then drove to a building near the bouch to they pulled the chagis out of the truck and , and a few others took it the side of un witting in my Humber and I wai ore chegin out noted, doub Sin later the other one came out noticed. The ithind uncidents we can and one leaster and stork him its then come out with his clothes. 11. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF (A b-ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ACLU-RDI 2063 p.58

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AND ALLEN TUR AN

TAKEN AT Camp Marlboro DATED 29 July 2003 STATEMENT OF 9. STATEMENT (Continued) The final uncident il was present for we canque one clother prerapid him bede to comp marlbere I called the P56 what he wanted its do with him. He tale he to bring him to the werehouse When we got there I went out the prois to use the clatrice. I stayed outside for about 10 min. 66.5, care out and itold When I walked borel in theywere all going to hell. I welked to the Personal Info Redacted IAW Sec of Def Memo 01 CORR-101,dtd 9 Nov 01 bude and som . 66-5. Dervil a socier bell off the clitclelhim to istop and pulled the PSG choqis head off to the side and told him what had happened was wrenzy. We itself me that dhen would itere its down. aday of so later he told we it wouldn't hoppen again AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE . 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 UNDAWFUL INDUCEMED (Signature of Person Making Statement) \$6-2 Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this 🔑 day of L UNGANIZATION OR ADDRESS dministering Uath) (Typed Name of Person Administering Ost (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGE 2OF Z PAGES とうりん 001899 PAGE 3, DA FORM 2823, DEC 1998 ACLU-RDI 2063 p.59

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER VARIboro 2110 CAMP 20030729 7. GRADE/STATUS 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 8. ORGANIZATION OR AD IT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: We arrested 2 IRAQI LOOTERS RUNNING FROM INSIDE THE SPUT WHERE The SQUADRON was keeping the STOLEN COPPER. I was kind of SUPRISED That They were NOT shot before they made their way To us. The day before the guard Towers Shot a lotter and killed him and To OUR UNDERSTANDING The RAE was changed TO Shoot The 100 TERS. AFTER The arrest we brought them to an abandoned house Behind Camp Mariboro. That is when The Irgis were brought into The house. I had my Responsibility of My Sector of fire on the your So I have No knowledge of what happened in the house AFTER a short TIME The LOOTERS RAN, ONE AFTER The OTHER, Nude across The STREET To ANOTHER house. EN23 BROUGHT What seemed to be a loster by back to the Platoon AO FOR a REASON I DID NOT KNOW. IT was my day off so I was washing clothes and just seen the TRUCK pull in. I walked outside To wash clothes and upon my RETURN The lootER WAS on back of one OF The TRUCKS AND The PLATOON LEFT FOR THEIR MISSION. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER 0018 ACLU-RDI 2063 p.60

CORR-101, dtd 9 Nov 01

DATED TAKEN AT STATEMENT OF 9. STATEMENT (Continued) CORR-101, dtd 9 Nov 01 Personal Info Redacted IAW Sec of Def Memo 01-AFFIDAVIT . • •. , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_. 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. 66 (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2915 WITNESSES: day of, 56-2 inn Dath) Signature of P ORGANIZATION OR ADDRESS (Typed Name of Person Administering Oath) 3537 0 (Authority To Administer Oaths) ORGANIZATION ON ADDOL INITIALS OF PERSON MAKING STATEMENT PAGES OF PAGE 001873 Ú-RDI 2063 p.61

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STATEMENT OF DATED TAKEN AT 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 AFFIDAVIT \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT Ł , I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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. OB UNLAWELL INDUCEMENT (Signature d Subscribed and sworn to before me, a person authorized by law to administer oaths, this 304 day of 100 ,2003 WITNESSES: Cristin n Ьb 0 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 -(Signature of Person Administering Oatt) ORGANIZATION OR ADDRESS the state of the s Person Administering Oath) Typed Name of (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS, OF PERSON MAKING STATEMENT OF PAGE PAGES 001875 ACEURD1 2063 -

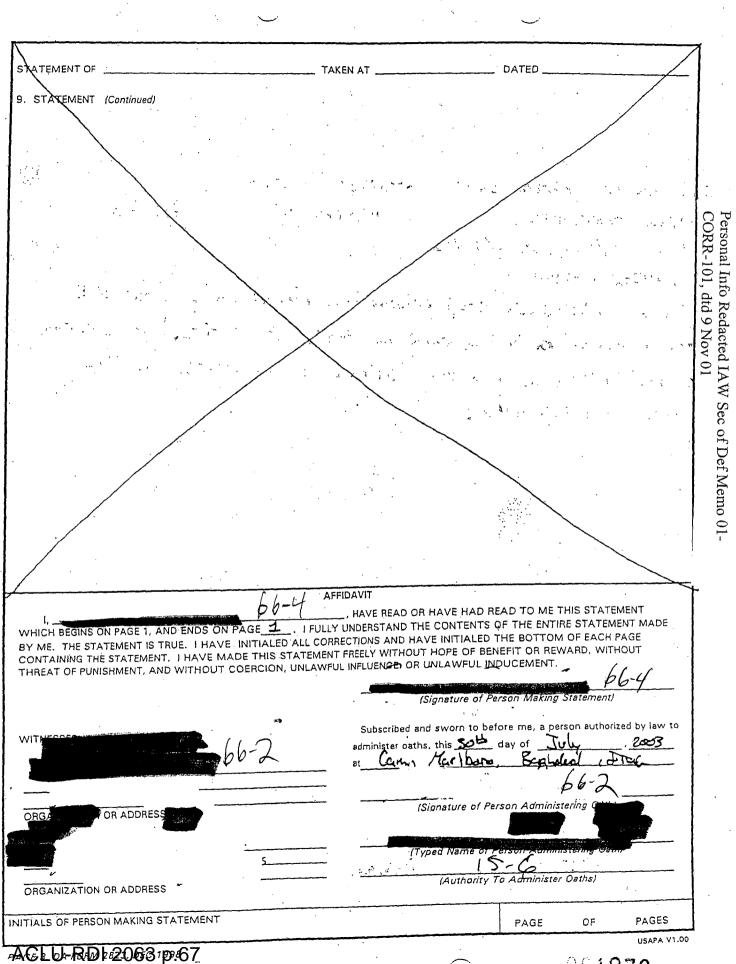
SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 3. TIME 1. LOCATION 2. DATE (YYYYMMDD) 4. FILE NUMBER 200307 30 1710 noro ami 7. GRADE/STATUS AIDDI F NAME SSN LAST NAME 8. 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: CORR-101, dtd 9 Nov 01 dround the beginning of July a incident took place our Whare house were EN 23 Brought in a Civilian appartently for stealing and Me Risals Changing the tire on and Eng. 22 when they came in and took him was ziptied + out the back of the truck he blind folded with a SANd bag. When I Looked to see what's going on he was sitting against the wall and they were yelling at him for stealing an how bud it was. Then when we tinisted with EN22, us and EN27 Brought the the building in the Back 40 and I got out 'smoke a cigarette and then I seen the boy without any clothes on, I just turned coming out around and then we Loaded back into vehicles and came back to the whare house. OF PERSON, MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMEN" ACLU-RDI 2063 p.64 NUMBER

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TAKEN AT DATED STATEMENT OF 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101,dtd 9 Nov 01 AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE\_ 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, OP LINEA WE Subscribed and sworn to before me, a person authorized by law to WITNESSES: 2003 oaths administer <u>. ek</u> all of the first states ORGANIZATION OR ADUKESS (Typed Name of Person Administering Oath) 0 (Authority To Administer Oaths) ORGANIZATION OF ADDRESS PAGES INITIALS OF PERSON MAKING STATEMENT OF PAGE USAPA V1.00 001881 ACLU-RDI 2063 p.69

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DATED STATEMENT OF 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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 COERCIO 101911 BLUIE UI FEISON WIBKING STATEMENT) Subscribed and sworn to before me, a person authorized by law to WITNESSES: ~66-2° administer oath 、/ 66 LI Ypea Name of Perso Jathi mister Oaths) (Authority To Aok ORGANIZATION OF ADDRESS INITIALS OF PERSON MAKING STATEMEN PAGE OF PAGES 10 USAPA V1.00 PAGE 3, DA FORM 2823, DEC 1998 001883 ACLU-RDI 2063 p.71

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CORR-101, dtd 9 Nov 01

ACLU-RDI 2063 p.72

DATED STATEMENT OF STATEMENT (Continued) 9. E. 45718 Same day of the Stand Harris Elite 51 Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 . . . . Augent alto And Ince 524 (82, 23 augen 1 y and shall do among the purpose a deta compare a seconda de la ومرجعها والمجتلة وترجمه المسجع فالمحد والم 立体 かいおう Company and start off 1. 1. 1. 1. 1. in the of opportunity provided the index fright المتحر والمعالي المحترين 1.15 -1.1. Carl of many stores SP 46 23 Strate we we we way HARRY LARD BRAS LADOR - ATT IN A LOOSA diring المراقى وأراجا المجاليسين المرا I'm a monor with the in the second second AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE ON PAGE BY ME. THE STATEMENT IS TRUE, I HAVE INTIALED 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. 11 66-4 Subscribed and sworn to before me, a person authorized by law to WITNESSES: ISIONALUIR DI Person 66-2 dministering Oath) To Administer Oaths) (Authority ORGANIZATION OR ADDRESS PAGES INITIALS DE PERSON MAKING STATEMENT PAGE OF 015885 1998 ACLU-RD1 2063 p.73

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Personal Info Redacted IAW Sec of Det Memo UL CORR-101, dtd 9 Nov 01

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DATED STATEMENT OF AKEN AT STATEMENT (Continued) 155 NA Lesk A Star Same 20 Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 计译字人 1 1 1 1 1 الجواني. 1.00 1. 31.1  $\gamma \gamma$ الت بق لا 1.20 S. My Bach 1. 112 いたっとうのの Mr. 11 1.14 14 1 33 as.<sup>111</sup>. ે જૂંગ AFFIDAVIT 1 de to to .1. HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE A MAND ENDS ON PAGE \_\_\_\_\_ I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT N BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED AUS CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT, J. HAVE MADE THIS STATEMENT FREELY WITHOUT HORE OF BENERIT OF REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNITANATELIN INFLUENCE, OR UNLAWFUL IN يتنو برهما of Person Making Statement) 2.2 200 718 6 A. J. M. 31234 r i zisi 140 Subscribed and sworn to perfore me, a person authorized by law to WITNESSES: administer paths; this S/Sday of 690 (Typed Name of Person Administering Oath) (Authority To Administer Oaths) ٠., ORGANIZATION OR ADDRESS MAKING STATEMENT INITIALS OF PAGES PAGE OF CCULSO AC 53 p.75

**SWORN STATEMENT** For use of this form, see AR 190-45; the proponent agency is ODCSOPS **PRIVACY ACT STATEMENT** AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER <u>Lamp Marlboro</u>, Ba 5. LAST NAME, FIRST NAME, MIDDLE NAME 200 307 マッろん 6. SSN 7. GRADE/STATUS 8. ORGANIZATION OR ADDRESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: During the month of June 2003, myself and other 2nd Ply Personal Info Redacted IAW Sec of Def Memo 01-CORR-101. dtd 9 Nov 01 have construred and detained looters Stealing the loote The first ten cases, we brough? 'S burning Long Martbor and attempted tun ba they de told by Bulldog personnel A TROOP were ALLO, it was too ť æ e/ VG 10 takl  $\mathcal{T}$ they Tever st coople a the makea Dang nv 50, We then The dann 2 Som artano hen a A him to hurry INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGE 1 OF PAGES  $\sigma$ ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED · ... . The state of the second 001888

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THIS PAGE IS NOT NEEDED, PLEASE PROC > FINAL PAGE OF THIS FORM. USE THIS PAGE IF NE Markens DATED 31 July 2003 (cm) TAKEN AT STATEMENT OF 9. STATEMENT (Continued) feu minutes get back to the wearhouse. Up and 3 pulled up with the prisoner Nick 57 the prisoner out of the truck, a 6-4 against the watt. abou The inas while everyone him to get up and I know had to repeatedly push to show me his R as trying was turning pumple and sicellis Personal Info Redacted IAW Sec of Def Memo 01-CORR-101,dtd 9 Nov 01 tookec at and bis blin that Zip Ku m not so tight He looked - a nen b Gard "Mary too troally 31-V socierball neon 15 torelea Roothall?" and bounced and gaid, You ball and yelled and me, H 1 Save this ver, and yelled that u Gron con it do stutt like the ed that we coing to take court σŧ a 10040 re werent 6 everyone that on, we would just give en Bullda From that point Ve Caught how they wan havelle in ŀe. taling electricity erconnel 51 Barloos NOTHIN 10 blog aft 7. e . - • • 20 و به پر در در INITIALS OF PERSON MAKING STATEMENT PAGE PAGES USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998

001889

TAKEN AT DATE STATEMENT OF 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 AFFIDAVIT 60  $a^{-1} \ell$ , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I, \_\_\_\_\_\_ WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 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. 66-4 Subscribed and sworn to before me, a person authorized by WITNESSES: administer oaths, this bro 66-2 66-0 ORG. (Typed Name of Person Administering Dath) To Administer Oaths) (Authority ORGANIZATION OR ADDRESS **00189**0 ACLU-RDI 2063 p.78

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: Disclosure of your social security number is voluntary. DISCLOSURE: 2. DATE (YYYYMMDD) 4. FILE NUMBER 3. TIME 1. LOCATION 7. GRADE/STATUS 5. LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATION CORR-101, dtd 9 Nov 01 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 1, \_ Did not see or do not Know anything that happen nothing tollows OF PERSON MAKING STATEMENT 11. INITIALS 10. EXHIBIT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 8 91ACLU-RD12063+pd39 ONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, PAGE NUMBER

DATED STATEMENT OF TAKEN AT 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 - 1. S. S. S. HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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 COERCITY UNIT ANALY IN INFLUENCE. OR UNLAWFUL INDUCEMENT 66-2 Subscribed and sworn to before me on authorized by law to WITNESSES: administer oaths, this day of 66-2 (Typed Name of Person Administering Oath) 15  $( \ \ \ )$ (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGE () (°F1892GES ACLU-RDI 2063 p.80

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 3. TIME 2. DATE (YYYYMMDD) 4. FILE NUMBER 2003080 1/19 7. GRADE/STATUS 8. ORGANIZATION OR ADDRESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 90 604 July 3rd 2003 we recieve MISSION Ina 4tH of July events, the Pruck 74 21, 22, 23 me 27. We got to th where returned back vah <u>\_\_\_\_</u> were tould WE to. ٢ RAC May /bord ne brough 7 ~ \$ caugh Ð hi at the the got y 7-1m τ IÇ turn kim in to the 00 ŤO n, the ware how m to are house ar volley ball ying and 00 Dack FOR next o SOd to 6002 par 10 £L COURY and ask TP download 500 looter we caught WAS 51 TTING d betwee 22.h 2 6 61 e 50 96 7 Z viring our C. In 7he 5 С 00 11. INITIALS OF PERSON MAKING STATEMENT 1D. EXHIBIT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF DATED TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI DO DA FORM 2823, DEC 1998 001893

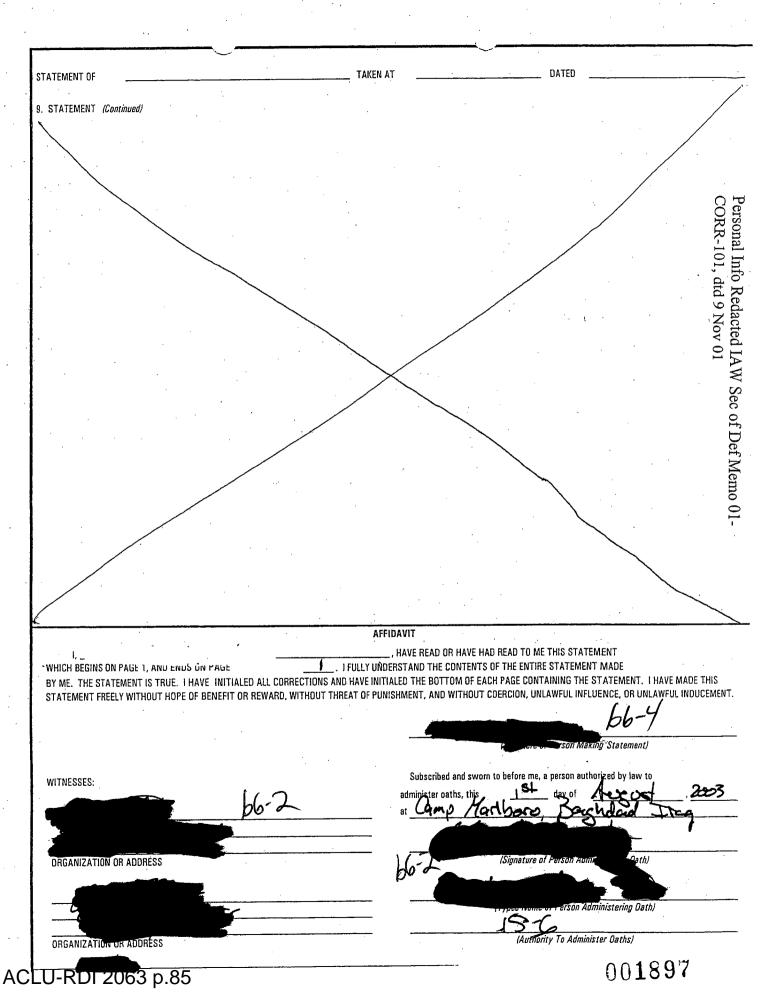
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ACLU-RDI 2063 p.81

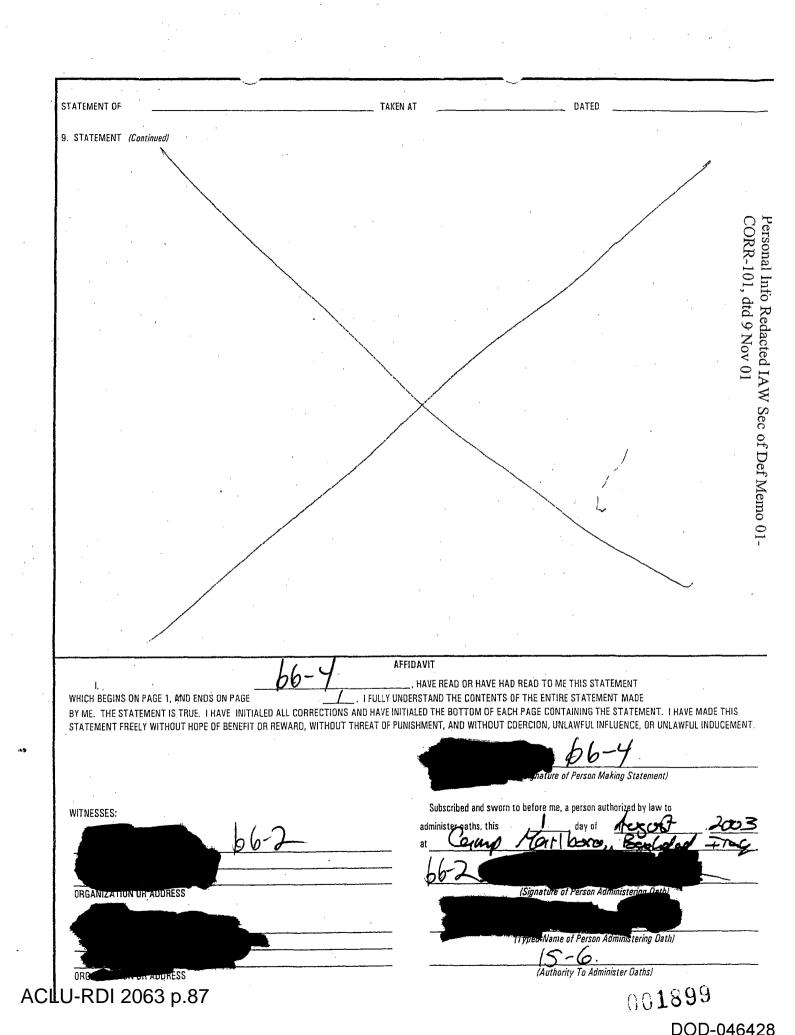
THIS PAGE IS NOT NEEDED 66-TAKEN AT Camp Marlbors DATED 1 Aux 2003 STATEMENT OF s. STATEMENT (Continued) b-f come and asked of any sodas fell of the truck boomse there mais laborer of Sodas missing. I sand no and told have to agrin 2 min 1a 2-15 count them told we togo and count them Personal Info Redacted IAW Sec of Def Memo 01 CORR-101, dtd 9 Nov 01 SP I the sear of the worchorse and me the way in 66-4 , told me we here good it was a miss count I pairially counted them abstatle, to head out to play again on the way out I hend the Iragi corean I then looked addingh ? aglance of our medic peoring ung ther on him Thet adstanted to play again There was another in ciden I that in Nolved Zinaked givy 5. wich I cantifully remembe ami 6510n a bu what it was but 17 nas on our way back to camp we heard over they playou net of goiget some looters so me poceeded to go after them the Truck Ing In (23) we did get no body be canse our driver was in type rounded when there were notoole Shack our eruck wanted and every onceler dismoun led some to smoke and o that's to do where ver eleg did. Well as we waited on Iraq. runed passed us naked I started laughing and did to about 5 min la Ter and the 6-4 I rog 5 tated anning naked to asse our touck again and that's all I som and know abor. that in ciden t. 1-001894

STATEMENT OF TAKEN AT DATED 9. STATEMENT (Continued) CORR-101, dtd 9 Nov 01 Personal Info Redacted IAW Sec of Def Memo 01-AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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 COEPECIAL UNLAWELL INFLUENCE, OR UNLAWFUL INDUCEME WELL INFLUENCE, OR UNLAWFUL INDUCEMENT. "(Stgnature of Person Warking Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this da istering Oath) 660 (Typed Name of Person Administering Da (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT OF PAGE PAGES USAPA V1.00 PAGE 3, DA FORM 2823, DEC 1998 001895

|   |   | SWORN STATEMENT   |   |                         |
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|   | For use of this form  | n, see AR 190-45; the proponent agen<br>PRIVACY ACT STATEMENT   | cy is ODCSOPS                           |                         |
| AUTHORITY:<br>Principal purpose:<br>Routine uses: | Title 10 USC Section 301; Title 5 USC Section<br>To provide commanders and law enforcement o<br>Your social security number is used as an addit | 2951; E.O. 9397 dated November 22<br>fficials with means by which informational difference in the second secon | tion may be accurately identif          | ied.<br>al.             |
| DISCLOSURE:                                       | Disclosure of your social security number is vol  | luntary.<br>2. DATE (YYYYMMDD)  | 3. TIME                                 | 4. FILE NUMBER          |
| CAMP MARLBO<br>5. LAST NAME, FIRST NAME, I        | MIDDLE NAME 66-4  | 6. SSN  | 12.22                                   | 7. GRADE/STATUS         |
| 8. ORGANIZATION OR ADDRES                         | μυ <u> </u><br>ss   |   | · • • • • • • • • • • • • • • • • • • • |                         |
| 9.<br>I.  | ······  | , WANT TO MAKE THE FO   | LLOWING STATEMENT UND                   | ER OATH:                |
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| 10. EXHIBIT                                       | $\overline{\mathbf{D}}$   | 11. INITIALS OF PERSON  | MAKING STATEMENT                        | PAGE 1 OF PAGES         |
| ADDITIONAL PAGES MUST                             | T CONTAIN THE HEADING "STATEMENT OF   |   | EN AT DA TED                            | 001896                  |



SWOBN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately identified. PRINCIPAL PURPOSE: CORR-101 Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** DISCLOSURE: Disclosure of your social security number is voluntary 2. DATE (YYYYMMDD) 4. FILE NUMBER 3. TIME 1. LOCATION 'ζL 203080 , dtd 9 Nov 01 7. GRADE/STATUS 6. SSN 5. LAST NAME, FIRST NAME, MIDDLE NAME B. ORGAMIZATION OR ADDRESS ۸ \_ 9. The states WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Us far as mistreatment of Iraq' civillions, all I've seen is disconfort and embasicosment. On two separate occasions an Iraq' had been stripped and then released for with No clothes as punishment for stealing from Scrap yard. also an Iragi detained protectup for th 2/2 AUR'S the Same Offerne Drought to the sapper was HO An by for 20 millites, sat against a wall Actained Fleed Cuffed with a sandbag over his head and then braght to the CNOC. in sight of him for the whole time but was Not didint See any nistreatment while I did See him. Kegarding shading of an arrived Iragi civillian, We a large amount of wire stored in a truck. Stopped because in the crowd jushed sohe was Iragi 56-4 osned another Iragi armed with an Multiple times. I did see if she fired 01 camp Norlboro and treated to neclics at She sinvive 11. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 DF 001898 ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF DATED TAKEN AT ACLU-RDI 2063 p.86



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CORR-101, dtd 9 Nov 01

DATED TAKEN AT STATEMENT OF 9. STATEMENT (Continued) CORR-101, dtd 9 Nov 01 AFFIDAVI HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT ١. . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE\_ ł 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. Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 WITNESSES: 2003 day of Mariboro (Gmp 0 (Signature of Person Administering Oath) ANNATION OR ADDRES ORG (Typed Name of Person Administering Oath) 15 ÷ 3 0 (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGES OF PAGE 901 00

1514 his SWORN STATEMENT. 1AUG03 In the month of June 2003, 27,22, and 23 went to a designated spot behind Camp Barkoro to drog off and download a trailor full of Stoller wire that we picked up in a neighborhood. When we arrived at the Personal Info Redacted IAW Sec of Def Memo 01 CORR-101, dtd 9 Nov 01 sight, there were about to looters that stanted moning-I dismounted and chased the losters with the losters were bb-4 running away about ZOO meters ahead of us, While chasis after them, and raised his weapon taward the lasters and fined a ghot in their direction. Claimed it was a "warning that" I Nothing Was Set uoz Thurst salar. 66-4 001902 ACLU-RØI 2063 p.90 DOD-046431

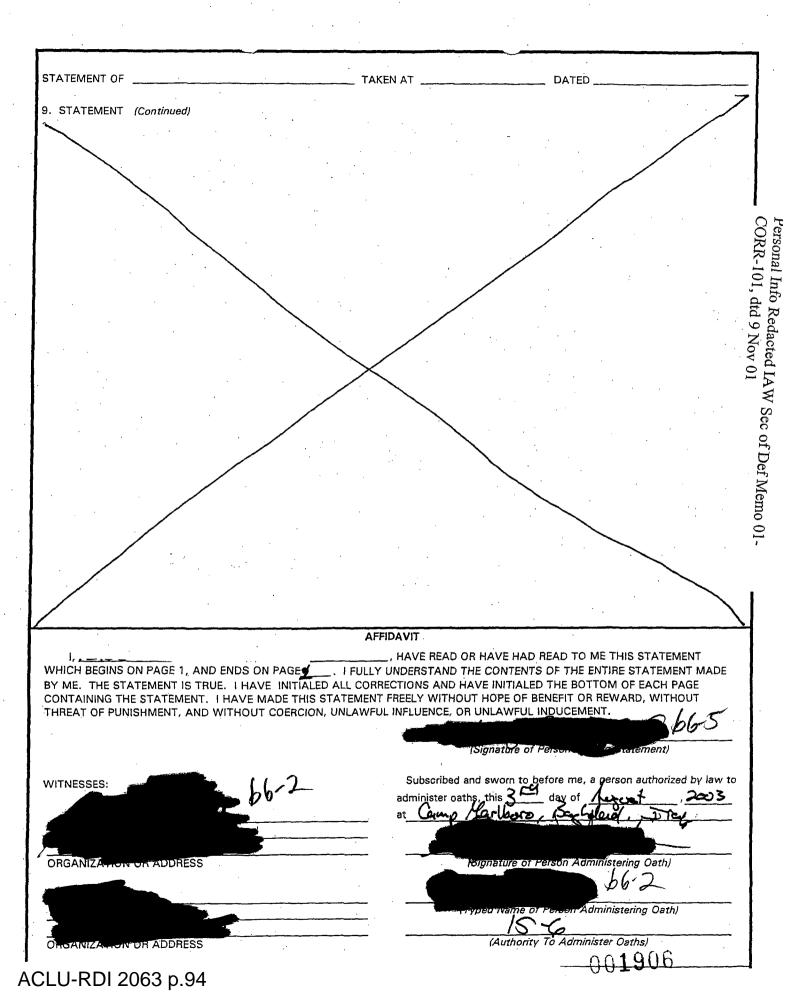
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| HICH BEGINS ON PAGE 1, AND ENDS ON PAG<br>Y ME. THE STATEMENT IS TRUE, I HAVE INIT<br>ONTAINING THE STATEMENT. I HAVE MADE T<br>HREAT OF PUNISHMENT, AND WITHOUT COEF | TIALED ALL CORRECTIONS AND HAV<br>THIS STATEMENT FREELY WITHOUT<br>ICION, UNLAWFUL INFLUENCE, OR L | /E INITIALED THE BOTTOM OF EAC<br>HOPE OF BENEFIT OR REWARD, W | THOUT            |
| ITNESSES (  |  | sworn to before me, a person auth                              | orized by law to |
| pu o  | administer oaths<br>at   | this 5 day of Aurost   |                  |
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|   |  | ignature or Person   | 1,66-2           |
|   |  | oed warne of Person Administering C                            |                  |
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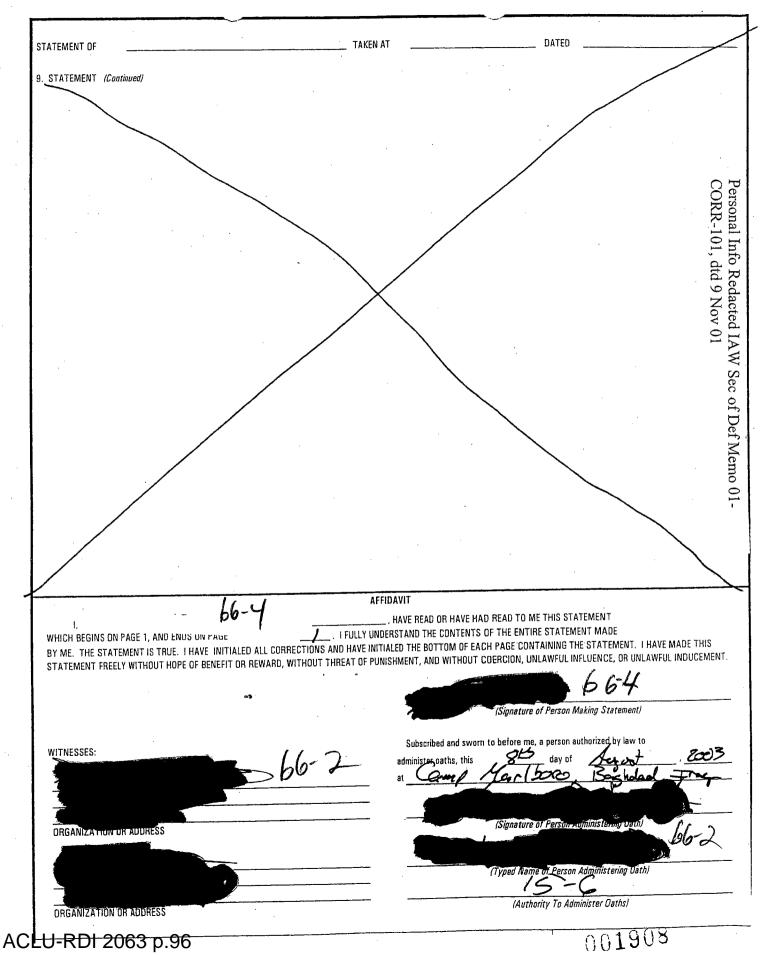
| JTHORITY:       Title 10 USC Section 301; Title 5 USC         INCIPAL PURPOSE:       To provide commanders and law enformation         DUTINE USES:       Your social security number is used as         SCLOSURE:       Disclosure of your social security number         LOCATION       2         AMP MARLBORO, BAGHDAD, IRAQ       2         I AST NAME EIRST NAME MIDDLE NAME       2         ORGANIZATION OR ADDRESS       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       5         1,       5         1,       5         1,       5         1,       5         1,       5         1,       5         1,       5         1,   | ACY ACT STATEMENT<br>C Section 2951; E.O. 93<br>recement officials with m<br>s an additional/alternate<br>ber is voluntary.<br>2. DATE (YYYYMMDD)<br>2003/08/01<br>6. SSN<br>6. SSN<br>   | 97 dated November 2<br>eans by which inform<br>means of identificatio<br>3. TIME<br>1700<br>THE FOLLOWING STA<br>Ve were headed bac<br>down and picked up<br>CMOC. We were or<br>hen 56-57<br>y to a building in the<br>ed his orders. Then<br>er to where we det | 22, 1943 <i>(SSN)</i> .<br>aation may be accurately<br>on to facilitate filing and retrieval.<br>4. FILE NUMBER<br>7. GRADE/STATUS<br>ATEMENT UNDER OATH:<br>k to Cmp to drop off the wire<br>a total of 7 detainees. We have<br>ut on mission again and caugh<br>was told by Buildog 6 totake<br>eld behind the camp.<br>we released the detainee to get |
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| JTHORITY:       Title 10 USC Section 301; Title 5 USC         INCIPAL PURPOSE:       To provide commanders and law enformation         DUTINE USES:       Your social security number is used as         SCLOSURE:       Disclosure of your social security number         LOCATION       2         AMP MARLBORO, BAGHDAD, IRAQ       2         I AST NAME EIRST NAME MIDDLE NAME       2         ORGANIZATION OR ADDRESS       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       4         1,       5         1,       5         1,       5         1,       5         1,       5         1,       5         1,       5         1,       5         1,   | C Section 2951; E.O. 93<br>recement officials with m<br>s an additional/alternate<br>ber is voluntary.<br>DATE (YYYYMMDD)<br>2003/08/01<br>6. SSN<br>6. SSN<br>   | ans by which inform<br>means of identificatio<br>3. TIME<br>1700<br>THE FOLLOWING STA<br>Ve were headed bac<br>down and picked up<br>CMOC. We were or<br>hen 66-57<br>y to a building in the<br>ed his orders. Then<br>er to where we det                         | ATEMENT UNDER OATH:<br>k to Cmp to drop off the wire<br>a total of 7 detainees. We have<br>ut on mission again and caugh<br>was told by Buildog 6 totake<br>eld behind the camp.<br>we released the detainee to ge  |
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| the building again and stripped them of their clothes and<br>yself were in the building. On the 3rd of July we had to<br>ecked the field for looters. There were looters in the back<br>ck got a flat tire. So we went back to Camp Marlboro a<br>o our AO with a detainee in the back of the truck. I was<br>ed. After the tire got changed ENG27 took the detainee   | ck field so we tried to<br>and I told my guys to g<br>sn't around much after  | h of July party for a catch them. While the tire fixed. W   | trying to catch these looters m<br>hen we got back ENG23 came   |
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| EXHIBIT 1.1  | NITIA JE PERSON MA  | KING STATEMENT  |   |
| EXHIBIT  | lh-S  |   | PAGE 1 OF PAGES   |
| DITIONAL PAGES MUST CONTAIN THE HEADING "STATEM  |   | AT DATED  | _!,   |

CORR-101 drd 9 Nov 01

ACLU-RDI 2063 p.93



SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately identified. PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 5. LAST NAME, FIRST NAME, MIDDLE NAME 144 20030808 2 7 GRADE/STATUS 8. ORGANIZATION OR APPRESS 9. 66-4, want to make the following statement under dath: I have not, or have not witness any Iraqi detainees get shocked, Slapped, punched, kicked or beaten .- NOTHING FOLLOWS \_\_\_\_ Personal Info Redacted IAW Sec of Def Memo UL CORR-101, dtd 9 Nov 01 INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ACLU-RDI 2063 p.95 TAKEN AT DATED 001907



SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Amp Marloto 20030608 1200 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. ORGANIZATION OR ADDRESS CORR-101, dtd 9 Nov 01 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: TON OID I ON USE m 34 To shock a IRAQ, porson. I DID NOT 20 HIT, Kick, or purch a IrAal person. NO ONE CAME TO ME to MAKE THE STORIES THE SAME. NO I am NOT Aware of anyone Trying to make INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGE'1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING DATED "STATEMENT -0-0-19-0-9--THE BOTTOM OF EACH ADDITIONAL PAGE MUST REAR THE INITIALS OF THE BED ACLU-RDI 2063 p.97

DATED STATEMENT OF TAKEN AT 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01 AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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 INPUCEMENT ISignature of Verson Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: qы of administer oaths FRE ariban (Signature of Person Administering Oath) ORGANIZATION OR ADDRESS son Administering Oath) Typed Name To Administer Oaths) (Authority ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGES PAGE OF USAPA V1.00 ACLU-RDI 2063 p.98 nn**191**0

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER mo <u>MacIDoco</u> 110 < -Cas 20030808 7. GRADE/STATUS MAKE THE FOLLOWING STATEMENT UNDER OATH: INMY last statement Inrote that Isan shocka Iragi. I amre confirming this with is statement. I did Notsee any person or persons walk to the back of the Warehouse Theard rumors that the Iragi was being abused. Personal into Keuacieu 1A W CORR-101, dtd 9 Nov 01 This morning aroundo930 cameto meand asked me what I was going to say and said we all need the tohave the same Story. 11. INITIALS OF PERSON 10. EXHIBIT MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN DATED ACLUERDI 2063 0.99 TIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATE 191

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: Disclosure of your social security number is voluntary DISCLOSURE: 3. TIME 4. FILE NUMBER 2. DATE (YYYYMMDD) 1. LOCATION 1200 2003<u>0-608</u> lar 12000 Amo 7. GRADE/STATUS 6. SSN 5. LAST NAME, FIRST NAME, MIDDLE NAME 0 8. ORGANIZATION OR ADDRESS CORR-101, dtd 9 Nov 0 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ł. OG I DID NOT USE To shock a IRAQI parson. m34 NO I DID NOT HIT, Kick, or punch a IrAal person. NO ONE CAME to me ALE THE STORIES THE SAME. NO an NOT Aware of anyone Trying to make THERE Stories 11. INITIALS OF PERSON MAKING 10. EXHIBIT PAGES PAGE 1 OF DATËD ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER 001912 MUST BE BE INDICATED.

DOD-046441

DATED TAKEN A STATEMENT OF 9. STATEMENT (Continued) CORR-101, dtd 9 Nov 01 Personal Info Redacted IAW Sec of Def Memo 01-AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 0 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 WOUCEMENT. 6 Sugaround (Signature of Person Nubering Subscribed and sworn to before me, a person authorized by law to WITNESSES: adm ISignature of Porch deministering Data [Typed Name of Person Administering Oath] Ô (Authority To Administer Oaths) OHOMNE INITIALS OF PERSON MAKING STATEMENT PAGES OF PAGE USAPA V1.00 ACLU-RDI 2063 p.101 001913

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 4. FILE NUMBER 3. TIME 1. LOCATION 2. DATE (YYYYMMDD) ann Marlboro 20030808 1135 AST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS 5. 8. ORGANIZATION OR ADDRESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: CORR-101, dtd 9 Nov 0 I Shock an Ire sith a blasting machine. - I wow 56 thoir foot in rest of ec PS6 and go off ito the PSGs bunk and Jelk amongst remselves. The PSG has theteen the Em's off to it d talked to then aber , young on now. One of my so \$6-5 provo tention that the PS6 a out elf el had done amplines. Our dert I discussed to for my tirst. atement I find a warning whole at the ground SWON to the oridiget the chaqies to stop. PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF DATED ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT .001914 ACLU-RDI 2063 p.102

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER v /¥ NANS ST NAN 7. GRADE/STATUS 8. ORGANIZATION OR ADDRE VANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: a terr defances. We then went The told Strip bb-was reident was at the AD where a detance was didn't see anyone beat him, but scared him bion There was no colabiration of stories for this investigation CORR-101, dtd 9 Nov 0 10. EXHIBIT STATEMENT **AAKING** PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED <u>00191</u>5 ACLU-RDI 2063 P. 103 ONAL PAGE MUST BEAR THE INITIALS OF THE BERSON

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Marlburg, Baghdad, Iraq 20030808 13:10 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. ORGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER DATH: In the morning of a day which I saw not recollect, but do know CORR-101, dtd 9 Nov CISUIIAI HIIU INCHARICH IA that it was poter to the Fourth of July, three trucks (22,23,27) from the 200 Platoon 84TH ENG CO went on a mission to pick up sodas for the squadron Fourth of July festivities. I myself was riding on the back of 27 as hear security. When returning from the mission, one of our trucks spotted / looters on the eastern side of RTE AEROS. We then began to chase the looters out into open fields, but after fifteen minutes of chasings decided to head back to Camp Marlbore. Upon returning to the camp, 23 called 27 on the net and asked him, 66-5 what he should do with his detainee. Until we were Inside the gades, 27 had regative knowledge of any detainees. What 66-5, i orders to 23 were are unclear. Once we returned to the warchanze, I dismonsted from the back of 27 and went my cot to lay down. A few minutes later, I got up and back to where the trucks were parked so that I could went ' get some water out of 21. When I got to the back of the warchouse, I heard a commotion. and several other members of my platoon which -66-5 I can not remember were hitting, Kicking, and tearing at the clothes of the Iraqi detainee. My feelings at the time were excitement. I went to my bunk to get a camera; but when I returned, took the camera. I turned and went to my truck, 21, get the water which I had initially gone to the buele for. 11. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT 3 PAGE 1 OF PAGES DATED ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT 001917ACLU-RDI 2063 p.104

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. 66-4 Camp Mariboro DATED EN AT STATEMENT OF 9. STATEMENT (Continued) Fersonal Into Redacted IAW Sec of Def Memo 01. CORR-101, dtd 9 Nov 01 I then decided to go back to where the detaince ward. 66-5 so was alone with the detaince . the coard me into coming over and litting the detained. I went over and thumped the detainer existing head very lightly, which make 66-5 is laugh and call is langh and call ne a pussy. I can't begin to express how bad I felt for only that That is other I went back to my cot for good. Roughly fifteen minutes later, 27 called for 21 and to come and excert him to the open area behind comp Marlbaro. We escorted 27 and the definine out to abundaned building where the detainer would be stripped and later released. I myself was driving 21 at the time mand when we arrived of the building, I exited the truck and pulled security. I do not know who made the call to strip the detained, but I do know that \$6-5 66-5 bere in the building with the detainee. If there was someone else in the building, it is not to my knowledge. Dree the detoviner was released, we all went back to the workchause. On another occasion, which secured several weeks after the first incident, three timetis (21,22,27) left camp Marlboro to explode several Uxos at the Prageon ASP. When returning from the ASP; one of our trucks again sighted a couple of looters We then began to choose them. The looters managed to escape sufely, but \$6.5, decided to stop and investigate further. At the time, I was driving 21, and upon stopping I got out and pulled security. Several minutes later, I walked to the back of my tower and witnessed, -66-5 destroying a truck. They were breaking 16-5 the windshield and mirrors, slashing the tires, and tipping wires out from under the bood. At the time, I had no idea why INITIALS OF PERSON MAKING STATEMENT 2 ٥F 3 PAGE PAGES USAPA VI.00 001918 DARES HA ENDAL SASS HER 100A ACLU-RDI 2063 p.105

Camp Marlboro DATED 8.8.03 STATEMENT OF FAKEN AT 9. STATEMENT (Continued) they were doing this. My thought's were that they had lost their minds. Several minutes later, we mounted b. ck. trucks and drove across the street. Again 66-5 ▶ b6-5 dismonsted to further investigate the stolen wire. I again pulled security to, 21. went to a reakby home and took from the owner a cooler and a burlap tarp of some sort. They then came to ORR-101, dtd 9 Nov 0 my truck and took my Sgal. can of fuel, which they used to burn the cooler and the bag. It wasn't until we had returned to the workhouse at camp Marlboro that I boot was informed as to why they had done these seemingly uncivil acts. Apparently, the truck which they had destroyed was carrying wire in the back, The cooler contained fuel which the thieves used to burn the wire, and the tarp is what the thieves used to hide the wire. After this incident, no other incidents took place to my knowledge. AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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. Signature of Person Making Statement) Subscribed and sworn to before m a person authorized WITNESSES: administerpaths, this tering Dati ORGANIZA **UR ADDRESS** (Authority To Administer Oaths) 001919 1973 ACLU-RDI 2063 p.106

|   | -hb-E  | See 1   | Notes on Reverse Be  | fore Completing Form  |  |  |
|---|--|---|--|---|--|--|
| NAME  | pog  | GRADE   | SSN  | UNIT  |  | PAY (Basic & Sea/Foreign<br>\$1,356.90   |
| . I am consider   | ring whether you sh  | ould be punish  | ed under Article 15.   | UCMJ, for the following   | ng misconduct: 1/  | [ \$1,330.90   |
| i <u>n that you</u>   | i, did, at or  | near Bag  | hdad, Irag, or   | n or about 21 J   | une 2003, ur   | nlawfully strike<br>Article 128,   |
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| nartial. You have<br>r not you will be<br>ffense(s). You will be<br>witnesses or othe<br>matters of exten<br>ype and amount<br>he right to dema<br>ocated at M,<br>Bag<br>PATE 210 C+O<br>IME 1617<br>Having been<br>Having been<br>Having been<br>Having been<br>Having been<br>Having been<br>Having been   | ve several rights und<br>e punished. I will n<br>may ordinarily have<br>er evidence to show<br>uation and mitigati<br>of punishment I will<br>nd trial by court-ma<br>W, F 0900-1230<br>hdad Internati<br>3 NAME, GRADE<br>afforded the opport<br>I demand trial by court<br>I do not demand trial   | der this Article<br>tot impose any p<br>an open hearin<br>why you should<br>on). I will con<br>l impose. <sup>2/</sup> If<br>artial instead. <sup>2/</sup><br>& 1400-173<br>onal Airpor<br>E, AND ORGANI<br>cunity to consul<br>purt-martial.<br>al by court-martial        | 15 proceeding. First<br>punishment unless I a<br>ng before me. You ma<br>dn't be punished at all<br>sider everything you p<br>you do not want me to<br>In deciding what yo<br>to hours, TDS,<br>t<br>ZATION OF COMMAND<br>It with counsel, my do<br>rtial and in the Article<br>Closed A per                                   | m convinced beyond a r<br>ay request a person to sp<br>( <i>matters of defense</i> ) or<br>present before deciding<br>o dispose of this report of<br>u want to do you have th<br>You now hat<br>DER<br>bbb - 2<br>ecision are as follows: (<br>e 15 proceedings:<br>son to speak in my beha | d that I have not ye<br>easonable doubt the<br>peak on your behal<br>why punishment s<br>whether I will imp<br>of misconduct under<br>the right to consult<br>rive 48 hours to decide<br>ATUR<br>(Initial appropriat | et made a decision whether<br>at you committed the<br>f. You may present<br>should be very light<br>ose punishment or the<br>er Article 15, you have<br>with legal counsel<br>de what you want to do. 4/<br>blocks, date, and sign)<br>Is not requested. |
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| UCTO3         In a(n)         onsidered, the f         month for t         I direct the or         You are advis         me may be reject         ATE         (Initial appro)         I do         ATE         OCT 2C         I have consider         ATE         After consider         Denied   | Open<br>ollowing punishme<br>two months, susper<br>sed of your right to<br>cted as untimely. P<br>NAME, GRADE<br>priate block, date,<br>not appeal b<br>NAME AND GR<br>cred the appeal and<br>NAME AND GR<br>ration of all matters<br>Grant  | Closed hearin<br>nt is imposed:<br>aded, to be auto<br>27 be filed in t<br>appeal to the<br>Punishment is e<br>AND ORGANI<br>and sign<br>I appeal<br>RADE OF SERVIO<br>it is my opinio<br>RADE OF JUDGE<br>s presented in a<br>ted as follows:                              | ng <sup>5/</sup> all matters press<br><sup>5/6/</sup> Reduction<br>comatically remitted if<br>the <u>Perform</u><br>Cdr, 1 <sup>st</sup><br>effective immediately<br>ZATION OF COMMAND<br>and do not submit ad<br>CE MEMBER<br>on that:<br>E ADVOCATE<br>appeal, the appeal is:<br><sup>10/</sup>                              | on to Private (E1); forfe<br>f not vacated before 29<br>mance fiche R<br>AD within 5<br>unless otherwise stated<br>$\frac{66}{2}$<br>Iditional matters <sup><math>g/9/</math></sup>   | c. I app<br>SIGNATURE  | uation, having been<br>pay per<br>the OMPF. <sup>34</sup><br>n appeal made after that<br>weal and submit additiona   |
| <ul> <li><i>UCTO3</i></li> <li>In a(n) </li> <li>onsidered, the f month for the month for t</li></ul> | Open<br>ollowing punishme<br>two months, susper<br>iginal DA Form 26<br>ted of your right to<br>cted as untimely. F<br>NAME, GRADE<br>priate block, date,<br>not appeal b<br>NAME AND GR<br>DE<br>tered the appeal and<br>NAME AND GR<br>DE<br>tered the appeal and<br>NAME AND GR<br>DE<br>tered the appeal and<br>NAME, GRADE<br>he action taken on<br>JMENTS AND/OR C | Closed hearin<br>nt is imposed:<br>inded, to be auto<br>27 be filed in t<br>appeal to the<br>Punishment is e<br>AND ORGANI<br>and sign<br>I appeal<br>RADE OF SERVIO<br>it is my opinio<br>RADE OF JUDGE<br>s presented in a<br>ted as follows:<br>AND ORGANI<br>my appeal. | ng <sup>5/</sup> all matters press<br><sup>5/6/</sup> Reduction<br>comatically remitted iff<br>the <u>Perform</u><br>Cdr, 1 <sup>st</sup><br>effective immediately<br>ZATION OF COMMAND<br>and do not submit ad<br>CE MEMBER<br>On that:<br>E ADVOCATE<br>appeal, the appeal is:<br>10/<br>ZATION OF COMMAND<br>DATE<br>2/ 13/ | on to Private (E1); forfe<br>f not vacated before 29<br>mance fiche R<br>AD within 5<br>unless otherwise stated<br>FR $66-2$<br>Iditional matters <sup>8/9/</sup><br>66-5   | eiture of \$575.00 p<br>April 2004,<br>estricted fiche of 4<br>calendar days. A<br>above<br>c. I app<br>signaTURE<br>SIGNATURE   | uation, having been<br>pay per<br>the OMPF. <sup>24</sup><br>n appeal made after that<br>weal and submit additionation<br>ers <sup>1/24</sup>  |

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DOD-046448

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#### DEPARTMENT OF THE ARMY HEADQUARTERS 3<sup>RD</sup> BRIGADE, 1<sup>ST</sup> ARMORED DIVISION BAGHDAD, IRAQ APO AE 09324

DATE: 21 00103 AFZN-BB-CO MEMORANDUM OF AGREEMENT THRU Commander, APO AE 09324 Commander, APO AE 09324 FOR PFO APO AE 09324 b6-5 SUBJECT: Dismissal of the Court-Martial Charges Preferred on 18 September 2003. 5 In the case of the Charges and their Specifications are hereby dismissed with prejudice to the Government conditioned or leading guilty under the provisions of Article 15 to the Charge: Violation of the UCMJ Article 128 and Specification: "In that you did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike in the face with your hand" and further conditioned on testifying truthfully at all subsequent pretrial investigations and court-martials in the case of 66.5 66-2 Commanding Trial Defense Counsel 66-5 USA

001921

### ACLU-RDI 2063 p.108

66-5

|   |  |  |   | CHARGI                 | E SHEET   |   |  |                                   |
|---|--|--|---|------------------------|---|---|--|-----------------------------------|
|   | ······································   |  |   | I. PERSONA             | L DATA  |   |  |                                   |
| NAME OF ACCU  | JSED (Last, First, Middl   | e Initial)   |   | 2. SSN                 |   |   | 3. GRADE OR RANK   | 4. PAY GRAD                       |
|   |  | <u> </u>   | p6.5                                    |                        |   |   | PFC .  | <u>E3</u>                         |
| UNIT OR ORGA  | NIZATION   |  |   |                        |   |   | 6 CURRENT SERVICE  | b. TERM                           |
|   | APO AE 093   | 24   |   |                        |   |   | a. INITIAL DATE  |                                   |
| PAY PER MONT  |  |  |   | 8. NATURI              | OF RESTRAINT OF   | ACCUSED   | 20020128<br>9. DATE(S) IMPOSED   | 3 years                           |
| BASIC   | b. SEA/FOREIGN D   | UTY C.   | TOTAL                                   |                        |   |   |  |                                   |
| ,356.90   | None   | \$   | 1,356.90                                | None                   |   |   | None   |                                   |
| CHARGE  | · VIOLAT   | TION OF T  |   | ARTICLE 93             | SPECIFICATIONS  | ;   |  |                                   |
|   |  |  |   | 11(1100073             |   | 66.5  |  |                                   |
| -   | IFICATION: In  |  |   |                        |   | /   | at or near I   | Baghdad,                          |
|   | about 21 June 20   |  |   |                        |   | person sub  | ject to his orders, b  | y pointing a                      |
| pistol at   | and sayin  | ig: "Bang!   | ", or words                             | s to that effe         | ct.   | 66-4  |  |                                   |
| CHARGE  | 66-4   | TION OF  | THEUCM                                  | IJ, ARTICLI            | F 178   | - /   |  |                                   |
|   |  | HON OF   |   | I, AKTIOLI             | L 120.  | 66  | -5   | 7                                 |
| THE SPEC  | IFICATION: In  | that   |   | ·····                  |   |   | , did, at or n   | ear                               |
|   | raq, on or about 2   |  | 03, unlawf                              | fully strike           |   | int   | he face with his ha  |                                   |
|   |  |  |   | N 42                   | )   | 66-4  | •  |                                   |
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| , *<br>   |  |  |   | 111. PREFI             | GRRAL   |   |  |                                   |
| NAME OF ACC   | CUSER (Last, First, Mid  | idle Initial)  | ~                                       | III. PREFI<br>b. GRADE | ·   | ANIZATION OF  | ACCUSER  |                                   |
|   |  |  | 2                                       |                        | ·   | ANIZATION OF  |  |                                   |
|   |  | idle Initial)  | 2                                       |                        | ·   | ANIZATION OF  | e. DATE (YYYYMMDD)   |                                   |
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| IGNATURE OF   | ACCLISER   | Idle Initial)<br>\$6-  |   | b. GRADE               | c. ORG  |   | e. Date (үүүүммDD)<br>20030918   |                                   |
| IGNATURE OF   | ACCLISER<br>Before me, the un  | ddle Initial)  | authorized by                           | b. GRADE               | c. ORG  | es of this cha  | e. DATE (YYYYMMDD)<br>20030918<br>racter, personally appe  | ared the                          |
| IGNATURE OF<br>AFFIDA VIT:<br>above named                   | ACCUSER<br>Before me, the un<br>accuser this   | ddle Initial)  | uthorized by                            | b. GRADE               | c. ORG  | es of this cha  | e. DATE (YYYYMMDD)<br>20030918<br>racter, personally appeares and specification  | eared the<br>ns under oath        |
| IGNATURE OF<br>AFFIDA VIT:<br>above named<br>that he/she is | ACCUSER<br>Before me, the un<br>accuser this   | dersigned, a<br>day of   | authorized by<br>otember<br>n Code of M | b. GRADE               | c. ORG  | es of this cha<br>toregoing ch<br>ither has pers  | e. DATE (YYYYMMDD)<br>20030918<br>racter, personally appeares and specification<br>onal knowledge of or                | eared the<br>ns under oath        |
| IGNATURE OF<br>AFFIDA VIT:<br>above named<br>that he/she is | ACCUSER<br>Before me, the unaccuser this <u>1</u> 1<br>a person subject to   | dersigned, a<br>day of   | authorized by<br>otember<br>n Code of M | b. GRADE               | c. ORG  | es of this cha<br>toregoing ch<br>ither has pers  | e. DATE (YYYYMMDD)<br>20030918<br>racter, personally appeares and specification<br>onal knowledge of or                | eared the<br>ns under oath        |
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| IGNATURE OF<br>AFFIDA VIT:<br>above named<br>that he/she is | ACCUSER<br>Before me, the una<br>accuser this <u><u>1</u><u>1</u><u>1</u><u>1</u><br/>a person subject to<br/>he matters set forth</u> | dersigned, a<br>dersigned, a<br>day of<br>the Uniform<br>therein and   | authorized by<br>otember<br>n Code of M | b. GRADE               | c. ORG<br>ister oaths in cas<br>, and signed the<br>and that he/she e<br>he best of his/her | es of this cha<br>e foregoing ch<br>ither has pers<br>knowledge a<br>Organiza<br>Official Capacit | e. DATE (YYYYMMDD)<br>20D3U918<br>racter, personally appeares and specification<br>onal knowledge of or had belief.    | eared the<br>ns under oath<br>has |
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| n September 2003, the accused was i  |  | -  |
| ee RC.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)  | informed of the charges against                              | him/her and of the name(s) of the accuser(s) known to me |
| () in the second s | 1  |  |
| Typed Name of Immediate Commander  | ······································                       | Organization of Immediate Commander                      |
|  |  |  |
|  |  | <u>.</u>   |
| Signature  |  |  |
| IV. RECEIPT BY SUMMARY   | COURT-MARTIAL CONVI  | ENING AUTHORITY  |
|  |  |  |
| e sworn charges were received at 1500 hours, 20 SEIT   | 2 c ? 3 ,at  |  |
|  |  | Designation of Command or                                |
| Scer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)  | ·  |  |
| and over building comparing sur suction (see R.C.M. 405)   | FOR THE  |  |
|  | PUK-1115   |  |
|  |  |  |
| Typed Name of Officer  |  | Official Capacity of Officer Signing                     |
|  |  |  |
| Grade  |  |  |
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| Signature  | RAL; SERVICE OF CHARG  | FC   |
| DESIGNATION OF COMMAND OF CONVENING AUTHORITY  | b. PLACE   | c. DATE (YYYYMMDD)                                       |
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| ferred for trial to the court-martial convened by  |  |  |
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| '  | , subject to the   | following instructions: <sup>2</sup>                     |
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| Typed Name of Officer  |  | Official Capacity of Officer Signing                     |
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| Signature  |  |  |
| ogram c  |  |  |
| n l (caused t  | o be) served a copy hereof on (ea                            | ch of) the above named accused.                          |
|  | ·- · ·   |  |
| Trend Marrie 17 10   |  |  |
| Typed Name of Trial Counsel  |  | Grade or Rank of Trial Counsel                           |
|  |  |  |
| Signature<br>FOOTNOTES: 1 — When an appropriate commander  | signs parsonally inapplication                               | worde and strictor                                       |
| 2 — See R.C.M. 601(e) concerning inst  | signs personally, inapplicable fructions. If none, so state. | worus are siricken.                                      |
| ORM 458 (BACK), MAY 2000   |  |  |
|  |  |  |

| PART I         TO:       10-2       FROM:       26 SEP 03         Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Form 224 and the accused's DA Form 24 and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action UP AR 635-200.         NAME:       RANK:       SSN:       66-5         UNIT:  | COURT-MARTIA  | L CHARGES TRANSM                | TTAL FORM                          |
|--|---|---------------------------------|------------------------------------|
| 20 SE P 03         Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Form 2A and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action UP AR 635-200.         NAME:       RANK:         SSN:       66-5         UNIT:       66-5         UNIT:       BCD Special Court-Martial         () Summary Court-Martial       () Special Court-Martial         () Summary Court-Martial       () General Court-Martial         () Summary Court-Martial       () Special Court-Martial         () Summary Court-Martial       () Special Court-Martial         () Summary Court-Martial       () General Court-Martial         () Summary Court-Martial       () General Court-Martial         () Other       FROM:       DATE:         NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART III       TO:       FROM:         DATE:       Inave reviewed the attached   |   | PARTI                           |                                    |
| statements, any evidence of previous misconduct (to include properly certified DA Form 2627 and the<br>accused's DA Form 2A and 2-1) are attached as Enclosure 2. Soldier is not pending chapter action UP<br>AR 635-200.<br>NAME: RANK: SSN: 66-5<br>UNIT:<br>Recommend:<br>() Summary Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() General Court-Martial<br>() Summary Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Summary Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() General Court-Martial<br>() Summary Court-Martial<br>() Summary Court-Martial<br>() Special Court-Martial<br>() General Court-Martial  | p6-2  |                                 | 20 SEP 03                          |
| UNIT:       bb:5         Recommend:       () Special Court-Martial       () Special Court-Martial         () BCD Special Court-Martial       () General Court-Martial       () General Court-Martial         (x) Other       Fred. Grad.s. AHicle 15       SIGNATURE OF COMMANDER         NAME OF COMMANDER       SIGNATURE OF COMMANDER       b6-2         PART II       DATE:       10:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (If applicable) and (recommend)(direct)       () Special Court-Martial       () Special Court-Martial         (i) BCD Special Court-Martial       () General Court-Martial       () General Court-Martial         (j) Other       SIGNATURE OF COMMANDER       PART III         TO:       FROM:       DATE:         PART III       TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (If applicable) and (recommend)(direct)       PART III         TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (If applicable) and (recommend)(direct)         (j) Summary Court-Martial       () Special Court-Martial         (j) BCD Special Court-Martial       () Special Court-Martial         (j) BCD Special Court-Martial       () General Court-Martial <td>statements, any evidence of previous mis<br/>accused's DA Form 2A and 2-1) are attac</td> <td>sconduct (to include properly o</td> <td>ertified DA Forms 2627 and the</td>  | statements, any evidence of previous mis<br>accused's DA Form 2A and 2-1) are attac | sconduct (to include properly o | ertified DA Forms 2627 and the     |
| Recommend:       ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Dther       Field Grade A-fiele IS         NAME OF COMMANDER       SIGNATURE OF COMMANDER         DATE:       DATE:         1 have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Other       SIGNATURE OF COMMANDER         PART III       To:         FROM:       DATE:         NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART III       To:         FROM:       DATE:         NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART III       To:         FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         MAME OF COMMANDER       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         Martial       ( ) Special Court-Martial         With GPAWA Statemert       (  |   | NK:                             | SSN: 66-5                          |
| () Summary Court-Martial<br>() BCD Special Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() Summary Court-Martial<br>() Summary Court-Martial<br>() Secial Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() General Court-Martial<br>() Other<br>NAME OF COMMANDER<br>PART III<br>TO:<br>FROM:<br>DATE:<br>DATE:<br>DATE:<br>DATE:<br>DATE:<br>DATE:<br>DATE:<br>DATE:<br>DATE:<br>() General Court-Martial<br>() Summary Court-Martial<br>() Summary Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() Special Court-Martial<br>() General Court-Martial  |   |                                 |                                    |
| K) Other       Freid Grade Article 15         NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART II       b6-2         PART II       DATE:         TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       ( ) Summary Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Other       SIGNATURE OF COMMANDER         PART III       TO:       FROM:         DATE:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         PART III       TO:         FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Dther       ( ) General Court-Martial   |   | () Special Court-N              | lartial                            |
| NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART II       b6-2         Inave reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         () Summary Court-Martial       () Special Court-Martial         () BCD Special Court-Martial       () General Court-Martial         () Other       SIGNATURE OF COMMANDER         PART III       TO:         FROM:       DATE:         PART III       PART III         TO:       FROM:         PART III       DATE:         PART III       TO:         FROM:       DATE:         PART III       DATE:         PART III       TO:         FROM:       DATE:         PART III       DATE:         PART III       TO:         FROM:       DATE:         PART III       TO:         FROM:       DATE:         PART III       TO:         FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         W Summary Court-Martial       () Special Court-Martial         W Summary Court-Martial       () Special Court-Martial         W Summary Statement       () General Court-M   | X) Other Field Grade Article 15   | ( ) General Court-I             | Martial                            |
| IO:       FROM:       DATE:         1 have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) Summary Court-Martial       ( ) General Court-Martial       ( ) General Court-Martial         ( ) Other       SIGNATURE OF COMMANDER         NAME OF COMMANDER       PART III         TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         With GHave statement       ( ) Special Court-Martial         with GHave statement       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Other       ( ) General Court-Martial  | NAME OF COMMANDER   | SIGNATURE O                     | COMMANDER                          |
| IO:       FROM:       DATE:         1 have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) Summary Court-Martial       ( ) General Court-Martial       ( ) General Court-Martial         ( ) Other       SIGNATURE OF COMMANDER         NAME OF COMMANDER       PART III         TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         With GHave statement       ( ) Special Court-Martial         with GHave statement       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Other       ( ) General Court-Martial  |   |                                 | b6-2                               |
| I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         () Summary Court-Martial       () Special Court-Martial         (X) BCD Special Court-Martial       () General Court-Martial         () Other       () General Court-Martial         NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART III       TO:         FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         () Summary Court-Martial       () Special Court-Martial         () Special Court-Martial       () Special Court-Martial         () BCD Special Court-Martial       () Special Court-Martial         () BCD Special Court-Martial       () General Court-Martial         () BCD Special Court-Martial       () General Court-Martial         () Other       () General Court-Martial   |   | PART II                         |                                    |
| I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         ( ) Summary Court-Martial       ( ) Special Court-Martial         (X) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Other       ( ) General Court-Martial         NAME OF COMMANDER       SIGNATURE OF COMMANDER         PART III       PART III         TO:       FROM:         DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         ( ) Summary Court-Martial       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) Special Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) BCD Special Court-Martial       ( ) General Court-Martial         ( ) Other       ( ) General Court-Martial   | 10:   | FROM:                           |                                    |
| ( ) Other         NAME OF COMMANDER         SIGNATURE OF COMMANDER         PART III         PART III         TO:       FROM:         PART III         To:       FROM:         DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)         ( ) Summary Court-Martial         ( ) Special Court-Martial         ( ) BCD Special Court-Martial         ( ) General Court-Martial         ( ) Other  | I have reviewed the attached charges, do<br>() Summary Court-Martial                |                                 | plicable) and (recommend)(direct): |
| PART III         TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Martial       () Special Court-Martial         () BCD Special Court-Martial       () General Court-Martial       () General Court-Martial         () Other       () Other       () General Court-Martial  |   | () General Court-I              | Martial                            |
| TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and charges, documents, and charges, documents, and charges, documents, and charges, documents, | NAME OF COMMANDER   | SIGNATURE OF                    | COMMANDER                          |
| TO:       FROM:       DATE:         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)       Image: Court-Martial () Special Court-Martial         I have reviewed the attached charges, documents, and charges, documents, and charges, documents, and charges, documents, and charges, documents, |   |                                 |                                    |
| I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct)<br>Summary Court-Martial<br>() Special Court-Martial<br>() BCD Special Court-Martial<br>() Other   |   | PART III.                       |                                    |
| Summary Court-Martial     With Grave statement     () Special Court-Martial     () BCD Special Court-Martial     () General Court-Martial     () Other   | TO:   | FROM:                           | DATE:                              |
| () BCD Special Court-Martial () General Court-Martial<br>() Other  | I have reviewed the attached charges, do  |                                 |                                    |
|  | () BCD Special Court-Martial  | () General Court-Marti          | al                                 |
|  | ······································  | CICNATURE OF                    | COMMANDER                          |
|  |   |                                 |                                    |

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#### UNITED STATES

|         | VS.       |         |    |
|---------|-----------|---------|----|
|         |           |         | 66 |
| Baghdad | rag APO A | E 00324 | ). |

#### SERVICE OF DOCUMENTS

ΟΝ TDS

, 2002.

APU AE 09324 gnuau, maq

1. The following document was served on trial defense service at Fort Riley, KS

b6-5

Chain of Command transmittals **Enlisted Records Brief** 

2. Service was accomplished at

66-2

Receipt acknowledge

Signature

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#### ACLU-RDI 2063 p.112

#### UNITED STATES

# vs. 66-5

#### DOCUMENTS SERVICE OF

ΟN T D S/ACCUSED

Baghdad, Iraq APO AE 09324

1. The following document was served on trial defense service at Fort Riley, KS

Preferred Charge sheet Chain of Command transmittals **Enlisted Records Brief** Adverse Action Flag Allied documents 2. Service was accomplished at 2003. 66-2

Military Paralegal

Receintracknowledged. 66-5 Signature

Once this document has been signed by soldier Velurn to Brigade Military Justice Cell in Brigade

#### ACLU-RDI 2063 p.113

#### UNITED STATES

VS.

#### SERVICE OF DOCUMENTS

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|-----|----|---|---|----|
| 6-5 | UN | 1 | D | 3  |

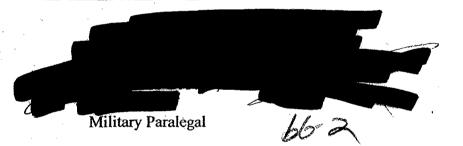
Baghdad, Iraq APO AE 09324

1. The following documents were served on the accused in Baghdad, Iraq

Preferred Charge sheet Chain of Command transmittals -Enlisted Records Brief Adverse Action Flag Allied documents

2. Service was accomplished at

,2002.



Receipt acknowledged. 66-5 26 8403

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Signature I did not Receive an ERB on Adverse Action Flag Hyp

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DOD-046455

|  |   |   |   | · ·  |  |   | (6)  |
|--|---|---|---|--|--|---|--|
|  |   |   |   | 5 UNDER ARTICLE<br>10; the proponent agency  |  | · · · · · · · · · · · · · · · · · · ·   | ea/Foreign)  |
| 6 a d T  |   |   |   | Before Completing F  | orm  |   | (6)  |
| ME   | L 14-5  | GRADE   | SSN   | UNIT   |  | PAY (Basic & S  |  |
| Lam considerio   | a sub ath an an a la sub  |   |   | Baghdad, Ira   |  | \$1,903.50  | (s)  |
| that you, did<br>ragraph 3.E.(   | l, at or near Bagho<br>(5), FRAGO 383A  | lad, Iraq,<br>to OPOI   | on or about 2<br>RD 03-215 (Ir  | 15, UCMJ, for the foll<br>5 October 2003, v<br>on Stability), date<br>et in your custody   | iolate a lawfu<br>d 21 July 200  | ll general order, i<br>3. by wrongfully   |  |
| irtial. You have<br>not you will be p<br>fense(s). You ma<br>tnesses or other c<br><i>atters of extenua</i><br>pe and amount of<br>e right to demand | several rights under the<br>punished. I will not in<br>ay ordinarily have an d<br>evidence to show why<br><i>ution and mitigation</i> ).<br>Spunishment I will im | his Article I<br>npose any p<br>open hearing<br>you should<br>I will cons<br>pose. <sup>2/</sup> If y<br>instead. <sup>3/</sup> | 5 proceeding. Fi<br>unishment unless<br>before me. You<br>of the punished at<br>der everything yo<br>ou do not want m<br>In deciding what | hay be used against you<br>irst I want you to under<br>I am convinced beyond<br>i may request a person<br>t all <i>(matters of defens</i> ,<br>ou present before decid<br>he to dispose of this rep<br>you want to do you ha<br>You no | stand that I have<br>I a reasonable do<br>to speak on your<br>e) or why punishn<br>ing whether I wil<br>ort of misconduc<br>ve the right to co | not yet made a decisi<br>ubt that you committe<br>behalf. You may pre<br>nent should be very l<br>ll impose punishment<br>st under Article 15. vi | on whether<br>ed the<br>sent<br>ight<br>or the<br>ou have<br>sel |
| TEPY DEC. 0'3  | NAME, GRADE, AN   | ID ORGANIZ  | ATION OF COMM   | ANDER 66-  |  | TER   |  |
| ME /C:SO   |   |   | ·   |  |  |   |  |
| Id   | lemand trial by court-  | martial.  | with counsel, my  | y decision are as follow   | ns: (initial appro   | priate orocks; date,  | una sign)  |
| I d  | to not demand trial by  | court-mart  | ial and in the Ar   | ticle 15 proceedings:  |  |   |  |
|  | earing be Or<br>ense, mitigation, and/  | or extenuation  | Closed. (2) A   | person to speak in my<br>Are not presented   |  | ls Is not req<br>esented in person  | uested.<br>Are 66.5  |
| ached.<br>TE   | NAME AND GRAD   | OF SERVIC   | E MEMBER  |  | SIGNA  | TURE  |  |
| 29 Dec 0?  |   |   | SI  |  |  | · · · · · · · · · · · · · · · · · · ·   |  |
| In a(n)<br>isidered, the foll  | Open Cl<br>lowing punishment is   |   |   | resented in defense, m   | itigation, and/or  | extenuation, having   | been   |
| Fou  | and not guilty by l   | oattalion o   | commander   |  |  |   |  |
| I direct the orig  | inal DA Form 2627 b   | e filed in th   | e Perfe   | ormance fiche  | Restricted fich  | the of the OMPF. $\frac{1}{2}$  | after that   |
| You are advised  | l of your right to app  | eal to the  | Cdr,  |  | in 5 calendar day  | ys. An appeal made  | after that   |
| ne may be rejecte  | ed as untimely. Punis<br>NAME, GRADE, AN  |   |   | ely unless otherwise st  | ated above.  |   |  |
| 28 Jan oy  |   |   |   |  |  |   |  |
|  | iate block, date, and   | sign)   |   | · · · ·  | ······································   |   |  |
| do no  | ot appeal b.  | J I appeal a  | nd do not submi   | t additional matters <sup>8/9/</sup>   | <i>c</i> .   | I appeal and submit<br>matters <sup>gy gy</sup>   | additional   |
| TE   | NAME AND GRADE  | OF SERVIC   | E MEMBER  |  | SIGNA  |   |  |
| sJan 04  |   |   |   |  |  |   | D# -   |
|  | ed the appeal and it is   | my opinion  | that:   |  | 2  |   |  |
|  |   |   |   |  |  | · · ·   |  |
| ΓΕ   | NAME AND GRADE  | OF JUDGE  | ADVOCATE  |  | SIGNA  | TURE  |  |
|  | tion of all matters pre   |   |   | is:  |  |   |  |
| Denied   | Granted a   | s follows: <sup>1</sup>   | <u>o</u> /  |  |  |   |  |
|  |   |   |   |  |  |   |  |
|  |   |   |   |  |  |   |  |
| TE   | NAME, GRADE, AN   | D ORGANIZ   | ATION OF COMMA  | ANDER  | SIGNA  | TURE  |  |
| I have seen the  | <br>e action taken on my a  | appeal.   | DATE  | SIGNATURE OF   | SERVICE MEMBER   | 1   |  |
| ALLIED DOCUM   | MENTS AND/OR COMM   | AENTS 11/ 12/   | <br>13/   | l  | · · · · · · · · · · · · · · · · · · ·  |   |  |
|  | s from 15-6 Investi   |   |   | RB   |  |   | PG-  |
|  |   | , <u></u> ,   |   |  |  |   | •  |
|  | AUO 04 (50)   |   | EDITION OF NO   | V 82 10 00001 FTF  |  |   |  |
| FURIM 2627,  | , AUG 84 (EG)   |   | EDITION OF NO   | V 82 IS OBSOLETE   |  | (   | DRIGINAL   |
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| ACLU-RDI : | 2063 p.115 |
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#### NOTES

<sup>1</sup> Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (*Part IV, MCM*). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.

 $\frac{2}{3}$  Inform the member of the maximum punishment which may be imposed under Article 15.

<sup>14</sup> Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.

<sup>4</sup> Give the member copy 5 of this form.

- <sup>57</sup> Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- <sup>57</sup> Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (*date*). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- <sup>9</sup> The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- <sup>1</sup> If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (See Article 15e(1) to (7), UCMJ.)

<sup>1</sup> The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.

'In this space indicate the number of pages attached as follows: Allied documents on appeal consist of \_\_\_\_\_\_pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.

Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (para 3-38, AR 27-10) will be recorded on DA Form 2627-2.

Suspension, Mitigation, Remission, or Setting Aside

On (date), the punishment(s) of

(DATE)

imposed on (date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before (date)) (mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the punishment) (the successor in command to the imposing commander) (as superior authority).

(Typed name, grade, and organization of commander)

s/ \_\_\_\_

001929

Racial/ethnic identifiers will be placed in Item 11 (Chapter 15, AR 27-10).

erse of DA Form 2627, Aug 84

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Ill away from me, then tried to use his superior idy weight to make it difficult for me to guide im into the jail. While doing all this he kept Iking in arabic. I couldn't understand what he was aying. I had to push him in order to get him to the fail. I told him to stop talking because e Kept talking with the other prisoners. He also ept turning around after I had him face the all. On the 2nd time I made him face the wall e jerked his shoulder and was turning around to ce me. Instinctively I funched thim the around to He was a big guy and I new I wouldn't hart him, but I wanted him to. top resisting me. Once he faced me, he cocked 's right leg back like he was gonna kick me. he reason I thought that, was because I've had ny soldiers kicked by prisoners even after they ere flex cuffed so my reaction was to stomp his 2ad Foot and push him into the wall face first. n not sure at what point the guard left or ime back from getting the zip strips but perhaps 2 didn't get a chance to see What the prisoners ad done to trigger our reaction. The guard said his statement that I tighten up the prisoner's itts, which in fact was the opposite. When

#### ACLU-RDI 2063 p.117

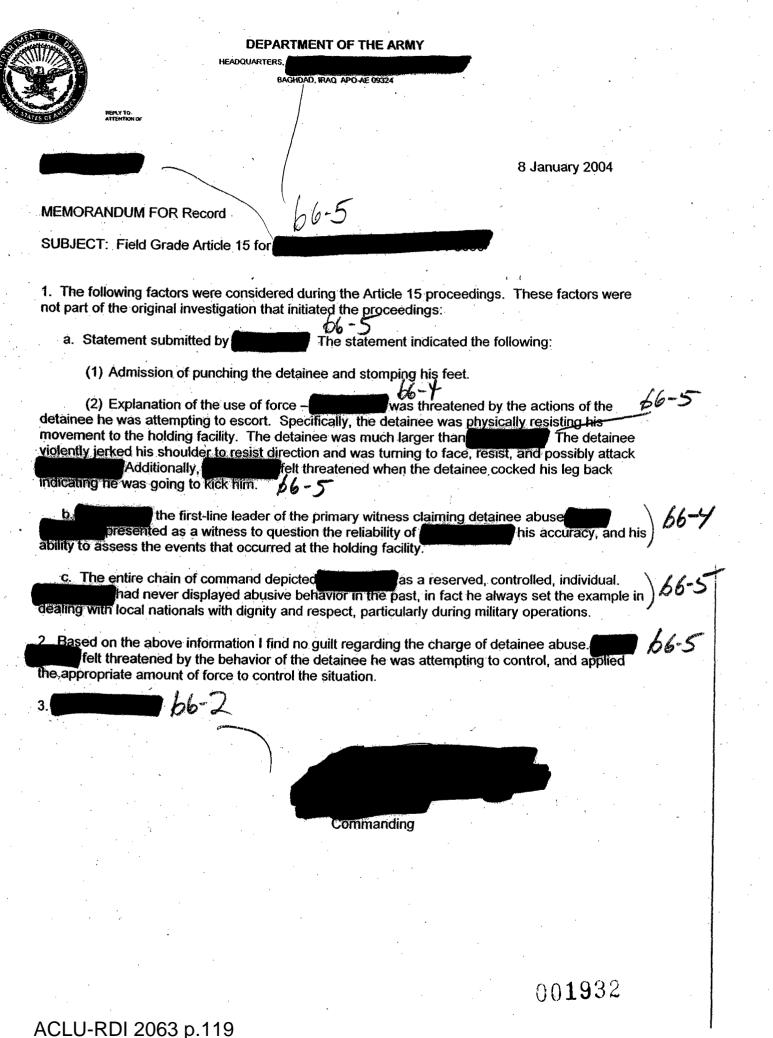
001930

ne prisoners complained about the flex cuffs eing too tight, I personally loosen them up. I think we guard misunderstood the situation and made is own assumptions which later on he wrote on a worn statement. I read the medical report in which it says that no bruises were found, so sw can this be evidence of a beating that supposely sk place for about 8-10 minutes max.

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DOD-046459

001931



| PERSONAL FI                           | NANCIAL STATEM   | ENT WORKSHEET  |
|---------------------------------------|--|--|
| NAME:                                 | 66-5   | DATE: 7 Jan 04   |
| MONTHLY INCOME:                       |  |  |
|                                       | Take Home Pay<br>(Plus Allowances)                       | \$ 1869.00   |
|                                       | Spouse's Take Home Pay<br>(Plus allowances)              | \$ <u>N/A</u>  |
|                                       |  | + \$_ <u>N/A</u>   |
| INE 1: Total Monthly Incom            | ne   | = \$ 1,869.00  |
| MONTHLY EXPENDITUR                    | ES:  | \$ 122.00 - Kid's Buds<br>\$ 300.00 - Master Bedroom   |
|                                       | Payment on Current Debts                                 | \$ 36.67 - Backyard Fence<br>\$ 50-00-Credit card  |
|                                       | Payment on Current Debts<br>(Loans/DPP/Chg Accts<br>Rent | \$ N/A (post housing)  |
|                                       | Food   | \$ 300 00  |
| · · ·                                 | Utilities (telephone, etc.)                              | 75.00- Friorie<br>75.00- cell phone<br>100.00-coble + Computer access<br>20.00- Home reators insurance |
| · · · · · · · · · · · · · · · · · · · | Insurance  | 20.00- Home renters insurance<br>\$120.00- POV insurance   |
|                                       | Transportation & Auto Exp                                | . \$125.00-Gas + maintanence   |
|                                       | Car Payment  | \$ 378.16  |
|                                       | Child Care   | \$_78.00- preschool (son)  |
|                                       | Other: Casual pay  | +s not included  |
| INE 2: Total Monthly Expe             | nditures   | = \$ 1,759.83  |
| NNUAL EXPENDITURE                     | <u>.</u>   |  |
| · .<br>                               | Major Purchases and Repair                               | rs\$N/A  |
|                                       | Clothing   | \$_not included_   |
|                                       | School Costs   | \$_360.00  |
|                                       | Other: haircuts (my sor)                                 | +\$ 600.00   |
| INE 3: Total Annual Exper             | ditures (Divided by 12)                                  | =\$80.00   |
|                                       | SUMMARY  |  |
| Fotal Monthly Income (Ame             | · _  | \$ 1 9 (9 00   |
| Total Monthly Income (Amo             | -<br>-<br>-  | \$ <u>1,869.00</u>   |
| Total Monthly Expenses (Ar            | nount on Lines 2 & 3)                                    | -\$ <u>1,839.83</u>  |
|                                       |  |  |
| Current Available Income              |  | \$ 28.17   |
| AI + 1     ~                          |  |  |
| Not included - Casua<br>Clothin       | a for Children N/A                                       |  |
| phone                                 | g For Children N/A<br>cards \$ 35.00                     |  |
|                                       |  | 00193  |
|                                       |  |  |

• •···



#### DEPARTMENT OF THE ARMY

BAGHDAD FIELD OFFICE APO, AE 09324

29 December 2003

66-5

MEMORANDUM FOR Commander

SUBJECT: Request For Nonpunitive Measures APO, AE 09324

1. Sir, as a defense counsel, I rarely write on the proper disposition of a case, but I feel compelled to do so in this case. I believe that this situation can be handled through administrative corrective measures and does not require the use of a Company Grade article 15, let alone a Field Grade Article 15.

2. The Manual for Courts-Martial clearly states, "Commanders are responsible for good order and discipline in their commands. <u>Generally, discipline can be maintained through effective</u> <u>leadership including, when necessary, administrative corrective measures</u>. Nonjudicial punishment is ordinarily appropriate when administrative corrective measures are inadequate due to the nature of the offense or the record of the servicemember." The measures are inadequate due to the nature of the offense or the record of the servicemember." The measures are inadequate due counseling statement. Furthermore, "Commanders should use nonpunitive measures to the fullest extent to further the efficiency the command before resorting to nonjudicial punishment." AR 27-10, paragraph 3-2. Paragraph 3-2 further states that "[n]onjudicial punishment may be imposed to - ...Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures." Included among nonpunitive measures are: denial of pass or other privileges, counseling, administrative reprimands and admonitions and extra training.

3. Non-punitive measures are appropriate for soldiers who have a good record in the company. However, the use of nonjudicial punishment would be more understandable if this action had (1) actually endangered a soldier or an innocent bystander; and/or (2) been the "last straw" in a series of poor judgment calls made by an another by Further, for the second tells me he is an exceptional soldier and you can confirm this with his squad and platoon leaders. He also informed me that his section was not clearly briefed as to the General Order that he allegedly violated nor the Rules of Engagement pertaining to detainees. I understand that ignorance is no defense however under the circumstances and matching actions were much more of being emotional about the situation and not harboring any malicious intent towards the detainees coupled with the fact that these detainees were apprehended with a large weapons cache and throwing grenades at U.S. soldiers.



061934

#### ACLU-RDI 2063 p.121

SUBJECT: Standard of Proof and Request For Nonpunitive Measures APO, AE 09324

4. Sir, in addition, unlike an E-4, an Article 15 imposed on the second will be a permanent part of his file because you must determine whether to file it in his restricted or performance fiche. He also informed me that he is due to go to the promotion board sometime next month however due to the impending Article 15, he will more than likely lose the chance to do so. That in and by itself is punishment enough. Therefore, if you believe that the second soldier who has potential to continue in the Army, please weigh carefully the interests of the soldier's career against those of the Army to produce and advance only the most qualified personnel for positions of leadership, trust and responsibility. Please take into account his age, grade, and total service.

66-5.

5. I am usually a defense counsel in Germany and have heard from virtually every soldier in your battalion who has come to my office that you administer UCMJ issues in a fair and impartial manner. I would also like to state that I only write these types of memos personally if there is an issue that I believe needs to be brought to your attention. On behalf of the state of the state that this article 15 be returned to the company for administrative corrective measures.

6. For the above reasons, I request this matter should be disposed of by nonpunitive measures.

7. Respectfully submitted,

66-2 Defense Counsel

#### FACTS:

the

In

On 4 November 2003, the Brigade Legal Advisor provided me a directive from the second second

Battalion Forward Operating Base. Within the packet was and found that Inquiry (Exhibit A). I reviewed the Commander's Inquiry and found that gathered a sufficient amount of information to begin an investigation.

According to the Commander's Inquiry (Exhibit A), the following is collaborated by several statements: On 25 October 2003, the following is collaborated by for escorting prisoners to the Detainee Facility located at the At approximately 1400 on the 25 October, a 5-ton cargo with six Iraqi Detainees, escorted by two BFVs with crews, delivered the detainees to the 2-70 Armor Detainee Facility. Soldiers from the facility from the vehicle down load site.

In the statement (Exhibit B) made by the facility guard, the statement of the observed five soldiers mistreat the Detainees. To clarify mistreat, the statement of stated the soldiers "started to slap the prisoners in the face and sock them in the gut" and "stomped on grey shirted prisoners bare feet" (misspelled word were corrected from the statements to this document).

1<sup>st</sup> Armored Division's FRAGO 383A (Exhibit C) issues a General Order making it a military crime for Coalitions Forces and civilians accompanying the Force, to Maltreat persons in Iraq. In the Commander's Intent, he states that Maltreatment of Detainees in Iraq by 1AD Forces during this mission is conduct prejudicial to good order and discipline. In paragraph 3.E.(5) maltreatment is defined by hitting, slapping, kicking, etc.

Considering 56-4(Exhibit B) and the Division's FRAGO 383A (Exhibit C), further investigation is required to verify the names of the soldiers that were involved with the maltreatment and to find collaborating information that would confirm the maltreatment occurred.

> $bb - \psi$ statement, his spelling of the names matched no members of the . He provided in Exhibit D the following spellings:

remember their names. I have a set of also stated that he could identify the soldiers in a photo line-up. Prior to my interview with the soldiers in the soldi

provide me photos the following day.

Taking the Brigade Legal Advisor advice, I inserted these four photos into four separate groups of six soldiers. The four soldiers from Platoon were from Hispanic heritage; consequently, the majority of the soldiers that I included in the photo line-up were

### 001936

66-1

#### ACLU-RDI 2063 p.123

Hispanic heritage. Exhibits E, F, G and H are the photo line-ups presented to

In Exhibit E, and the selected the top center photo; the photo he selected is from the photo of the selected the top center photo; the photo he selected is selected did the following to the Iraqi Detainees: "slap, punch, forearm shot to the gut, stomped on their bare feet with his boot."

bb-Yall Tho-5

001937

DOD-046465

In Exhibit F, and the solected the bottom center photo; the photo he selected is from an Platoon, the solected the bottom center photo; the photo he selected is selected "punch them, slap them, and forearm shots to the gut."

photos of and and and Consequently, I eliminated these two soldiers from my investigation as possible suspects.

After review of the photo line-up, I asked him two more questions (Exhibit I). He stated one of three unidentified soldiers present for the prisoner maltreatment had name like the photo line of the prison of something like that—he said this person was a big burly guy that looked like a wrestler named the photon of the also said this big burly guy was a member of the mortars. I called the photon of the prison of the photon of the photon of the photon of the asked if there was someone that fit the description according to statement—he stated that the mortarmen were not involved in the detainee mission and none had a name similar the photon of the photon

I met with second and for 12 November 03, he showed me the detainee facility (Exhibit J). The main gate is located near the detainee facility, which may have had a guard observe the maltreatment or knew the soldiers involved. He introduced me to a second second

had a similar name to that provided by the second however he was tall and normal build. I asked him if had any information concerning the event in which I was investigating. He said he had gate duty that day and knew the big burly soldier--his name is

On 12 November, I visited to be a second stand explained the purpose of my investigation. The purpose of my investigation is the purpose of my investigation is the purpose of my investigation is the purpose of the prisoner maltreatment. I requested a visit with his soldier named to be purpose of the prisoner maltreatment. I requested a visit with his soldier named to be purpose of the prisoner and his chain of command. The purpose of the purpose of the prisoner maltreatment is plated at the Atlas FOB Headquarters on the evening of 12 November—They both requested a lawyer and completed the forms DA 3881 (Exhibits K and L).

I called the Brigade Legal Advisor to see if I could direct the chain of command to provide photos of all the soldiers in Platoon, and the soldiers in the sol

Consequently, I directed the photos of every member in the Platoon, for and to call me if he had questions. That night, for the photos of the platoon members.

66-Yall

I printed the photos on 15 pages (Exhibit M) and schedule a visit with the problem of 14 November. He reviewed the photos and circled the prisoners and just watching the photo of the prisoners and saw what was going on." A statistic of the prisoners and just watching the prisoners and saw what was going on." A statistic of the prisoners and just watching the prisoners and saw what was going on." A statistic of the prisoners and just watching the prisoners and saw what was going on." A statistic of the prisoners and just watching the prisoners and saw what was going on." A statistic of the prisoners and just watching the prisoners and saw what was going on." A statistic of the prisoners and just watching the prisoners." A statistic of the prisoners and saw what was going on the prisoner of the was hitting, smacking, slapping and punching the prisoners." A statistic of the prisoners are prisoners and prisoners and prisoners are prisoners and prisoners are prisoners are prisoners and prisoners are prisoners are

Exhibit O, is Doctor the statement, which said five detainees had red marking on there wrist presumably left by the flex cuffs—two of the five detainees had numbress in the 4<sup>th</sup> and 5<sup>th</sup> fingers. One detainee, the statement of the detainees had tenderness to the abdominal area. Another detainee, the statement of the detainees to the jaw, collarbone, and central abdomen.

Exhibits P and Q are statements of two of the detainees. The statements are consistent with the statements in that four soldiers were hitting the detainees and one soldier named the statements in that four soldier standing to the side is likely to have been the statement which is consistent to the statement.

I had an interview with the second of the second se

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#### **INDEX OF EXHIBITS**

- EXHIBIT A Inquiry • EXHIBIT B-Statement by • EXHIBIT C-1<sup>st</sup> AD FRAGO 383A • EXHIBIT D- Statement by • EXHIBIT E-Photo line-up • EXHIBIT F- Photo line-up • EXHIBIT G- Photo line-up • EXHIBIT H- Photo line-up • EXHIBIT I-Statement by • EXHIBIT J-Photo of Detainee Facility at the • EXHIBIT Knon-waiver of rights • EXHIBIT L non-waiver of rights • EXHIBIT M-Photos of Ilatoon, • EXHIBIT N-Statement by • EXHIBIT O medical examination of detainees • EXHIBIT P-Detainee statement-EXHIBIT Q-Detainee statement-
  - EXHIBIT R-

Statement of Character for

FOB

66-4 on 66-5all

#### ACLU-RDI 2063 p.126

001939

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301: Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). ALITHORITY-To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** Disclosure of your social security number is voluntary. **DISCLOSURE:** 3: TIME 2. DATE (YYYYMMODI 4. FILE NUMBER LOCATION 1730 FOR 20031025 7. GRADE/STATUS 6. SSN LASSENAME BILLE MIDDLE NAME 8. 9. ANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ٤. At 1700 On 25 Oct 03 I was assigned to guard the jial and prishors. I escortd the prishors to the jiel and told that I was leaving to get Some ziptics for a prishor who wasn't ziptical. the When I came back I realized the the fies were lighter than they used to be and when I pat the zipties on theother prishor stanted to slapthe prishors in the sace and sock them in the get I could not really tell if it was with a clased fisted or foreru shob head piece Thin the two of her specialists, I don't remember thier the wall where the side of the right wall and started to simuch the wall where the prishors heads were . Then | stomped on Grey shirted prismors been feet. Just before Started the abused he pused the old man into the left side a Fishe Sharted the a bused he pused the old man the the lest siences in the vial I frisced them and removed in the vial I frisced them and removed helds to be held helds to Maan Denor 1 put them in the vial 1 trisced them is so the sand a lighter. Then after the talked badly to INITIALS OF PERSON MAKING STATEMENT EXHIBIT PAGES PAGE 1 OF DITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_ DATED TAKEN AT \* BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER ST BE BE INDICATED. DA LORIS 28/23, JUR 72, IS OBSOLF16 FORM 2823, DEC 1998

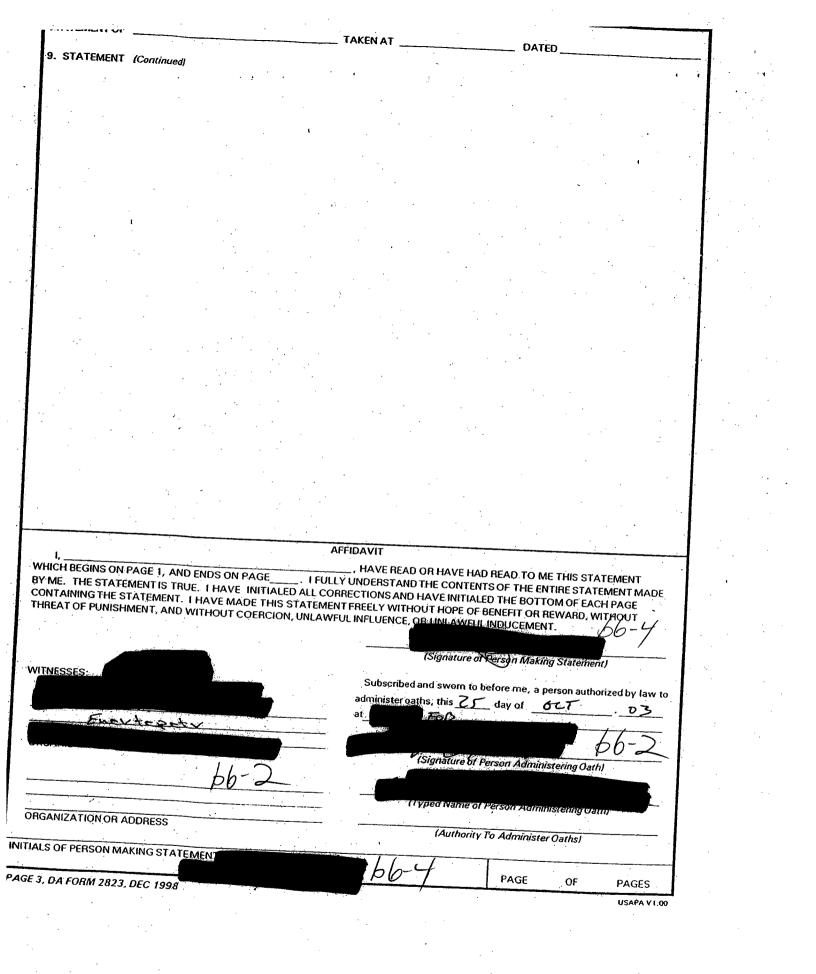
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| erform physical exa  | ims on some Iragi Detainee   | s which were    | brought recently                                    | TO OUT FUB.                             | the                         | and .                          |
| ent immediately do   | wn to the EPW Holding A  | rea to examin   | e them. They we                                     | ere brought our or                      | me noionng ar               | ea monvioually and             |
| camined by me or t   | he PA. The following is a  | summary of      | the significant ph                                  | ysical findings per                     | our examinat                | ion.                           |
| of them had linear   | erythematous (red) markin  | gs on their w   | rists that were pro                                 | esumably left from                      | the Flex-cuff               | S                              |
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| and tote by ms temp<br>umbness of his 4th  | peromandibular joint (jaw),<br>and 5th fingers on his left l   | and his periu   | impilical region (                                  | central abdomen).                       | He also had<br>n 800mg of I | subjective<br>buprofen to help |
| eat his pain.  | om migero un mis icit i  | 16-2            | icaying, i nau                                      |   | ooonig of t                 | owproton to nem                |
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66-7 AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE TFULLY 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. WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 75 day of 6 LTOBER 50° ORGANIZATION OF ADDRESS Signature of Person Administering Qath/ 66-2 (Typed Name of Person Administering Uation ORGANIZATION OR ADDRESS (Authority To Administer Oaths) **ITTIALS OF PERSON** PAGE 2\_ Ζ OF PAGES IGE 3, DA FORM 2823, DEC 1998 USAPA VI CO

001942

SWORN STATEMENT . For use of this form, see AR 190-45; the proponent agency is ODCSOPS **PRIVACY ACT STATEMENT** AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary, 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Ilac 2200 2003 1025 FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS Iragi Pution Bashded, Irag 9 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Ctoke with holp of interpoter I was brought to the prisoner cage the oftensoon with 5 other Men, all my relatives, when we were brought from the truck into the case, some soldiers followed us into the case. It was 5 soldiers. On soldier stood off to the side . with my nophen thesser and hiden't let the others touch him. The other 4 subjers were hitting us, kicking is and Slapping us. One soldier pot my face against the wall al hat the back of my head 200 I times. While they use doing this, they were seging bad things about Allah and about our families. They best on is for about on law, and then they stopped and left. Nothing to Kows -10. EXHIBIT 11. INITIALS OF PERS AAKING S PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE HSAPA V1.00

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **BOUTINE USES** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMOO) 3. TIMF 4. FILE NUMBER FOB, BOS LUD IT 20031025 2230 7. GRADE/STATUS 6. SŚN Irag: Natio 8. UHGANIZATIUN OR ADDRESS Bachdel, Iron 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: (Taken help with at in begreter I was brought to the prisoner cage this atternoon with 5 other men, all related to re. When we were brough, from the truck into the cage, some soldies followed us in. It was about 5-7 soldiers The soldiers started hitting the other prisoners, slupping them in the face, ponding them i the body, kicking them and starping on their feet. A Soldier named store store and and did let the other hit me, because I spoke a little stylish. The other soldiers continened to be t the othe prisorers until one of the soldiers from the Bradleys, acting as a lookest, said someone was coming. Then, all of the soldiers in the jail left while this all was going on, the soldies (except) we saying bal things to us, like "I wat to fuck your sister" and offer things. Interviewer's Note! When I diskale the interviewer Level to win a A Rea La ين نن ، در Øb 10. EXHIB 11. INITIALS OF PERSONLAWAKING STATEMEN D PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

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DOD-046474

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|  | DATA REQUIRED  | BY THE PRIVACY ACT  |   |  |
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| RINCIPAL PURPOSE: To provide<br>OUTINE USES: Your Socia  | Inited States Code, Section 3012<br>commanders and law enforceme<br>al Security Number is used as an<br>of your Social Security Number i   | ent officials with means<br>additional/alternateme  |   |  |
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|  | PART I - RIGHTS WAIVE  |   |   |  |
| ection A. Rights   |  | ······································  | 11.12   |  |
| he investigator whose name appears below   | w told me that he/she is with the Unite  |   | stion me about the follow   | B. L.J. Irag   |
| efore he/she asked me any questions about<br>1 do not have to answer any question of<br>Anything I say or do can be used as ev   | ut the offense(s), however, he/she mad<br>or say anything.   | ie it clear to me that I have   | the following rights:   |  |
| (Far personnel subject othe UCMJ 1 h<br>during questioning. This lawyer can be<br>or both.   | have the right to talk privately to a law  |   |   |  |
| (For civilians not subject to the UCMJ)  | / I have the right to talk privately to a  | - or<br>lawyer before, during, and  | after questioning and to b  | ave a lawyer present with  |
| me during questioning. I understand th<br>will be appointed for me before any qu<br>If I am now willing to discuss the offer<br>speak privately with a lawyer before ar  | lestioning begins.<br>nse(s) under investigation, with or with   | e for at my own expense,<br>hout a lawyer present, I ha   | or if I cannot afford a law   | yer and want one, a lawyer   |
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| will be appointed for me before any qu<br>If I am now willing to discuss the offer<br>speak privately with a lawyer before an<br>COMMENTS (Continue on reverse side<br>ection B. Waiver<br>Inderstand my rights as stated above. I and<br>ving a lawyer present with me.<br>WITNESSES (If<br>NAME (Type or Print)<br>ORGANIZATION OR ADDRESS AND F<br>ORGANIZATION OR ADDRESS AND F  | restioning begins.<br>nse(s) under investigation, with ar with<br>nswering further, even if I sign the wai<br>fe)<br>n now willing to discuss the offense(s<br>available)<br>PHONE | e for at my own expense,<br>nout a lawyer present, I have<br>iver below.<br>) under investigation and m<br>3. SIGNATURE OF<br>4. SIGNATURE OF<br>5. TYPED NAME O<br>6. ORGANIZATION<br>Baghdcod | or if I cannot afford a law<br>re a right to stop answerin<br>ake a statement without t<br>INTERVIEWEE<br>INVESTIGATOR  | yer and want one, a lawyer<br>ing questions at any time, or<br>talking to a lawyer first and without<br>66-2 |
| will be appointed for me before any qu<br>If I am now willing to discuss the offer<br>speak privately with a lawyer before an<br>COMMENTS (Continue on reverse sid<br>ection B. Waiver<br>mederstand my rights as stated above. I an<br>wing a lawyer present with me.<br>WITNESSES (If<br>NAME (Type or Print)<br>ORGANIZATION OR ADDRESS AND F<br>NAME (Type or Print)<br>ORGANIZATION OR ADDRESS AND F<br>ction C. Non-waiver<br>I do not want to give up my rights | restioning begins.<br>nse(s) under investigation, with ar with<br>nswering further, even if I sign the wai<br>fe)<br>n now willing to discuss the offense(s<br>available)<br>PHONE | e for at my own expense,<br>nout a lawyer present, I have<br>iver below.<br>) under investigation and m<br>3. SIGNATURE OF<br>4. SIGNATURE OF<br>5. TYPED NAME O<br>6. ORGANIZATION<br>Baghdcod | or if I cannot alford a law<br>re a right to stop answerin<br>ake a statement without to<br>INTERVIEWEE<br>INVESTIGATOR<br>OF INVESTIGATOR  | yer and want one, a lawyer<br>ing questions at any time, or<br>talking to a lawyer first and without<br>66-2 |

ACLU-RDI 2063 p.134

### DOD-046475

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|   | DATA R   | UIRED, BY THE PRIVACY ACT   |   |
|---|--|---|---|
| RINCIPAL PURPOSE: To provide c<br>IOUTINE USES: Your Social   |  | preement officials with means by which inform<br>as an additional/alternatemeans of identificat   |   |
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|   | PART I - RIGHT   | NAIVER/NON-WAIVERCERTIFICATE  |   |
| ection A. Rights  |  | 6-5   | ·····   |
| <ul> <li>I do not have to answer any question or</li> <li>Anything I say or do can be used as evid</li> <li>(For personnel subject othe UCMJ   hav</li> <li>during questioning. This lawyer can be a</li> <li>or both.</li> </ul>   | say anything.<br>dence against me in a crin<br>ve the right to talk private<br>a civilian lawyer I arrange<br>I have the right to talk pri | the made it clear to me that I have the following righ<br>o a lawyer before, during, and after questioning and<br>at no expense to the Government or a military lawye<br>- or -<br>ely to a lawyer before, during, and after questioning a  | to have a lawyer present with me<br>r detailed for me at no expense to me,  |
| me during questioning. I understand that<br>will be appointed for me before any ques<br>If I am now willing to discuss the offensi<br>speak privately with a lawyer before ans  | stioning begins.<br>se(s) under investigation, u<br>swering further, even if I s   | l arrange for at my own expense, or if I cannot affore<br>or without a fawyer present, I have a right to stop a   | l a lawyer and want one, a lawyer   |
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## ACLU-RDI 2063 p.135

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is voluntary. 2. DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER Baghdad, Iraq 2003 10 26 13:00 LAST MAME FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 8 O E CONTRACTOR OF CONTRACTOR WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: That during the Epis Pickup I was driving the lead Bradley. When we returned to compound we parked our Bradley and cleared Our weapon. After this I climbed into the drivers hatch OF another Bradley and moved it to the motor poel during this time I didn't see the Epw or the accused. Nor did I hear anyone talking about it when I returned to my room. Nothing Follows -664 10. EXHIBIT ON MAKING STATEMENT (--PAGES PAGE 1 OF. ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUI: 72, IS OBSOLETE USAPA VI 00

#### ACLU-RDI 2063 p.136

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|   | I this form, see AR 190-30; the proponent agency is ODCSOPS   |
|---|---|
|   | DATA REQUIRED BY THE PRIVACY ACT  |
| OUTINE USES: Your Social Security Nut   | Code, Section 3012(g)<br>s and law enforcement officials with means by which information may be accurately identified<br>umber is used as an additional/alternatemeans of identification to facilitate filing and retrieval.<br>al Security Number is voluntary.  |
| FOB, Baghdad, Iraq  | 2. DATE 3. TIME 4. FILENO.<br>2600000 1.300   |
| NAME (Last, First, MI)  | 2-5 BLOODGANIZATIONOR ADDRESS 2   |
| 7.  | GRADE/STATUS ISaghlad, Irag   |
|   | TT-RIGHTS WAIVER/NON-WAIVERCERTIFICATE  |
| ection A. Rights  |   |
| ne investigator whose name appears below told mo that b   | he/she is with the United States Army HHC 2-70 AR BN, 3 BCT, 1 AD   |
|   | and wanted to question me about the following offense(s) of which I am  |
| spected/accused: mistreatment of Iraqi detained   | es  |
|   | sl, however here he made it clear to me that I have the following rights:   |
| <ul> <li>I do not have to answer any question or say anything.</li> <li>Anything I say or do can be used as evidence against</li> </ul>   |   |
|   | t merin a criminal trial.   |
|   | yer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me  |
| or both.  |   |
|   | or -  |
|   | ht to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with  |
| me during questioning. I understand that this lawyer c<br>will be appointed for me before any questioning begin:  | can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer  |
| · · ·   | ns.<br>vestigation, with or without a lawy <u>er present. L</u> have a right to stop answering questions at any time, or  |
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| ection B. Waiver  |   |
| ection B. Waiver  | o discuss the offense{s} under investigation and make a statement without talking to a lawyer first and witho   |
| ection B. Waiver<br>Inderstand my rights as stated above. I am now willing to   | o discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without 1 and 1 |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is voluntary. LOCATION DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 1726 1320 5. LAST NAME FIRST NAME MIDDLE NAME 7. GRADE/STATUS 66-8. OBIE WINDOWN 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 66-4 unlocated the My fell from the Ston at the gate We walked Prisoners the then to holding area and made Sure they hille all EZip fiel Alber Securing them Rint walked Dack to our rooms and stayed with the prisoners. 16-At that time the prisoners had suthered no physical damage It was approximately 10 minutes after unloading the prisoners helore and I walked away Nothing follows 10. EXHIBIT INITE MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT DATEQ THE BOTTOM OF EACH ADDITION AL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI.00

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| l,   | $00^{-5}$ Have read or have   | E HAD READ TO ME THIS STATEMENT                 |     |
| HICH BEGINS ON PAGE 1, AND ENDS ON<br>( ME. THE STATEMENT IS TRUE I HAVE | PAGE_1 I FULLY UNDERSTAND THE CO<br>INITIALED ALL CORRECTIONS AND HAVE IN | NTENTS OF THE ENTIRE STATEMENT MADE             |     |
| ONTAINING THE STATEMENT. I HAVE MA                                       | DE THIS STATEMENT FREELY WITHOUT HO                                       | PE OF BENEFIT OR REWARD, WITHOUT                |     |
| REAT OF PUNISHMENT, AND WITHOUT C  | COERCION, UNLAWFUL INFLUEN  | NT. 11.5  |     |
| · · · · · · · · · · · · · · · · · · ·                                    |   | <u>po-</u>                                      |     |
|  | (Signa  | ture of Person Making Statement)                |     |
| ·  |   |   |     |
| TNESSES:   | Subscribed and sw   | orn to before me, a person authorized by law to |     |
| TNESSES:   | administer oaths, this  | day of October 2003                             |     |
| ITNESSES:  | administer oaths, this  |   |     |
| TNESSES:   | administer oaths, this  | day of October 2003                             |     |
| 6  | administer oaths, this<br>at FOB,   | Baghdad, Irag                                   |     |
| 6  | administer oaths, this<br>at FOB,   | day of October 2003                             |     |
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| ATNESSES:  | administeroaths, this<br>at FOB,<br>(Signat                               | Bachdad, Irag                                   |     |
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| A DEGANNIZATION OF ADDRESS   | administeroaths, this<br>at FOB,<br>(Signat                               | Bachdad, Irag                                   |     |

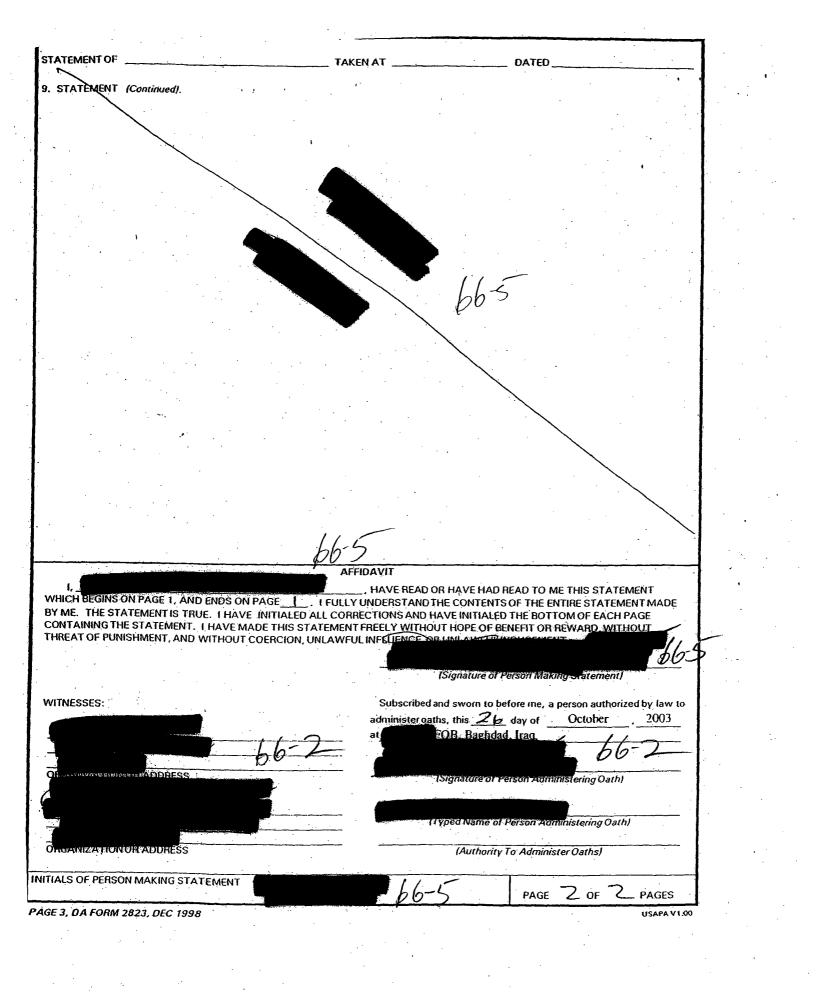
|  |  | DATA REQUIRED  | BY THE PRIVACY   | ACT  | · · ·              |   | • •                                   |
|--|--|--|--|--|--------------------|---|---------------------------------------|
| AUTHORITY:<br>PRINCIPAL PURPOSE:<br>ROUTINE USES:<br>DISCLOSURE:   | To provide com<br>Your Social Sec  | States Code, Section 3012<br>nanders and law enforcem<br>urity Number is used as an<br>ur Social Security Number i | ent officials with m<br>additional/alternati   |  |                    |   |                                       |
| OB, Baghda   | d Iraa   |  | 2. DATE  | 3.   |                    | 4. 6  | ILE NO.                               |
| 5. NAME (Last First MI)  |  | 10-5   | 2600003<br>8. OBGANIZ  | ATION OB A   | 1315               |   |                                       |
| Sen  |  | 7. GRADE/STATUS  | Bashle   | , Dray   | <                  | annan generation water and a second secon |                                       |
|  |  | PART I - RIGHTS WAIVE  |  |  | ·                  |   | ······                                |
| Section A. Rights  | ·.   |  | ······   | · · · · ·  |                    |   | · · · · · · · · · · · · · · · · · · · |
| The investigator whose name  | appears below told   | me that he/she is with the Unit  | ed States Army   |  |                    |   | 66-5                                  |
| suspected/accused: mistre  |  |  |  | to question (  | ne about the foll  | owing offense(s)  | b( which I am                         |
|  |  | offense(s), <u>however h</u> e/she ma  | de it clear to me that   | I have the fo  | nowing rights.     | <del>.</del>  |                                       |
| <ol> <li>I do not have to answer.</li> </ol>   | any question or say  | anything.  |  |  |                    |   |                                       |
|  |  | e against me m a criminal  |  | · ·  |                    |   |                                       |
|  |  | e right to talk privately to the second s    | yoense to the Govern   |  |                    |   |                                       |
| or both  | , , , , , , , , , , , , , , , , , , ,  | nan tawyer i arrange for at no e   | whenze to the Povetu   | ment of a m  | untery tawyer del  | raneo ior me at ho  | expense to me.                        |
|  |  | •  | - or -   |  | •                  |   | - \                                   |
|  |  | e the right to talk privately to a   |  |  |                    |   |                                       |
| me during questioning. I<br>will be appointed for me   | understand that this   | lawγer can be one that l'arran   | ge for at my own exp   | ense, or if L  | cannot afford a la | awyer and want o  | ne, a lawyer                          |
|  |  | ing begins.<br>under investigation, with or wit  | hout a lawyer present  | l have a rie   | the stop answ      | ering questions at  | any time. of                          |
|  |  |  | the second se  |  |                    |   |                                       |
| openic privately titler a la   |  | ing further, even if Lsign the wa  |  |  |                    |   |                                       |
|  |  | ing further, even if Lsign the wa  |  |  | ,                  |   |                                       |
| ·  |  | ing further, even if I sign the wa   |  |  |                    |   |                                       |
|  |  | ing further, even if I sign the wa   |  |  |                    |   |                                       |
| . COMMENTS (Continue   |  | ing further, even if I sign the wa   |  |  |                    |   |                                       |
| COMMENTS (Continue   | on reverse sidej   |  | siver bela   | )<br>  |                    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat   | on reverse side)<br>ed above. 1 am now   | ing further, even if I sign the wa   | siver bela   | )<br>  |                    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r  | on reverse side)<br>ed above. I am now<br>ne.  | willing to discuss the offense(s   | s) under investigation   | and make <sup>2</sup> a  | statement witho    |   |                                       |
| COMMENTS (Continue<br>Section B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>WI   | on reverse side)<br>ed above. I am now<br>ne,<br>TNESSES <i>(If avail</i> ,  | willing to discuss the offense(s   | s) under investigation   | )<br>  | statement witho    |   |                                       |
| COMMENTS (Continue<br>Section B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>WI   | on reverse side)<br>ed above. I am now<br>ne,<br>TNESSES <i>(If avail</i> ,  | willing to discuss the offense(s   | s) under investigation   | and make <sup>2</sup> a  | statement witho    |   |                                       |
| E. COMMENTS (Continue<br>Section B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,   | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(!f avail.</i>   | willing to discuss the offensels   | s) under investigation   | and make <sup>3</sup> a<br>3E ØE4INTEE   | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,   | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(!f avail.</i>   | willing to discuss the offensels   | s) under investigation   | and make <sup>2</sup> a  | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,   | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(!f avail.</i>   | willing to discuss the offensels   | s) under investigation   | and make <sup>3</sup> a<br>3E ØE4INTEE   | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,<br>ORGANIZATIONOR AD  | on reverse side)<br>ed above. ( am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels   | s) under investigation.<br>3. SIGNATUR<br>4. SIGNATUR  | and make <sup>3</sup> a<br>3E ØE4INTEE   | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,   | on reverse side)<br>ed above. ( am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels   | s) under investigation.<br>3. SIGNATUR<br>4. SIGNATUR  | and make'a<br>REOFINTER<br>REOFINITER  | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as state<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,<br>ORGANIZATIONOR AD<br>a. NAME (Type or Print)  | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation<br>3. SIGNATUE<br>4. SIGNATUE<br>5. TYPED NA  | and make'a<br>REOEINTER<br>REOEINTER   | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>Wi<br>a. NAME (Type or Print,<br>ORGANIZATIONOR AD  | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation<br>3. SIGNATUE<br>4. SIGNATUE<br>5. TYPED NA  | and make'a<br>REOEINTER<br>REOEINTER   | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>Inderstand my rights as stati<br>iving a lawyer present with r<br>Wi<br>NAME (Type or Print,<br>ORGANIZATIONOR AD  | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation<br>3. SIGNATUE<br>4. SIGNATUE<br>4. SIGNATUE<br>5. TYPED ATA<br>6. ORGANIZ  |  | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>anderstand my rights as stati<br>wing a lawyer present with r<br>WI<br>NAME (Type or Print,<br>ORGANIZATIONOR AD<br>NAME (Type or Print,<br>ORGANIZATION OR AD   | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation<br>3. SIGNATUE<br>4. SIGNATUE<br>5. TYPED NA  |  | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with r<br>WI<br>MANNE (Type or Print)<br>ORGANIZATIONOR AD<br>ORGANIZATION OR AD  | on reverse side)<br>ed above. I am now<br>ne.<br>TNESSES <i>(If avail</i> )<br>DRESS AND PHON  | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation<br>3. SIGNATUE<br>4. SIGNATUE<br>4. SIGNATUE<br>5. TYPED ATA<br>6. ORGANIZ  |  | statement witho    |   |                                       |
| COMMENTS (Continue<br>ection B. Waiver<br>anderstand my rights as stati<br>wing a lawyer present with r<br>WI<br>NAME (Type or Print,<br>ORGANIZATIONOR AD<br>NAME (Type or Print,<br>ORGANIZATION OR AD   | on reverse side)<br>ed above. ( am now<br>ne.<br>TNESSES ( <i>If avail</i> )<br>DRESS AND PHON<br>DRESS AND PHON   | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation<br>3. SIGNATUE<br>4. SIGNATUE<br>4. SIGNATUE<br>5. TYPED ATA<br>6. ORGANIZ  |  | statement witho    |   |                                       |
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| COMMENTS (Continue ection B. Waiver understand my rights as state aving a lawyer present with MI a. NAME (Type or Print) ORGANIZATIONOR AD a. NAME (Type or Print) ORGANIZATIONOR AD a. NAME (Type or Print) () ORGANIZATIONOR AD b. () ORGANIZATIONO  | on reverse side)<br>ed above. ( am now<br>ne.<br>TNESSES ( <i>If avail</i> ,<br>DRESS AND PHON<br>DRESS AND PHON<br>my rights                                    | willing to discuss the offensels $able1$<br>bb-2   | s) under investigation.<br>3. SIGNATUR<br>4. SIGNATUR<br>5. TYPED NA<br>6. ORGANIZA<br>Bagihdad, Irad  | and make a<br>BE OE INITER<br>RE OE INITER<br>ATION OF IN<br>TOMOS IN<br>TOMOS IN  | statement witho    | ut talking to a law   |                                       |
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| COMMENTS (Continue<br>ection B. Waiver<br>anderstand my rights as stati-<br>aving a lawyer present with r<br>WI<br>NAME (Type or Print,<br>ORGANIZATIONOR AD<br>A. NAME (Type or Print,<br>ORGANIZATIONOR AD<br>CORGANIZATIONOR AD<br>CORGANIZATION OR AD  | on reverse side)<br>ed above. ( am now<br>ne.<br>TNESSES ( <i>If avail</i> ,<br>DRESS AND PHON<br>DRESS AND PHON<br>my rights<br>IEWEE                           | willing to discuss the offensels $able_1$  | aiver bela   | and make a<br>3E OE INVES<br>AE OF WWE<br>AE OF WW | statement witho    | ut talking to a law   | yer first and without                 |
| COMMENTS (Continue ection B. Waiver understand my rights as state aving a tawyer present with r Wit a. NAME (Type or Print) ORGANIZATIONOR AD a. NAME (Type or Print) ORGANIZATIONOR AD b. Construction of the section C. Non-waiver I do not want to give up I want a lawyer SIGNATURE OF INTERV ITACH THIS WAIVER CERTI  | on reverse side)<br>ed above. ( am now<br>ne,<br>TNESSES ( <i>If avail</i> ,<br>)<br>DRESS AND PHON<br>DRESS AND PHON<br>MY rights<br>IEWEE<br>FICATE TO AN Y SU | willing to discuss the offensels<br>able J<br>bb - 2<br>E<br>NORN STATEMENT (DA.FORA                               | aiver bela<br>s) under investigation<br>3. SIGNATUR<br>4. SIGNATUR<br>5. TYPED NA<br>5. TYPED NA<br>6. ORGANIZA<br>1. SIGNATUR<br>1. SIGNA | and make'a<br>3E OE INTER<br>3E OE INTER<br>3E OE INTER<br>3E OE INTER<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4  | statement witho    | ut talking to a law   | yer first and without                 |
| COMMENTS (Continue<br>ection B. Waiver<br>understand my rights as state<br>aving a lawyer present with r<br>WI<br>a. NAME (Type or Print,<br>ORGANIZATIONOR AD<br>a. NAME (Type or Print,<br>A. NAM | on reverse side)<br>ed above. ( am now<br>ne,<br>TNESSES ( <i>If avail</i> ,<br>)<br>DRESS AND PHON<br>DRESS AND PHON<br>MY rights<br>IEWEE<br>FICATE TO AN Y SU | willing to discuss the offensels<br>able J<br>bb - 2<br>E<br>NORN STATEMENT (DA.FORA                               | aiver bela   | and make'a<br>3E OE INTER<br>3E OE INTER<br>3E OE INTER<br>3E OE INTER<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4<br>4  | statement witho    | ut talking to a law   | ryer first and without                |

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### DOD-046482

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. ATION 2. DATE (YYYYMMODI 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 2003026 1335 LANSE FIRST NAME MIDDLE 7. GRADE/STATUS Beening and the second strategy and the second strategy and the second strategy and se 66-WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH YESTERDAN AS MY VEHICLE ROLLED BACK IN APPROXAMITALY 1430? WE PULLETS UP BY THE Q.R.F. STABING POINT FOR Q.R.F. I DISMOUND MY VEHICLE AND BEHAN DISCUSSING HOW WE WERE HONNA MOVE THE ADDITIONAL BRAD BACK TO THE LINE, AFTER WE FINISHED TALKING. I WALKED OVER TO THE BACK OF THE 5 TON AND AT THAT TIME THE E.P.W'S VERE ALREADY POWNLAADED. I THEN ASKED THE DRIVER OF THE STON TO PULL FORWARD SO WE COULD MOVE THE BRAD AT THAT TIME THE DRIVER PULLED THE STON FORWARD AND AS I WAS WALKING BACK TOWARDS THE CLOARING PIT. THE EPW.5 WOLE BEING ESCORTED ACCEDSS THE GRAVEL FROM THE TIME I DISMOUNTED MY VEHICLE TILL I BEGAN WALKING BACK TO THE BARLARKS IT TOOK ABOUT SMINUTES. THE LAST TIME I SAW THE EIP. WIS WAS AS THEY WOLE BEING ESCORTED ACCLOSS THE LIRAVEL VOTHING FOLLOWS D.E.V. NOTHING FOLLOWS 66-5 TO. EXHIBIT ON MAKING STATEMENT T PAGE 1 OF Z PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI.00



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|---|--|--|--|---|---|-------------|
|   |  | DATA REQUIRE   | D BY THE PRIVACY AC  | τ   |   |             |
| AUTHORITY:<br>PRINCIPAL PURPOSE:<br>ROUTINE USES:<br>DISCLOSURE:  | To provide comman<br>Your Social Security  |  | nent officials with mean<br>additional/alternateme   |   | n may be accurately ide<br>o facilitate filing and ret  |             |
| FOB, Baghda   | d, Iraq  |  | 2. DATE  | 3. TIME   | 4. FILE NO.   |             |
| 5. Jacob First All  |  | 665  |  | NOB ADDRESS   |   |             |
| 5. <b>SSN</b>   |  | 7. GRADE/STATUS  | Bagh I.d.  | Irag  | ·   |             |
|   | P  | ART I - RIGHTS WAIV  | ER/NON-WAIVERCERT  |   |   | <del></del> |
| Section A. Rights   |  |  |  | · • · · ·   |   | ·           |
| The investigator whose name   |  |  |  | estion me about the follow  | wing offense(s) of which I a  |             |
| suspected/accused: mistre   |  |  | <u> </u>   |   |   |             |
| Before he/she asked me any o<br>1. I do not have to answer  | any question or say anyt   | sets), <u>nowever, he</u> lshe ma<br>hing  | ade it clear to me that I hav  | e the tollowing rights:   |   | 1 A.        |
| 2. Anything I say or do can   | be used as evidence aga  | inst me in a criminal tria   |  |   |   |             |
| <ol> <li>(For personnel subject of<br/>during guestioning. This</li> </ol>  | the UCMJ I have the right  | ht to talk privately to a lat  | wyer before, during, and af  | ter questioning and to hav  | e a lawyer present with me<br>led for me at no expense to   | -           |
| or bo   |  | averyer i arrange for at no e  | exherize in the poverumen  | t of a minutary lawyer detai  | ieu ior nie at no expense to  | ine.        |
| (For obvillance and automatic   | to the 1/04/ 11 -  |  | - or -   |   | \<br>\  | \$6         |
| IFOT CIVILIANS NOT SUBJECT  | to the UCMJ  I have the  | right to talk privately to a   | a lawver before, during, and   | after questioning and to  | have a lawyer present with  |             |
| me auring questioning. I  | understand that this laws  | ver can be one that Larran   | one for at my own expense  | or if I cannot afford a law   | wer and want one a lawye  | ۶           |
| will be appointed for me  | before any questioning b   | ver can be one that I arran<br>egins.  | nge for at my own expense  | or if I cannot afford a law   | vyer and want one, a lawye  |             |
| will be appointed for me<br>I. If I am now willing to dis   | before any questioning b<br>cuss the offense(s) under  | yer can be one that I arran<br>egins.<br>r investigation, with or wir  | ige for at my own expense thout a lawyer present. Libe   | or if I cannot afford a law   | ryer and want one, a lawye  |             |
| will be appointed for me<br>I. If I am now willing to dis   | before any questioning b<br>cuss the offense(s) under  | ver can be one that I arran<br>egins.  | ige for at my own expense thout a lawyer present. Libe   | or if I cannot afford a law   | vyer and want one, a lawye  |             |
| will be appointed for me<br>If I am now willing to dis<br>speak privately with a la   | before any questioning b<br>cuss the offense(s) under<br>wyer before answering fu  | yer can be one that I arran<br>egins.<br>r investigation, with or wir  | ige for at my own expense thout a lawyer present. Libe   | or if I cannot afford a law   | vyer and want one, a lawye  |             |
| will be appointed for me<br>If I am now willing to dis<br>speak privately with a la   | before any questioning b<br>cuss the offense(s) under<br>wyer before answering fu  | yer can be one that I arran<br>egins.<br>r investigation, with or wir  | ige for at my own expense thout a lawyer present. Libe   | or if I cannot afford a law   | vyer and want one, a lawye  |             |
| will be appointed for me<br>If I am now willing to dis<br>speak privately with a la<br>COMMENTS <i>(Continue</i>  | before any questioning b<br>cuss the offense(s) under<br>wyer before answering fu  | yer can be one that I arran<br>egins.<br>r investigation, with or wir  | ige for at my own expense thout a lawyer present. Libe   | or if I cannot afford a law   | vyer and want one, a lawye  |             |
| will be appointed for me<br>If I am now willing to dis<br>speak privately with a la<br>COMMENTS <i>(Continue</i><br><b>ection B. Waiver</b>   | before any questioning b<br>cuss the offense(s) under<br>wyer before answering fu<br>on reverse side/  | yer can be one that Larran<br>egins,<br>r investigation, with or wi<br>rther, even if Lsign the w                                | nge for at my own expense<br>thout a lawyer present. I be<br>aiver below   | or if I cannot afford a law   | vyer and want one, a lawye  | r<br>       |
| will be appointed for me<br>If I am now willing to dis<br>speak privately with a la<br>COMMENTS (Continue<br>Section B. Waiver<br>understand my rights as stat  | before any questioning b<br>cuss the offense(s) under<br>wyer before answering fu<br>on reverse side/<br>ed above. I am now willing  | yer can be one that Larran<br>egins,<br>r investigation, with or wi<br>rther, even if Lsign the w                                | nge for at my own expense<br>thout a lawyer present. I be<br>aiver below   | or if I cannot afford a law   | vyer and want one, a lawye  | r<br>       |
| will be appointed for me<br>If I am now willing to dis<br>speak privately with a la<br>COMMENTS <i>(Continue</i><br>Gection B. Waiver<br>understand my rights as stat<br>aving a lawyer present with  | before any questioning b<br>cuss the offense(s) under<br>wyer before answering fu<br>on reverse side/<br>ed above. I am now willing  | yer can be one that Larran<br>egins.<br>r investigation, with or wi<br>inther, even if Lsign the w<br>ng to discuss the offense( | nge for at my own expense<br>thout a lawyer present. I be<br>aiver below   | or if I cannot afford a law   | vyer and want one, a lawye  | r<br>       |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT **AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 1350 2003/026 5. MANTE ERST NAME, MIDDLE NAME 7. GRADE/STATUS 8. OFFICE STREET, STREET, STREET, STREET, 9. Yesterday afternoon, we had pulled back into the FAB and I was instructed to reposition Vehicles and ensure that one track was taken to the Parking line I was in the rear bradley, us a summer, I went to the ground and began to move the Bradleys around. I moved one brad to the clearing Pit while I was Whiting on the rest of the crews to get ready. Apparently there was no prisoner guard, and the had not returned immediatley. I was standing nex to the Vehicle 66-4 Parked by the clearing Pit and was talking to the driver, for about 5-10 minutes. Then Came up and said the guard was there now and we Moved the Vehicles. The last time I saw the Rison. ers was when the got off the truck, they were in Front of K6-4 my Bradley, they were in the way, so then escorted the Pr escorted the Prosoners to the Cage. I didn't see or hear anything out of the ordinary. Nothing Follows 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT T PAGE 1 OF PAGES 67 ADDITIONAL PAGES MUST CONT AIN THE HEADING "STATEMENT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI 00

STATEMENT OF TAKEN A 9. STATEMENT (Continued) *b6* · AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE\_\_\_\_ . 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 INFLUENC (Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of October at 08, Baghdad, Iraq 2003 ORGANIZATION OR ADDRESS of Person Administering Oath) b (Typed Name of Person Administering Oath) ORGANIZATIONOR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 2 PAGES PAGE 3, DA FORM 2823, DEC 1998 USAPA VI.00

|   | r use of this form, see AR 190-30   | ); the proponent agency  | is ODCSOPS   | •  |
|---|---|--|--|--|
|   | DATA REQUIRED BY  | THE PRIVACY ACT  | •  |  |
| AUTHORITY: Title 10. United 5   | States Code, Section 3012(g)  |  | ,<br>,   | ·  |
|   | landers and law enforcement   |  | by which information   | may be accurately identit  |
|   | rity Number is used as an add   |  |  |  |
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|   | PART 1 - RIGHTS WAIVER/   | NON-WAIVERCERTI  | FICATE   | · · · · · · · · · · · · · · · · · · ·  |
| ection A. Rights  |   |  |  | ······································   |
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| he investigator whose name appears below told n   | e that he/she is with the United S  |  |  |  |
| uspected/accused: mistreatment of Iraqi d   | etainees  | and wanted to que  | stion me about the follow  | ring offensels) of which I am  |
| efore he/she asked me any questions about the o   | lfense(s), <u>howev</u> er, he/she made i   | it clear to me that I have   | the following rights:  |  |
| I do not have to answer any question or say a   | nything   |  | · · · · · · · · · · · · · · · · · · ·  | •  |
| . Anything I say or do can be used as evidence<br>(For personnel subject othe UCMJ I have the   |   | before during and after  | unestioning and to have  | a lawyer procent with mo   |
| during questioning. This lawyer can be a civili   | an lawyer I arrange for at no expe  | inse to the Government   | or a military lawyer detail  | ed for me at no expense to m   |
| or both   |   |  | · · · · · · · · · · · · · · · · · · ·  |  |
|   |   | - or -   |  | · /  |
| (For civilians not subject to the UCMJ) I have  |   |  |  |  |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. **ROUTINE USES:** DISCLOSURE: Disclosure of your social security number is voluntary. 4. FILE NUMBER 1 OCATION 2. DATE (YYYYMMOD) 3. TIME FOB, Baghdad, Iraq 5. LAST NAME, FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 6. SSN 8. OTTER MIZE ENGINEERADIERESS Ð6-9 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Yesterday Afternoon I was TA DISMOUNT FOR THE EIW mission when we got back to the FOB we took the prisined of the truck. It was 6 prisiners and three soldiers, and Me. Then the gard and 66-4 the prisoner's down to the prison. The prison gard is about 59" white, bald and I think is rank is a private (= couldn't Identify #15 FACK. Then I walk over to the clearing pit, and deard my weapon after that walk to my room. And the last time I saw the prisoners is yen nothing follows. to the jail. 56-5 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. USAPA VLOD DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE

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| t,, HAVE READ OR HAV   | VE HAD READ TO ME THIS STATEMENT                 |
| WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE I FULLY UNDERSTAND THE CO<br>BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE IN<br>CONTAINING THE STATEMENT |  |
| 2011 ARTING THE STATEMENT. THAVE MADE THIS STATEMENT ERFLY WITHOUT HOP   |  |
| HREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, DELINICA  | MAREN INDUCEMENT                                 |
|  |  |
| (Signa   | ature of Person Making Statement)                |
| VITNESSES: Subscribed and swo  | rorn to before me, a person authorized by law to |
| administer oaths, this   | s day of October 2003                            |
| at FOB. E  | Baghdad, Iraq                                    |
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| TALS OF PERSON MAKING STATEMENT  | PAGE 2 OF 2 PAGES                                |

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| AUTHORITY:  | Title 10 United  | States Code, Secti  | ion 3012/a   | ,<br>1   |   | ÷.  |   |
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| he investigator whose name  |  |   | n the United S   |  | estion me about the follo   | wing offense(s) of whi  | ch'l am   |
| uspected/accused: mistre  |  |   | 1  |  |   |   |   |
| efore he/she asked me any i   | questions about the c  | offense(s)however, h  | ne/she made i  | t clear to me that I hav   | e the following rights:   |   |   |
| I do not have to answer<br>Anything I say or do car   |  |   | inal triat   |  |   |   |   |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMDDI 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 5. LASSINAME FIRST NAME, MIDDLE NAME 6. SSN 66-5 **GRADE/STATUS** 8. OHOANIZATIONSHEADBIN 9 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 25" Oct 2063 fiit. Carld nyill Dile On arrival 66-4 escisted a five in Truck to a raid buch bris were ask by they ( Elwist entimis ite I'te FEK 100 then ask who off the truck Clowin Lacalle 4.1.1 Sileler the helding ling öf Churge which in er white about (un aki :Il M tus printe EPW to le 1r iona where between 1400 and 1443 hrs. this war? helding area, ?) lim to the oser were moren more chang the wire, then I in the ie/t baitulin from to notify the formed of the trus presence do believe the formed informed to exact the follows to the belowing the concel is not 56-1 Certensty. This was the limit time hitenc b6-5 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGE ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_ TAKEN AT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER DA FORM 2823, DEC 1998 DA FORM 2823; JUL 72, IS OBSOLETE USAPA VI'OO

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|  | 66-5 HAVE BEAD OF H   | AVE HAD READ TO ME THIS STATEMENT  |           |
| VHICH BEGINS ON PAGE 1, AND END<br>BY ME. THE STATEMENT IS TRUE. I | DS ON PAGE ( . I FULLY UNDERSTAND THE C   | CONTENTS OF THE ENTIRE STATEMENT MA<br>EINITIALED THE BOTTOM OF EACH PAGE  | DE        |
| CONTAINING THE STATEMENT. 1 HA                                     | VE MADE THIS STATEMENT FREELY WITHOUT H<br>HOUT COERCION, UNLAWFUL INFLUENCE, OR UN | IOPE OF BENEFIT OR REWARD, WITHOUT   |           |
|  | ICCT COENCION, ONEAWT OF INT COENCE, OF ON  | 66.5   |           |
|  | (Sig  | mature of Person Making Statement]   | I.        |
|  | 66-2 Subscribed and s   | sworn to before me, a person authorized by la  | iw to     |
| /ITNESSES:   |   |  |           |
| /ITNESSES:   | administer oaths, ti  |  | )3        |
| VITNESSES:   |   | this 26 day of October 200<br>3. Baghdad, Irac   | <u>)3</u> |
|  | at  | 3. Baghdad, Iraq<br>66-2   | <u>)3</u> |
|  | at  |  | <u>)3</u> |
|  | at FOE  | 3. Bathdad, Irac.<br>66-2<br>Inature of Person Administering Oath)   | <u></u>   |
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| DATA REC   | QUIRED BY THE PRIVACY ACT  |
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|  |  |
| AUTHORITY: Title 10, United States Code, Section<br>PRINCIPAL PURPOSE: To provide commanders and law end   |  |
|  | forcement officials with means by which information may be accurately identified.<br>I as an additional/alternatemeans of identification to facilitate filing and retrieval.   |
| DISCLOSURE: Disclosure of your Social Security Number is used  |  |
|  |  |
| FOB, Baghdad, Iraq   | 2. DATE 3. TIME 4. FILE NO.  |
| MAME (Last, First, My  | 80RGANIZATION OR ADDRESS   |
|  | 8. DEMOANIZATION OR AUDRESS  |
| SSN 7. GRADE/STA   | TUS  |
|  | ling   |
| PART I - RIGHTS  | WAIVER/NON-WAIVERCERTIFICATE   |
| Section A. Rights  |  |
|  |  |
| The investigator whose name appears below told me that helshe is with t  |  |
| suspected/accused: mistreatment of Iraqi detainees   | and wanted to question me about the following offense(s) of which I am   |
| Before he/she asked me any questions about the offense(s), however, he   | /she made it clear to me that I have the following rights:   |
| I do not have to answer any question or say anything.  |  |
| 2. Anything I say or do can be used as evidence against me in a crimin<br>(For personnel subject othe (/CM / ) have the right to talk privately.   |  |
|  | to a lawyer before, during, and after questioning and to have a lawyer present with me<br>r at no expense to the Governmentfor a military lawyer detailed for me at no expense to me,  |
| or both  | i at no expense to the covernment of a namery lawyer usioned for the at the expense to the,  |
|  | - or.  |
| For civilians not subject to the UCM II. I have the right to talk original   |  |
|  | tely to a lawyer before, during, and after questioning and to have a lawyer present with   |
| me during questioning. I understand that this lawyer can be one that   | tely to a lawyer before, during, and after questioning and to have a lawyer present with<br>t I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer   |
| me during questioning. I understand that this lawyer can be one that<br>will be appointed for me before any questioning begins.  | t I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer   |
| me during questioning. I understand that this lawyer can be one that<br>will be appointed for me before any questioning begins.<br>If I am now willing to discuss the offense(s) under investigation, wit  | t I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer the or without a lawyer present, I have a right to stop answering questions at any time, or $/$   |
| me during questioning. I understand that this lawyer can be one that<br>will be appointed for me before any questioning begins.  | t I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer the or without a lawyer present, I have a right to stop answering questions at any time, or $/$   |
| me during questioning. I understand that this lawyer can be one that<br>will be appointed for me before any questioning begins.<br>If I am now willing to discuss the offense(s) under investigation, with<br>speak privately with a lawyer before answering further, even if I sign   | t I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer<br>th or without a lawy <u>er presen</u> t, I have a right to stop answering questions at arry time, or   |
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| <ul> <li>me during questioning. I understand that this lawyer can be one that will be appointed for me before any questioning begins.</li> <li>If I am now willing to discuss the offense(s) under investigation, with speak privately with a lawyer before answering further, even if I sign.</li> <li>COMMENTS (Cantinue on reverse side)</li> </ul>   | t I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer<br>th or without a lawyer present, I have a right to stop answering questions at any time, or<br>in the waiver below  |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301: Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is yoluntary. FOB, Baghdad, Iraq 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 20031027 0845 5. LAST NAME, FIRST NAME, MIDDLE NAME 7: GRADE/STATUS 6 8. ORGANIZATION OF ADDRESS g WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: TO THE BATTALION ON 2514 OF OCTOBER, UPON PETURNING THE GUIDED THE FNTO THE COMPOUND. MY BRADLEY GROUND FOB THE CONVOY . WHEN WE ENTERED THE THE LEAD SFV I:N WAS VEHICLE HOLDING THE PRISONERS WAS 5-TON THE COMPOUND which we were FIKE'S BEV. PFC AND BFU MY. BETWEEN IN 3 BFV'S COULON'T HAVE THAT WE 506 Ьу INFORMED THE VEHICLE BEDANN TO NOVE THE PHRICED AL THE 6ATE. SAT ON NY ĩ BFU HE NOVED THE OTHER WHILE I COULD P.MRK. 60 FOUNDS IN WITH A UNPTAIN ABOUT 74F HATCH Oing CONVERSED MOVED THE sru 1415 AFTER WERPON. parking. I DIO NOT SEE PRISONERS THE INTO LROUND GUIDED ME THE FOB. WHEN  $\mathcal{I}$ ENTERED Follows POTHING . 66-5 10. EXHIBIT N MAKING STATEMENT 11. PAGES PAGE 1 OF 2 ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI 00 001967

STATEMENT OF TAKEN AT DATED 9. STATEMENT (Continued) \$6-5 *b6-5* AFFIDAVIT റഗ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE\_1 . 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 INDUGEMENT (Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of October 2003 FOB, Baghdad, Iraq ORGANIZATION OR ADDRESS ering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKIN PAGE 2 OF 2 PAGES PAGE 3, DA FORM 2823, DECA998C USAPA VI.00

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| efore he/she asked me any questions ab  | pout the offense(s), beautifue be/she   | made II Plear to me that I have th   | ne following rights:  |  |
| . I do not have to answer any question  | n or say anything.  |  | · .   |  |
| Anything I say or do can be used as   |   |  |   |  |
| . (For personnel subject othe UCMJ )  |   |  |   |  |
| during questioning. This lawyer can t<br>or both.   | be a civilian lawyer i arrange for at n   | o expense to the Government or   | a military lawyer detailed fo   | r me at no expense to me.  |
|   |   | - or -   |   | 1  |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title, 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately **PRINCIPAL PURPOSE:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. **ROUTINE USES:** DISCLOSURE: Disclosure of your social security number is voluntary 4. FILE NUMBER 2. DATE (YYYYMMDD) 3. TIME LOCATION FOB, Baghdad, Iraq 03/10/27 0915 7. GRADE/STATUS 5. LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATUSINGEREALEISI WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On the afternoon of e oit. 25 I was driving the 5-ton vehicle to pick up prisoners from a location in Abu Chraib. When we returned to the compound we approached and an entered the gate. At this point I didn't hear or see any mistrealment. bgot out of the lock at the clearing barred to let Journ the back end so the prisoners could get out, he then to pull onto the road facing the motor pool. Note this is the prisoners and infantry new got out. There was 2 to 3 Infantry guys back there. Now I'm facing the motor poul and I then exit the Vehicle and go to clear my weopon never focusing my attention to the sits and Nothing follows \_\_\_\_ 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_ TAKEN AT \_\_ DATEO THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1 00 DA FORM 2823, DEC 1998 001970

TAKEN AT DATED 9. STATEMENT (Continued) AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. 1 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 (Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2-7\_ day of October 2003 OB, Bagbdad, Iraq ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) yped Name of Person Administering Oath] ORGANIZATION OR ADDRESS (Authority To Administer Oaths) NITIALS OF PERSON MAKING STATEMEN 10 PAGE OF PAGES 'AGE 3, DA FORM 2823, DEC 1998 USAPA VI.00

|   | ITS WARNING PRO   |  |  |   |
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| For   | r use of this form, see AR 19                                   |  |  | • •   |
|   | DATA REQUIRE  | D BY THE PRIVACY AC  | •  | • •   |
| PRINCIPAL PURPOSE:         To provide comm           ROUTINE USES:         Your Social Security   |   | ment officials with mean<br>n additional/alternateme   | · · ·  | may be accurately identified.<br>facilitate filing and retrieval.   |
| LOCATION<br>FOB, Baghdad, Iraq  |   | 2. DATE<br>270403  | 3. TIME<br>09/6                                | 4. FILE NO.   |
| NAME (Last, First, MI)  | 66-5  | 8. ORGANIZATIO   |  |   |
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|   | PART 1 - RIGHTS WAI   | VER/NON-WAIVERCERT   |  |   |
| ection A. Rights  |   |  |  | ·····   |
|   | · · ·   |  |  | 60-5  |
| he investigator whose name appears below told n   | ne that he/she is with the Un                                   |  |  |   |
| uspected/accused: mistreatment of Iraqi de  | etainees  | and wanted to qu   | esuon me about the follow                      | ing offensels of which I am   |
| lefore he/she asked me any questions about the of   |   | nade it clear to me that I hav   | e the following rights:                        |   |
| <ol> <li>I do not have to answer any question or say a</li> <li>Anything I say or do can be used as evidence</li> </ol>   |   |  |  | $\sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{i$ |
| . (For personnel subject othe UCMJ   have the   | -   |  | er questioning and to have                     | a lawyer present with me  |
| during questioning. This lawyer can be a civili   |   |  |  |   |
| or bott   |   |  |  |   |
| (For civilians not subject to the UCMJ) I have  | e the right to talk privately to                                | - or -<br>a faws er before, during, and  | l after questioning and to h                   | ave a lawyer present with   |
| me during questioning. I understand that this I   |   |  |  | 1   |
| will be appointed for me before any questioning   | ng begins.  |  |  |   |
| <ul> <li>If I am now willing to discuss the offense(s) uses speak privately with a lawyer before answering</li> </ul>   |   |  | ive a right to stop answeri                    | ng questions at any time, or  |
|   |   |  |  |   |
|   |   | waiver below   |  |   |
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### DOD-046500

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **BOUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 2. DATE (YYYYMMDD) 3. TIME LOCATION 4. FILE NUMBER FOB, Baghdad, Iraq 2003 2710 1000 LAST NAME, FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 6 SSN 8. DECAMPATION OF ADDE SS **9**. , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on 25 Oct 2003 1400 hrs myself and wore on EPW Escort Driving the 5-ton we had three intentry men in the Back with 6 EPW, one of the Infantrymen was The other 2 I am Not sure of there names, we pulled into the gate and PFC wilson opend the Back of the truck, the Three guards Jumped Out And then the Six Epw's Jumped crut as they were getting out I have the crouch down on the spile werk. After they all 66-4 got off the truck, wint to find Front gate to see where they wanted the EPW's. He sent cut one of his quards, I was talking with one of the Interpeters at the gate. I had him tell all of them to stand up and fallow the guard, and to not talk to each other: Once They all stood up and walked away fallowing the guard I recall sering 2 or 3 infantry man fallow Hum off. Then myself and Returned to the Cabof the 5-ton and moved it. the Motor pool. I do not recall the name of the guard that escorfed them to the cage, and the did not beach fimilier to Nothing Fallow's -10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKENAT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE **USAPA V1.00** 001973

| 9. STATEMENT (Continued)   | TAKEN AT                                | DATED  |                       | ŀ  |
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|  | AFFIDAVIT                               |  |                       |  |
| 1,   | HAVE READ O                             | R HAVE HAD READ TO ME THIS                                   | S STATEMENT           |  |
| BY ME. THE STATEMENT IS TRUE, I HAVE                                       | INITIALED ALL CORRECTIONS AND H         | AVE INITIALED THE BOTTOM O                                   | F EACH PAGE           | -<br>-<br>                               |
| CONTAINING THE STATEMENT. I HAVE MA<br>THREAT OF PUNISHMENT, AND WITHOUT C | COERCION, UNLAWFUL INFLUEN              | THOPE OF BENEFIT OF REWA                                     |                       |  |
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| WITNESSES:   |   | nd sworn to before me, a persor                              |                       |  |
|  | administeroatt                          | ns, this <u>27</u> day of <u>Oct</u><br>Baghdad, Iraq        | tober <u>2003</u>     |  |
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| ORGANIZATION OR ADDRESS  |   |  | - bl                  | · · · · · · · · · · · · · · · · · · ·    |
|  |   | yped Name of Person Administe                                | pla-1_<br>rring Oath) | •<br>•<br>•<br>•                         |
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# ACLU-RDI 2063 p.161

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| •   | C  | DATA REQUIRED B   | Y THE PRIVACY ACT   |  |  |
| PRINCIPAL PURPOSE: T<br>ROUTINE USES: Y   |  | nd law enforcemen<br>er is used as an ad                                      | t officials with means<br>ditional/alternatemea   | by which information may<br>ns of identification to faci   |  |
| OB, Baghdad, Iraq   |  |   | 2. DATE<br>2709-02  | 3. TIME<br>0940  | 4. FILE NO.  |
| A MARKE Wood First All  |  | 10-5  | 8 ORGANIZATION  |  | - <b>!</b>   |
| 6. SSN  | 7. G   | RADE/STATUS   | Barla   | Tray   | · · ·  |
|   | PARTI  | - RIGHTS WAIVER   | NON-WAIVERCERTI   | ·····  |  |
| Section A. Rights   |  |   | · · · · · · · · · · · · · · · · · · ·   |  |  |
| The investigator whose name ap  | <u></u> - '  | the is with the United  |   | tion me about the following o  | Iffense(s) of which I am   |
| suspected/accused: mistreatr  |  |   | 1   | 4. 6.8   |  |
| Before he/she asked me any ques<br>1. I do not have to answer any   | y question or say anything   | 100 A   | a clear to me that I have   | the tollowing rights:  |  |
|   | used as evidence against me  |   |   | r questioning and to have a la   |  |
|   |  |   |   | r questioning and to have a la<br>or a military lawyer detailed fo   |  |
| or both   |  |   | · ·   | • • • •  | · · · ·  |
| For civilians not subject to  | the UCMJ/ 1 have the right to  | o talk privately to a lar   | - or -<br>wyer before, during, and a  | after questioning and to have  | a lawyer present with  |
|   |  |   |   |  |  |
|   |  | be one that I arrange   |   | r if I cannot afford a lawyer a  |  |
| will be appointed for me bef  | fore any questioning begins.   |   | for at my own expense, o  | r if l·cannot afford a lawyer a  | nd want one, a lawyer  |
| will be appointed for me bef<br>4. If I am now willing to discus  | fore any questioning begins.   | igation, with or witho  | for at my own expense, c<br>ut a lawyer present, I hav  |  | nd want one, a lawyer  |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSNI. To provide commanders and law enforcement officials with means by which information may be accurately AUTHORITY: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. PRINCIPAL PURPOSE: ROUTINE USES: Disclosure of your social security number is voluntary. 4. FILE NUMBER DISCLOSURE: 3. TIME 2. DATE (YYYYMMOD) IOCATION 1730 2003/025 7. GRADE/STATUS NAME, MIDDLE NAME LAST NAME. FIRS OBGANIZATION OR ADUR WANT TO MAKE THE FOLLOWING STATEMENT UNDER OAT on 25 oct 03 I was assigned to guard the jial and prishors. I escerta the prisnors to the jial and told the that I was having to get some ziptics for a prisnor who wasn't ziptical. the when I came back I realized the the ties were lighten than they used to be and when I pat the sighter on theother prishor started to slap the prisnors in the sace and sock tack in the get. I could not really tell if it was with a classed fisted or forerm shop At the same time was messing with the obler mans 661 head piece. Then the two other specialists, I don't remember thier the wall where the other side of the right wall and started to sunck the wall where the prishors heads were other Sgill stomped on Grey shirted prisnors bear feet. Just before Sharted the abused he pused the old non into the left side of the Wall Before I put the puscel. The old han the the estimated in the vial I frisced them and removed Hpacks of cigarelles and a lighter. Then after the talked badly to ALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF ... 001946 EXHIBIT B DATED IAKEN AT INI

BIAP, IRAQ 210044DJULY03

. 6-9

(U) FRAGO 383A [GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD 03-215 (IRON STABILITY)

(U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY

SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

(U) REFERENCES:

A. UNIFORM CODE OF MILITARY JUSTICE

B. 1AD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10 C. 1AD REGULATION / SUPPLEMENT 27-10-1-2

C. 1AD REGULATION / SUPPLEMENT 27-10-1-A

(S) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL

(S) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. COMMANDER 1AD ISSUES A GENERAL ORDER MAKING IT A MILITARY CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT PERSONS IN IRAQ.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ BY 1AD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE. THE DIVISION CANNOT ACCOMPLISH ITS MISSION, UNLESS SOLDIERS INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.

**3.B. (U)** CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND CIVILIANS.

3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR OTHERWISE TASK ORGANIZED TO PROMULGATE AND ENFORCE THE TERMS OF THIS ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.

3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.

3.E. (U) COORDINATING INSTRUCTIONS.

**3.E. (1) (U)** THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2, UCMJ.

3.E.(2)(U) 1AD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18, 19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENTCOM AOR BY 1AD REGULATION 27-10-1-A.

EXHIBIT C

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DOD-046505

|  |                    | PRIVAC                                | CY ACT STATEMEN             | vr                    |                            | 4 1              |
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| UTHORITY:  |                    | tion 301; Title 5 USC                 |                             |                       |                            |                  |
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| LAST NAME FIRST.   | <u> </u>           | LAS FOR T                             | 6. SSN*                     |                       | 7. GRADE/ST                | ATHO             |
|  | Alamer middee me   | 66-4                                  | 0. SSN                      |                       | 7. UNAUE/S                 | ANIOS            |
| ORGANIZATION OR  | ADDRESS            |                                       | · ·                         |                       |                            |                  |
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| and a second |                    |                                       | <u> </u>                    | · · · ·               |                            |                  |
| ι,   |                    | 66-7                                  | WANT TO MA                  | KE THE FOLLOWING      | STATEMENT UNDER            | OATH.            |
|  |                    |                                       |                             |                       |                            |                  |
| Concerning the inc   | ident on the after | noon of 25 October.                   | , where 6 prisone           | rs were delivered t   | o the                      | Detaine          |
| olding Area, could y   | ou identify the so | diers that mistreate                  | d the prisoners in          | a photo line up?      |                            |                  |
| es) No   |                    | · ·                                   |                             |                       |                            | ·                |
| · · · · · ·  |                    |                                       | •                           |                       |                            | -                |
| Please list the name   |                    |                                       | in the mistreatment         | nt of the detainces.  | · ·                        |                  |
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| Is there anything th   | at you would like  | e to add concerning                   | the events of the           | afternoon of 25 Oc    | tober?                     | •                |
|  | at you would like  |                                       | the events of the           |                       |                            |                  |
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| EXHIBIT  | D                  | TATEM                                 | ENT K TAK                   |                       | PAGE 1 OF                  |                  |
| EXHIBIT  | D                  | TATEM                                 | ENT K TAK                   |                       | PAGE 1 OF                  |                  |
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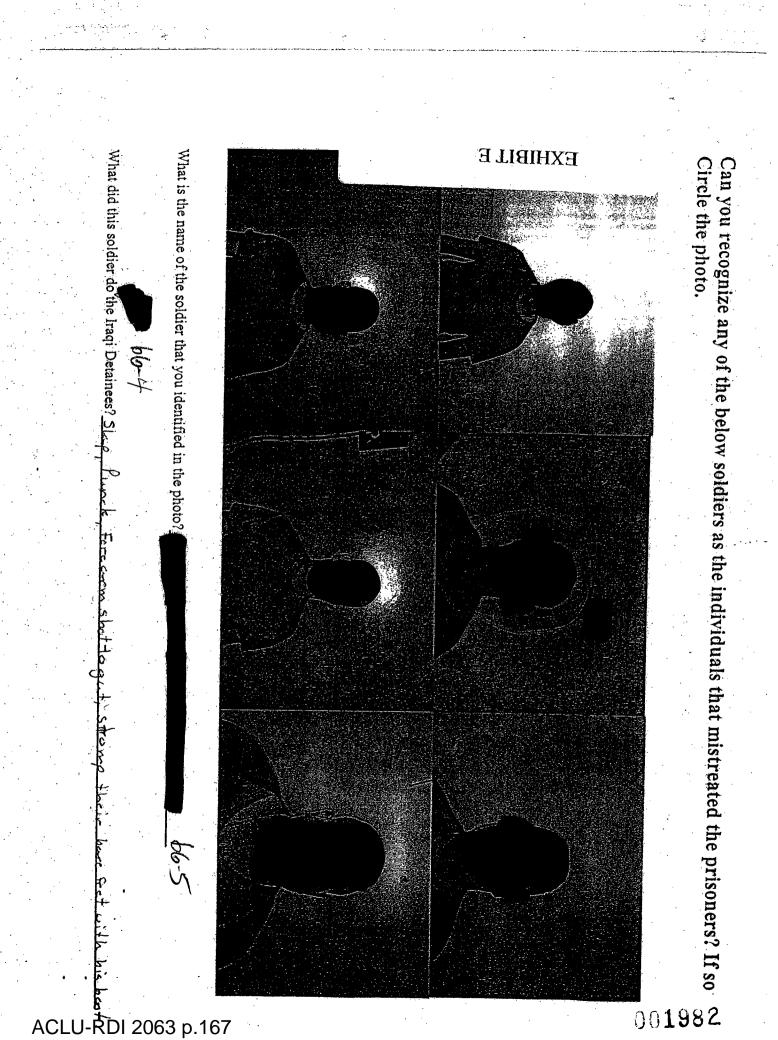
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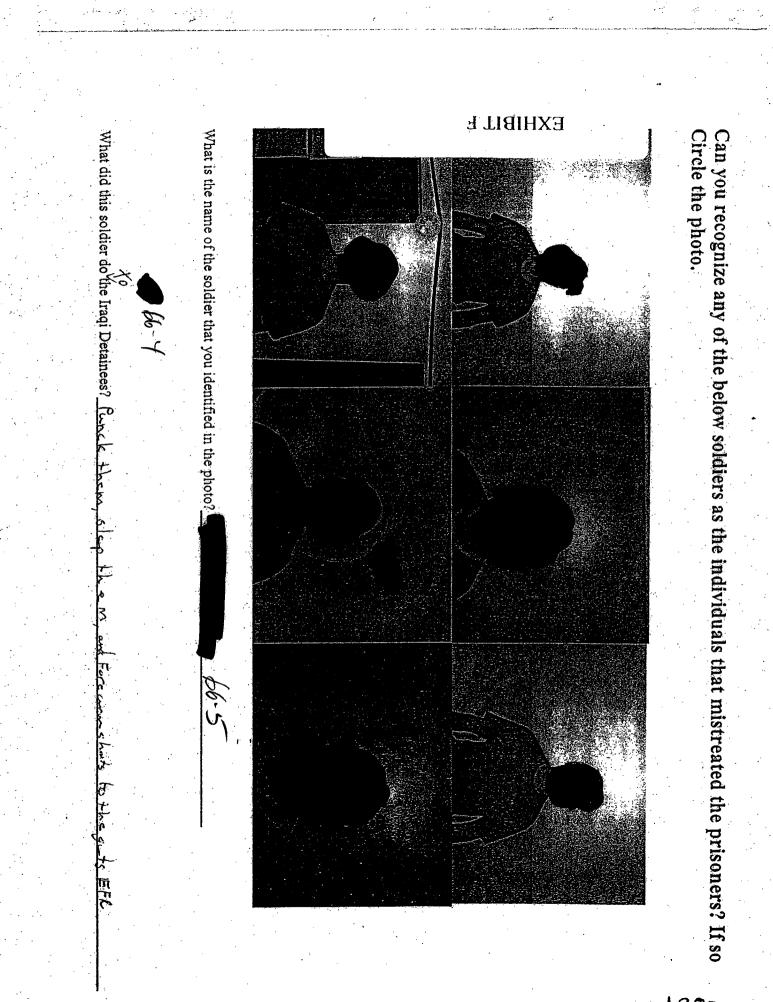
# ACLU-RDI 2063 p.165

DOD-046506

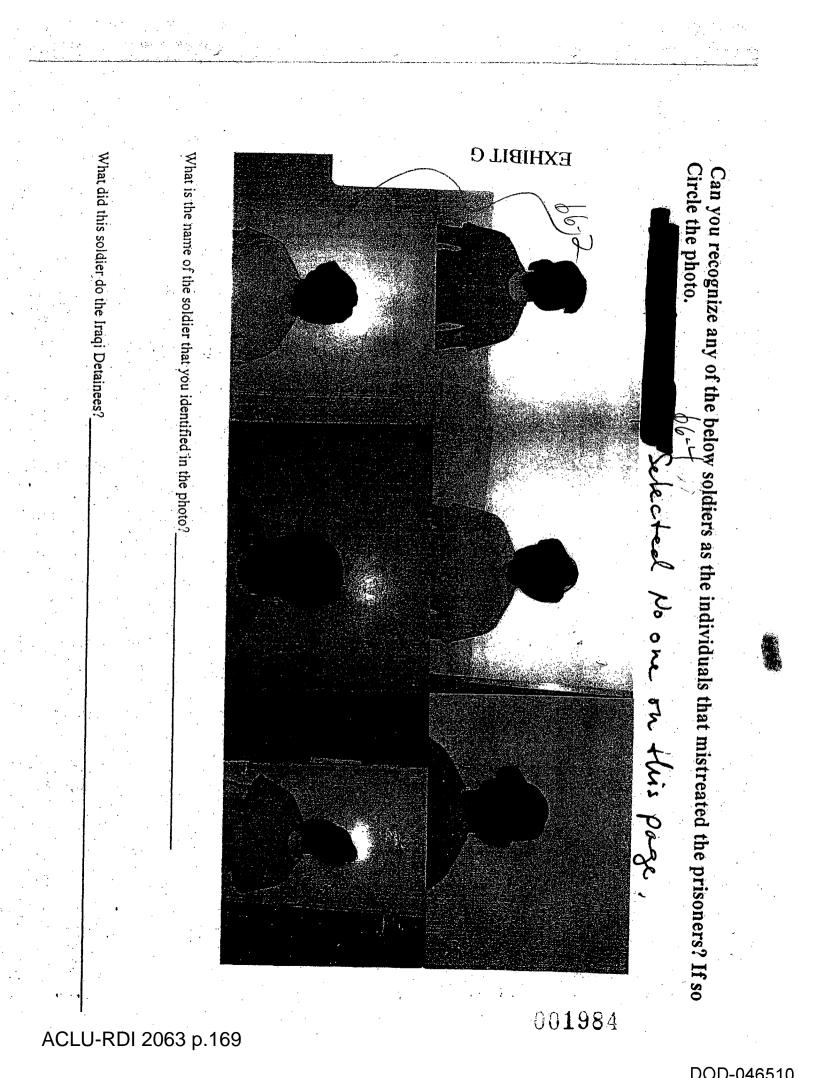
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| NHICH BEGINS ON PAGE 1. | AND ENDS ON PAGE                                      | , HAVE READ OR I   | HAVE HAD READ TO ME  |   |     |
| BY ME. THE STATEMENT IS | S TRUE. I HAVE INITIALED A                            | LL CORRECTIONS AND HAV                                   | E INITIALED THE BOTTO  | M OF EACH PAGE                            |     |
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| HREAT OF PUNISHMENT, A  |   |  |  | 66-4                                      | 1 . |
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|                         |   | Subscribed and<br>administer paths                       |  | erson authorized by law to                |     |
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| VITNESSES:              |   | Subscribed and<br>administer oaths<br>at                 | I swom to before me, a put   | erson authorized by law to $204 \dots 03$ |     |
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# ACLU-RDI 2063 p.166





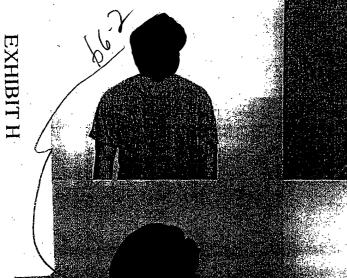
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Can you recognize any of the below soldiers as the individuals that mistreated the prisoners? If so Circle the photo.

Scheeted No one on His Page

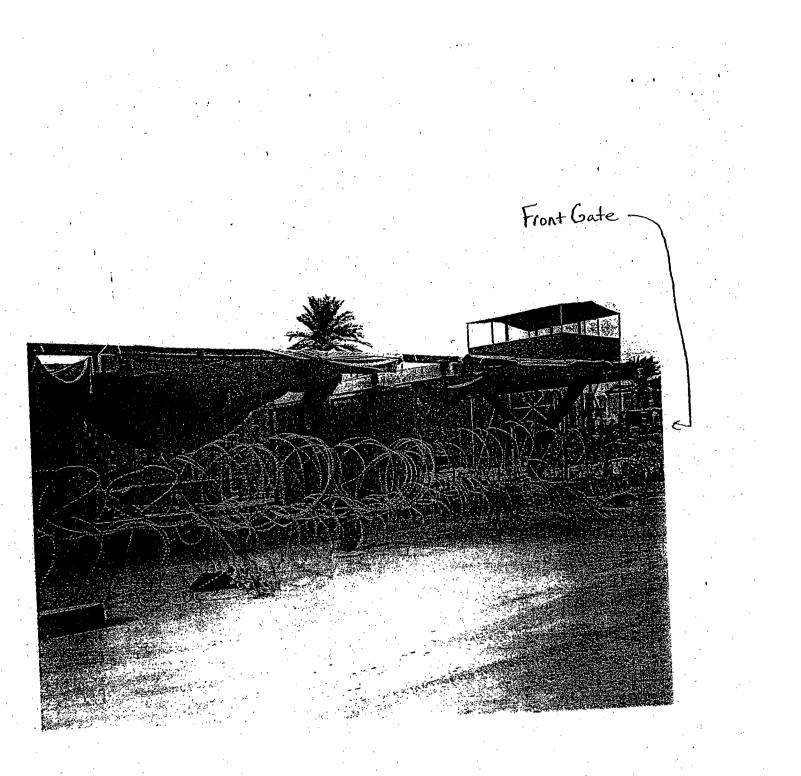


What did this soldier do the Iraqi Detainees?

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 3. TIME 4. FILE NUMBER 2. DATE (YYYYMMDO) 0930 20031110 7. GRADE/STATUS 5. 8. ORGANIZATION CORVANDERESS 56-9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: = blo-1 . . x How soldiers observed/were present during the mistreatment of Actainees? 6, Myself thier names, they are from the infrantry of the Mortors, 2.5pc. Edon't remaker muscular, looks a littler like Brock Lensnar. 66-4 could identify 2. Do you believe the Infantry? Ics I dol Nothing Sollows -----OF PERSON MAKING STATEMENT 2 PAGES PAGE 1 OF STATEMENT DATED TAKEN AT EXHIBIT I IR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER USAPA V1.00 DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE

DOD-046512

| STATEMENT OF  |   |                  | TAKEN AT         |  |   | · · ·  |                  |
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| t, <u>ا</u>   |   |                  | 00- / HA         | VE READ OR HAVE H                              | AD READ TO ME THI   | S STATEMENT  |                  |
| WHICH DEGNAS  | ATEMENT IS TRUE.                                      | . I HAVE INITIAL | ED ALL CORRECTIO | ERSTAND THE CONTEN                             | LED THE BOTTOM O  | OF EACH PAGE   | ADE .            |
| BY ME. THE ST   |   | HAVE MADE THIS   | STATEMENT FREE   | LY WITHOUT HOPE O                              | F BENEFIT OR REWA   | RD, WITHOUT  |                  |
| BY ME. THE ST<br>CONTAINING T   | HE STATEMENT. IF                                      |                  |                  |  |   | 66-4   | 1                |
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**EXHIBIT J** 

001988

|  |  | DATA REQUIRED BY TH   | E PRIVACY ACT   |   |   |                                       |
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| UTHODITY   |  |   |   | • *   |   | 1                                     |
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| SCLOSURE:  | Disclosure of your Social  |   |   |   | ,   | d totnoval.                           |
| LOCATION   |  | 2.  | DATE  | 3. TIME   | 4. FILE N   | 10.                                   |
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|  | PART I   | - RIGHTS WAIVER/NO  | -WAIVER CERTI   | ICATE   | ·   | · · · · · · · · · · · · · · · · · · · |
| ection A, Rights   |  | 00-5  |   |   | · · · · · · · · · · · · · · · · · · ·                                       |                                       |
| e investigator whose name  | appears below told me that he  | ,<br>/she is with the [loited State   | Army  |   |   |                                       |
|  |  |   | and wanted to ques  | tion me about the follo   | wing ollensels) of wh   | ich í am                              |
| spected/accused:b  | Serving Letain   | er Mistert  | - present -   |   |   | <u></u>                               |
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| (For personnel subject a<br>during questioning. This   | he UCMJ I have the right to ta<br>lawyer can be a civilian lawyer  | alk privately to a lawyer bel   | ore, during, and after  | questioning and to ha   | ve a lawyer present w   | ith me                                |
| or both.   | awyer can be a civilian lawyer   | I arrange for at no expense   | to the Government o   | r a military lawyer deta  | alled for me at no expe   | inse to me.                           |
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| Cor multipart and with the   | · · ·  | - Or  |   |   |   |                                       |
| The civilians net subject  | to the UCMJI I have the right  | or<br>to talk privately to a lawyer   | before, during, and a   | Iter questioning and to   | have a lawyer preser  | a with                                |
| me during questioning. I   | understand that this lawyer car  | n-be one that I arrange for a   | hefore, during, and a<br>Cmy own expense, o   | Iter questioning and to<br>r if I cannot afford a ta  | ) have a lawyer preser<br>wyer and want one, a                              | it with tawyer .                      |
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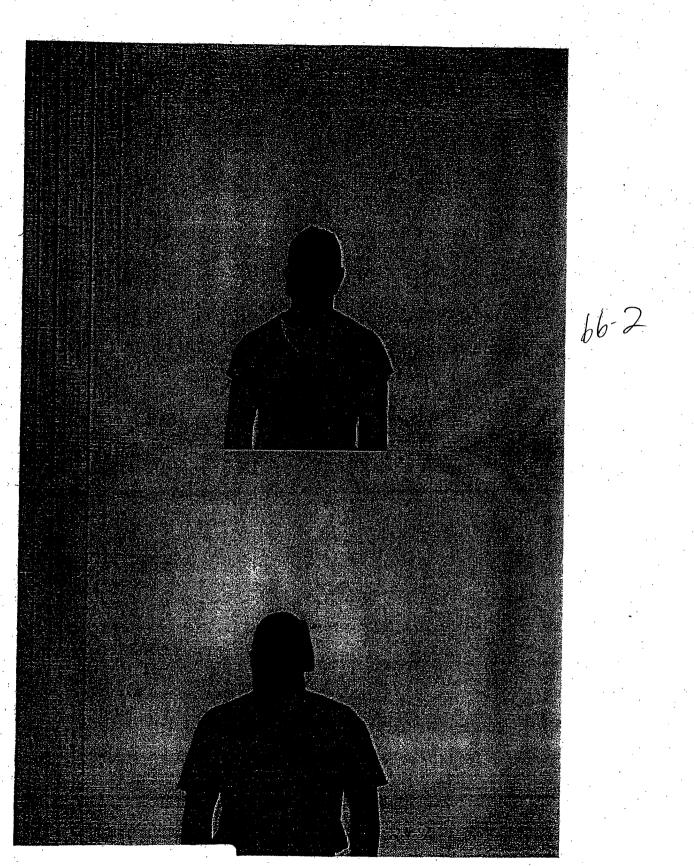
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| UTHORITY: Title 10, United States Code, Section 301  | 12(a)  | · .  |  |
| INCIPAL PURPOSE: To provide commanders and law enforcem  | +  | s by which information may t                       | e accurately identified.   |
| UTINE USES: Your Social Security Number is used as an  |  |  |  |
| SCLOSURE: Disclosure of your Social Security Number  | r is voluntary.  | · · · · ·  |  |
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| PART I - RIGHTS WAI  | VER/NON-WAIVER CER   | TIFICATE   |  |
| ection A. Rights   |  |  |  |
|  | ·  |  | <u></u>  |
| e investigator whose name appears below told me that heishe is with the Un   |  |  |  |
| specied/accused:   | 0  | estion me about the following of                   | ensels) of which I am  |
| specied/accused:   |  |  | sqi num  |
| I do not have to answer any question or say anything.  |  |  | Ϋ́.  |
| Anything I say or do can be used as evidence against me in a criminal tria   |  |  |  |
| (For personnel subject othe UCM.) I have the right to talk privately to a la<br>during questioning. This lawyer can be a civilian lawyer I arrange for at no   |  |  |  |
| or both.   | Sevenise to the governmer  | יי טי. ם זויייינט א זמאיאסי טפנטוופט 101           | at the expense to me,  |
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| (For civilians not subject to the UCM.)/ I have the right to talk privately to   |  | •  | /  |
| me during questioning. I understand that this lawyer can be one that I arra  | ange for at my own expension   | e, or if I cannot afford a lawyer an               | i want one, a lawyer   |
| will be appointed for me before any questioning begins.<br>If I am now willing to discuss the offense(s) under investigation; with or v  | without a lawyer present. I  | ave a right to stop answering one                  | stions at any time, or   |
| speak privately with a lawyer before answering further, even if I sign the   |  |  |  |
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| COMMENTS (Continue on reverse side)  |  | <u></u>  |  |
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| ction B. Waiver  |  |  |  |
| ction B. Waiver<br>Inderstand my rights as stated above. I am now willing to discuss the offens  | e(s) under investigation and   | make a statement without talking                   | to a lawyer first and withou   |
| ection B. Waiver<br>Inderstand my rights as stated above. I am now willing to discuss the offens<br>wing a lawyer present with me.   |  | ·  | to a lawyer first and withou   |
| ection 8. Waiver<br>Inderstand my rights as stated above. I am now willing to discuss the olfens<br>ving a lawyer present with me.<br>WITNESSES <i>(If available)</i>  |  | make a statement without talking<br>IE-INTERVIEWEE | to a lawyer first and withou   |
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| ection 8. Waiver<br>Inderstand my rights as stated above. I am now willing to discuss the offens<br>ving a lawyer present with me.<br>WITNESSES <i>(If available)</i><br>NAME <i>(Type or Print)</i>   | 3. SIGNATURE (   | IE INTERVIEWEE                                     | to a lawyer first and withou   |
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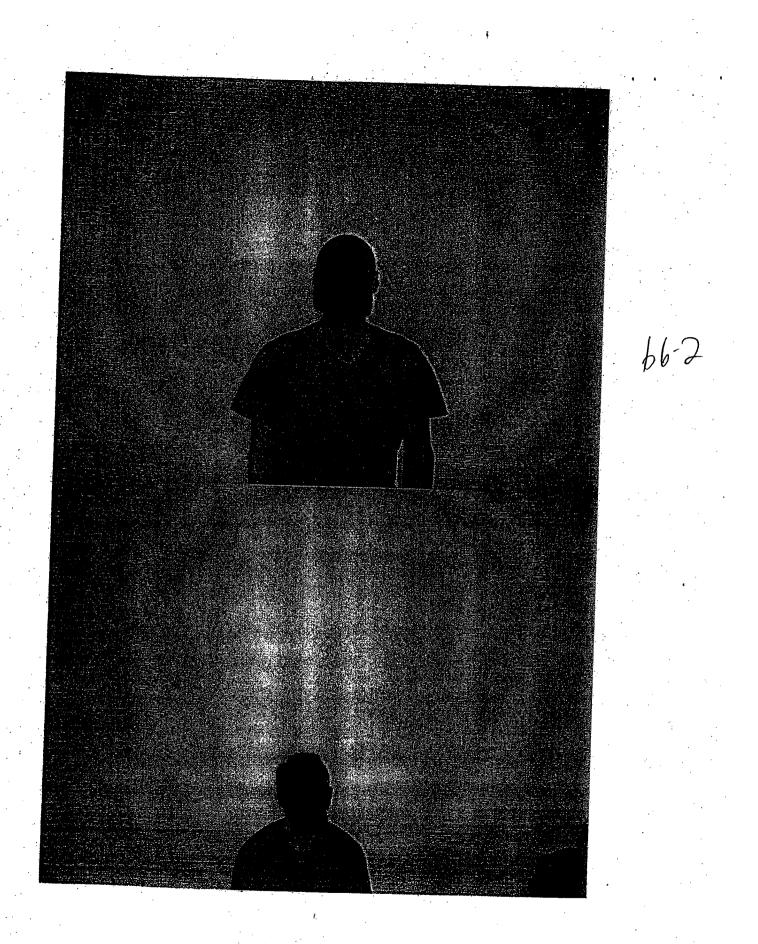


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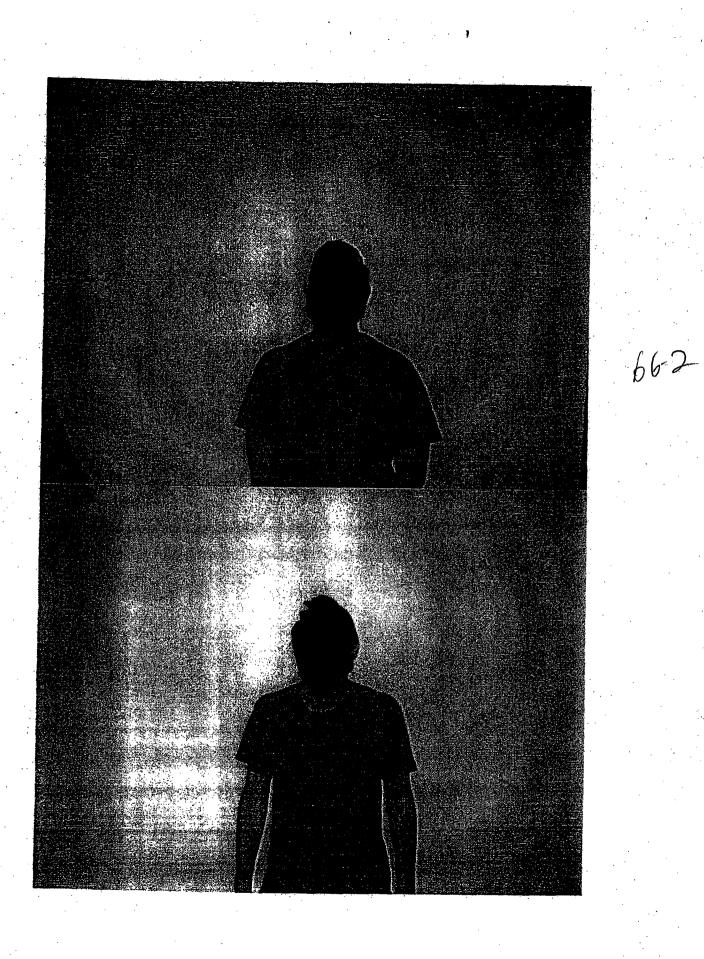
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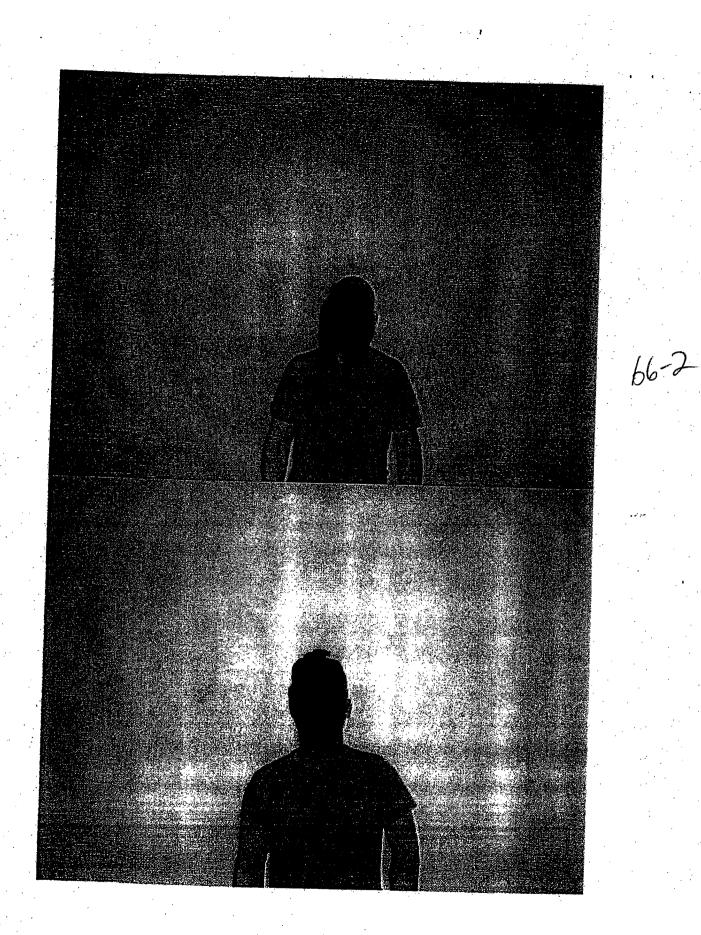


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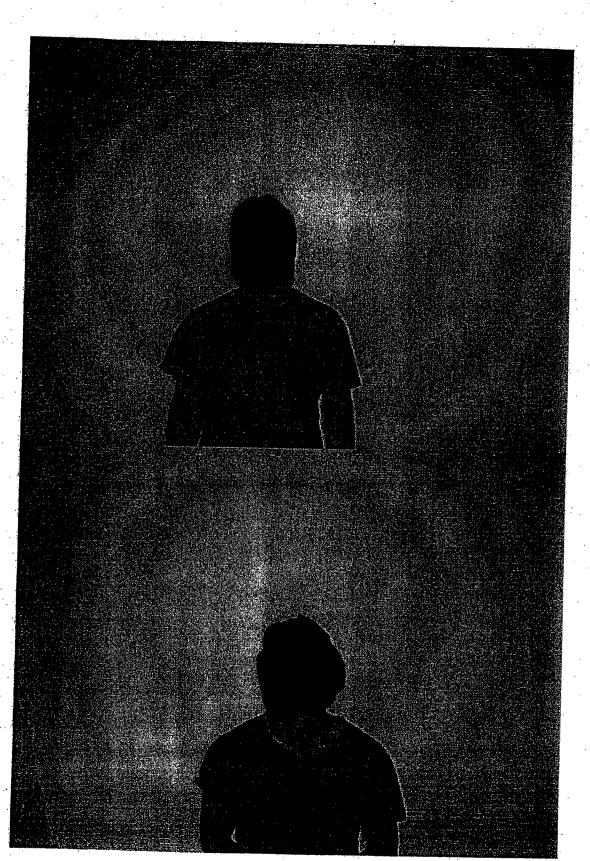
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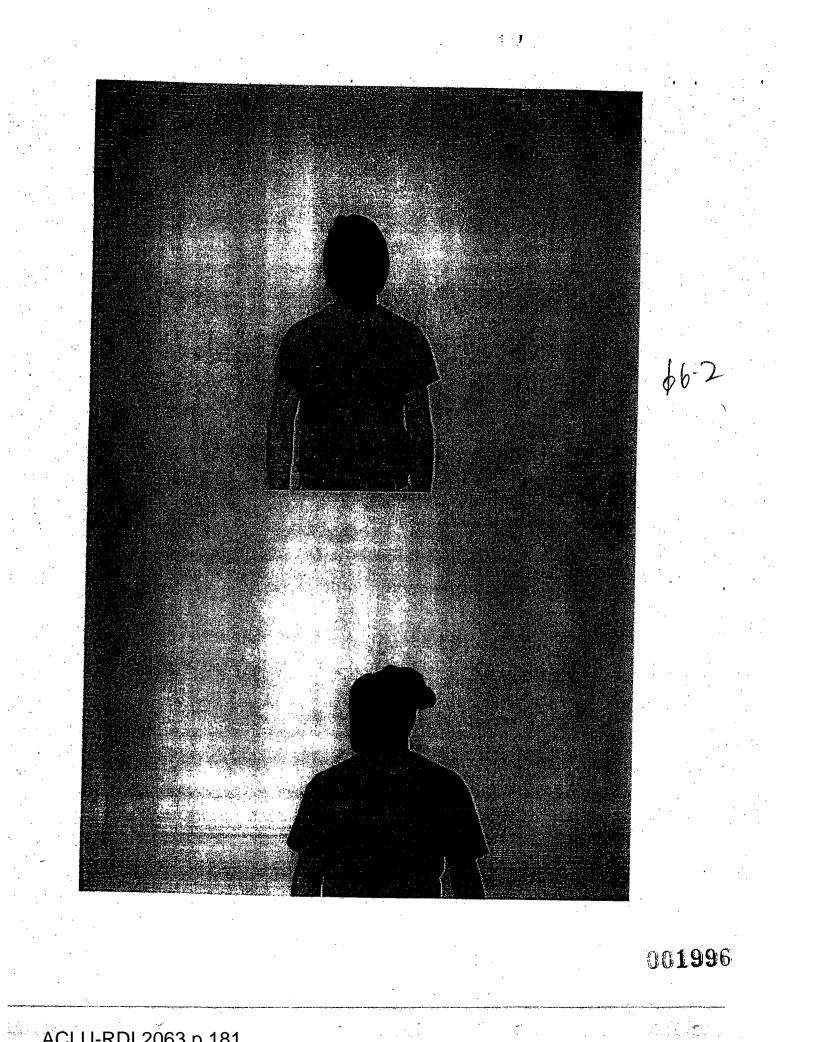
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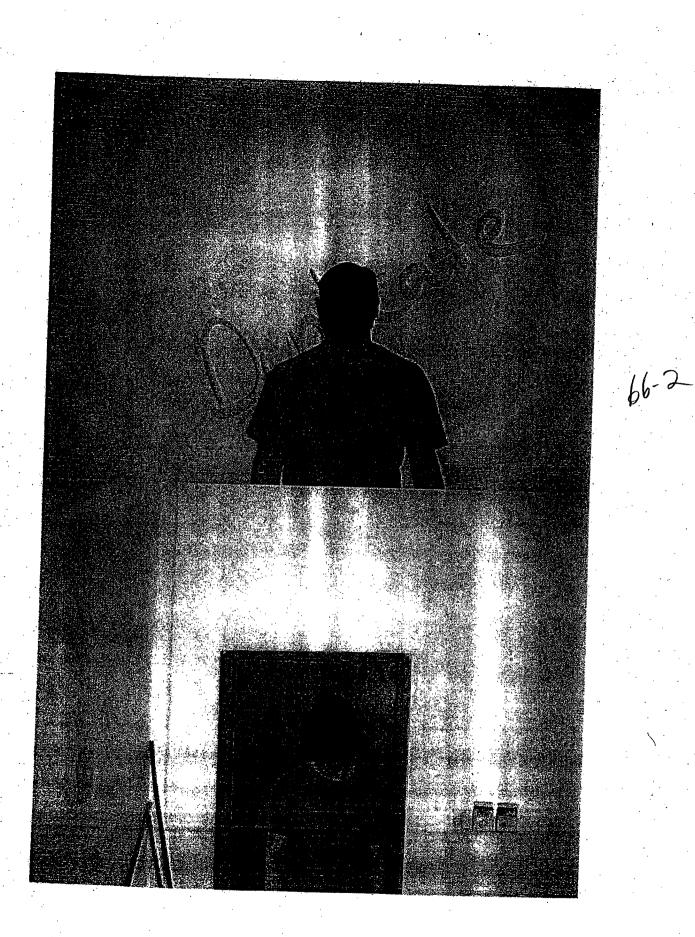
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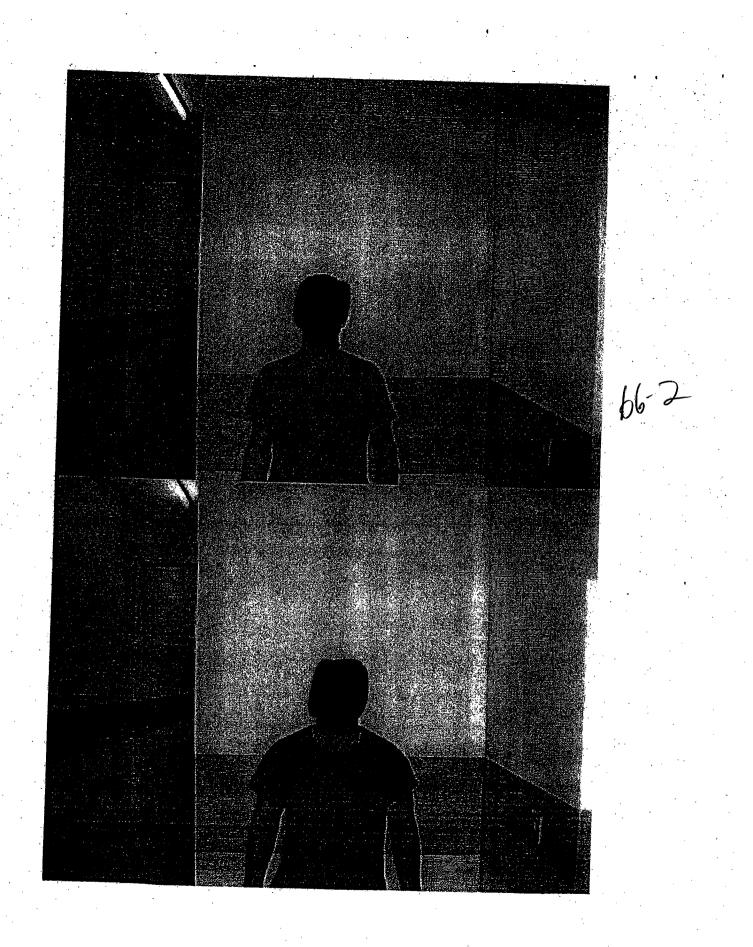
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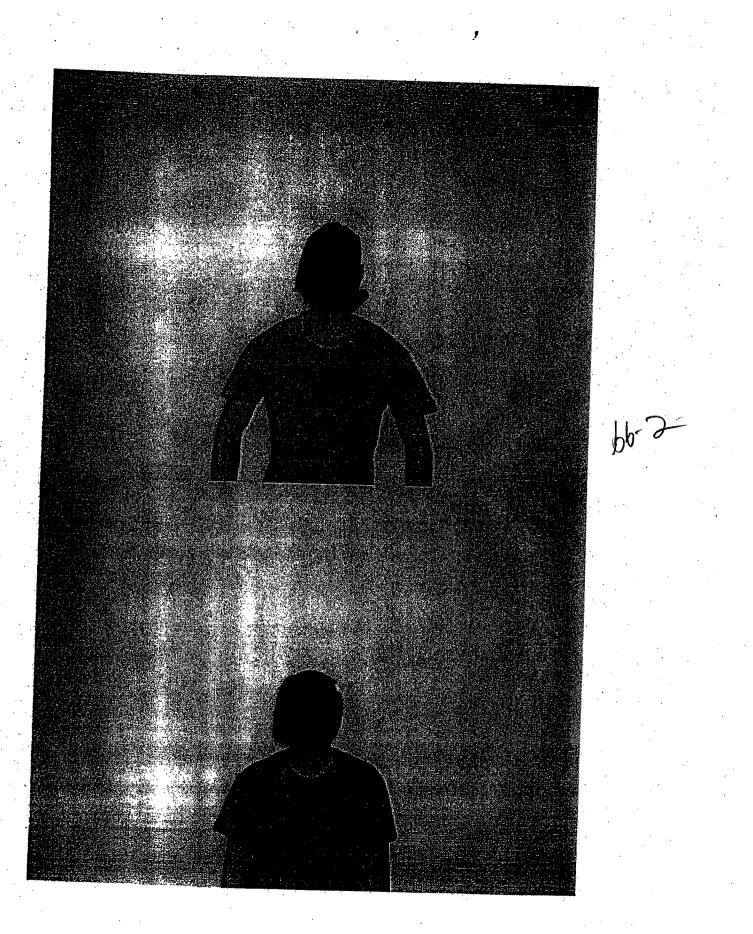
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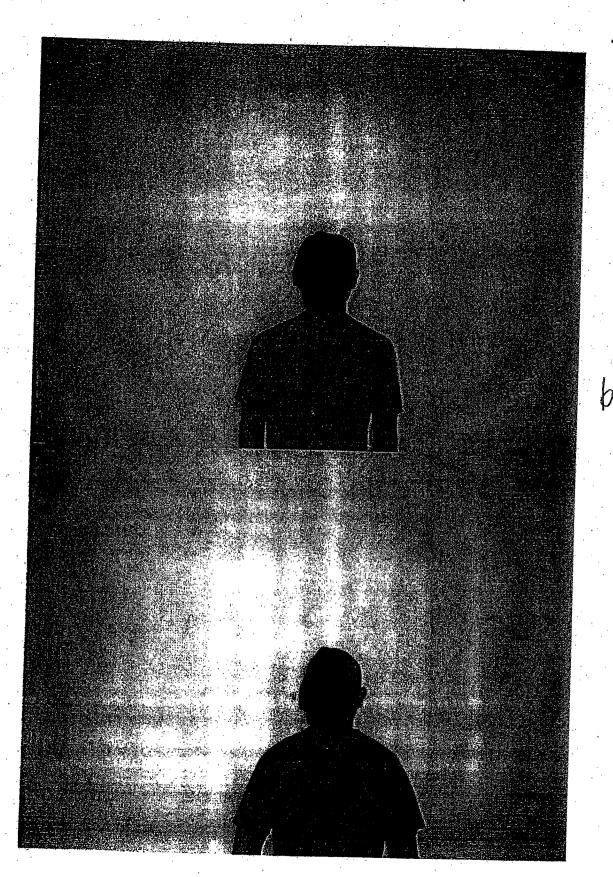




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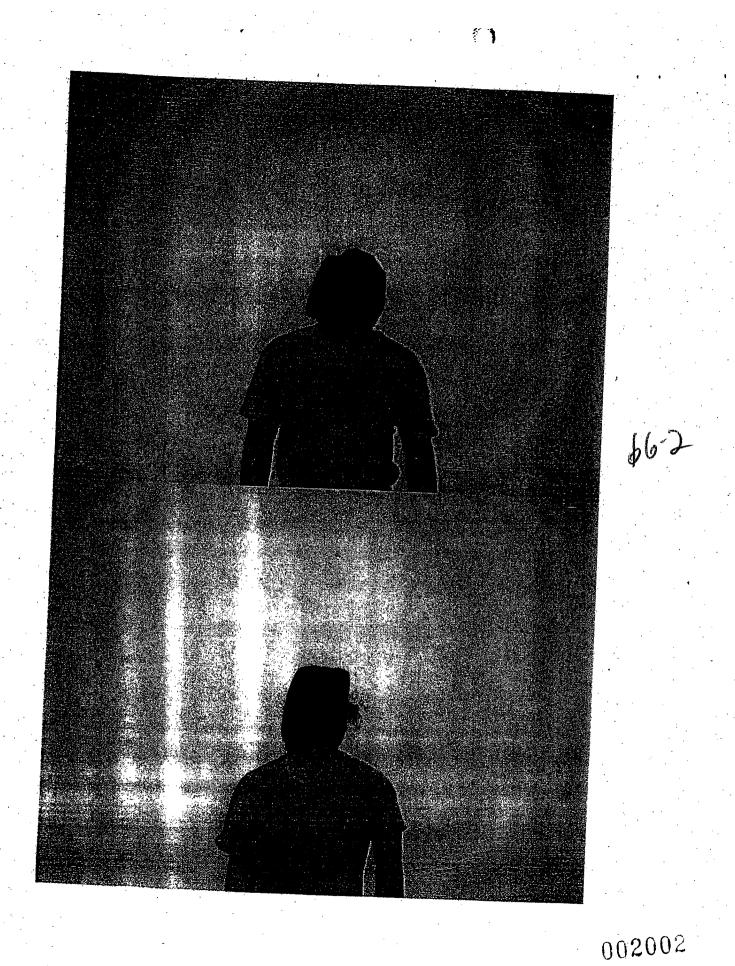
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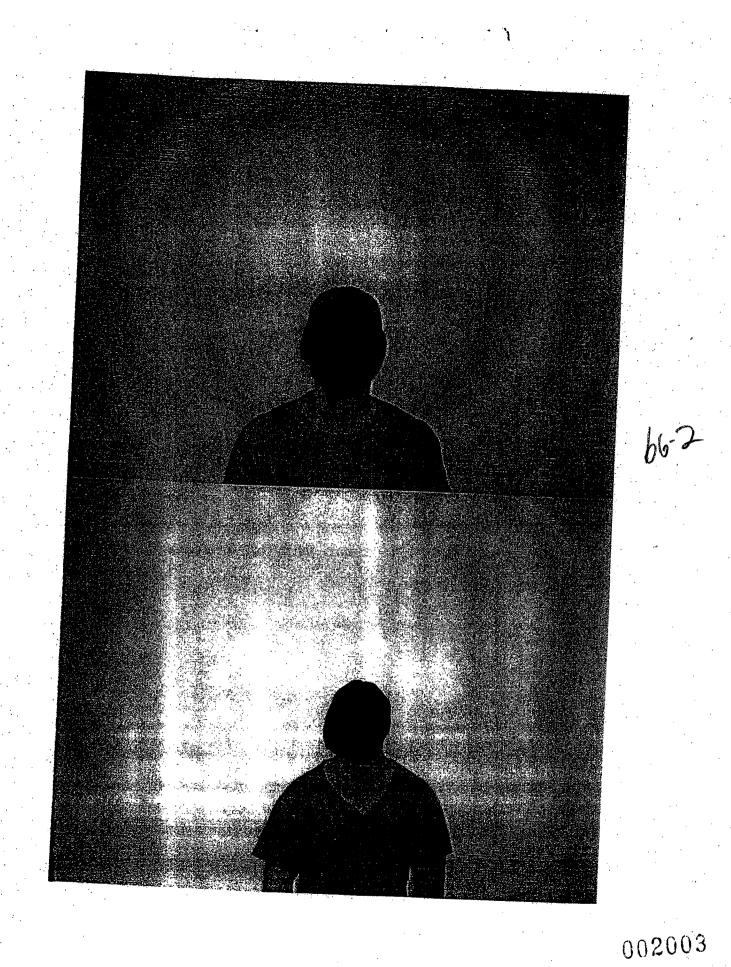
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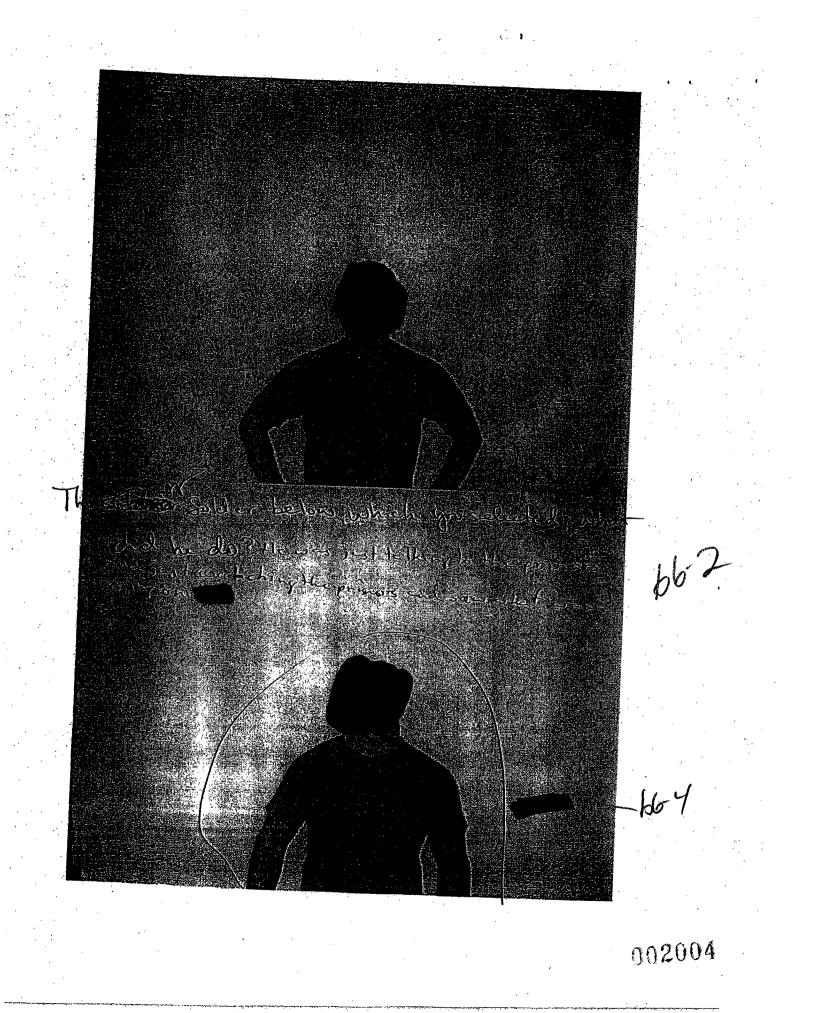
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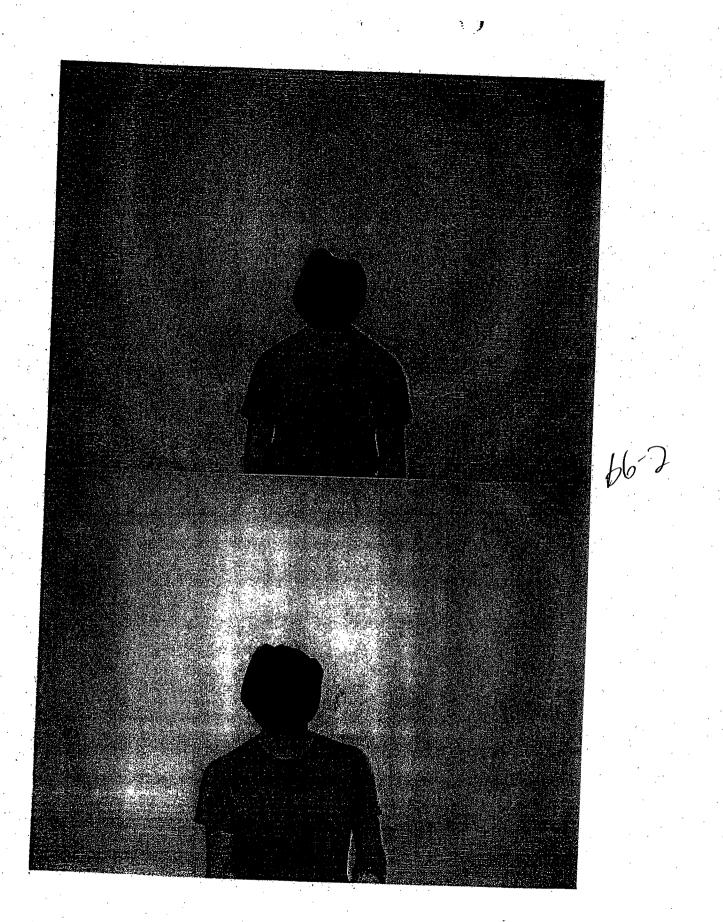
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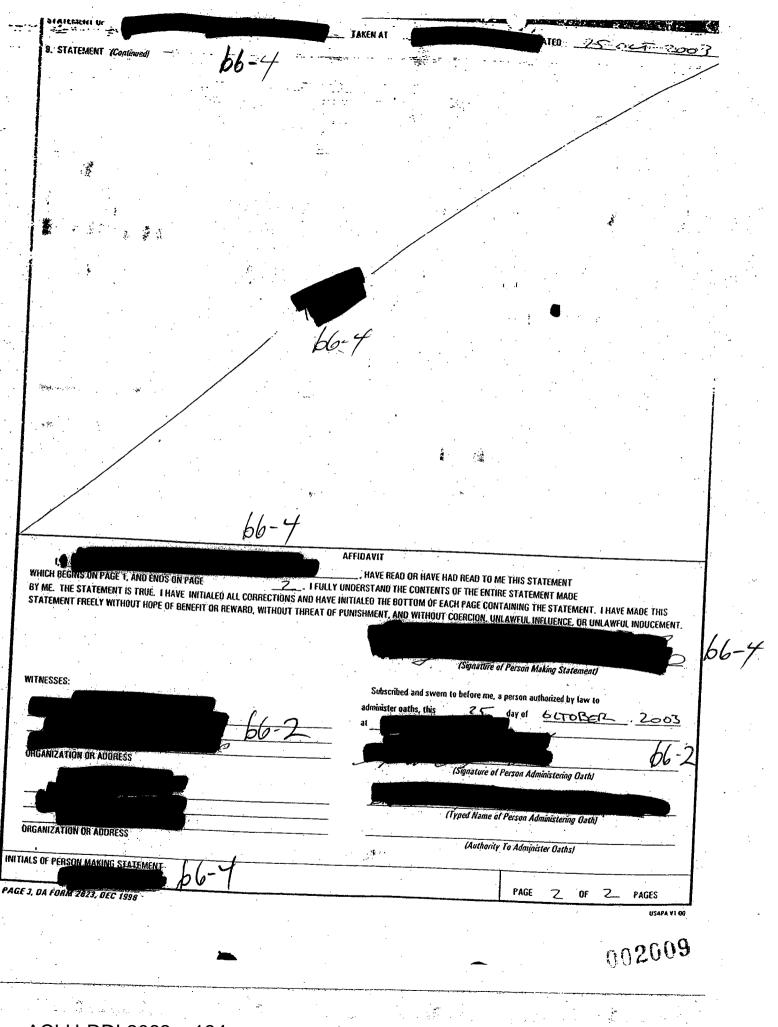
SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDDI 3. TIME 4. FILE NUMBER F01 20031114 0915 6. SSN 7. GRADE/STATUS 8. ORGANIZATION Ho 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I was provided a photo line-up of the 2nd Platoon, ; with in this Line-up I observed : The 66-5 was in the line up so f circled him and recongized one of the other Spe. that was there in the -0. <u>66-4</u> "Is there any additional information that Can be provided concerning the Retainee Mistreatment? I could not confirm the identity of the other 5pc. 66-4 Noth ing fellows EFR 10. EXHIBIT 11 INITIALS OF PER 2 PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER **EXHIBIT N** FORM 2823, JUL 72, IS OBSOLETE ISAPA VI 00 nn2006

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# ACLU-RDI 2063 p.192

| PRINCIPAL PURPOSE: To provide commanders a<br>ROUTINE USES: Your social security numb   | I: Trile 5 USC Section 2951<br>nd law enforcement official   | ACY ACT STATEMENT<br>E.O. 9397 dated November 22<br>with means by which informat<br>lemate means of identification | ion may be accurately iden   |                         | -        |
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSNL PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval-DISCLOSURE Disclosure of v. social security number is voluntary. LOCATION DATE (YYYYMMOD) TIMP 4. FILE NUMBER 5. LAST NAME, FIRST NAME, MIDDLF N=ME 7. GRADE/STATUS Ø6-Watio ORGANIZATION OR ADD Bo. Ideal. Tra - 66- TWANT TO MAKE THE FOLLOWING STATEMENT UNDER DAM Ctoka \_it holo . I interpeter 66-2 I was brought to the prisoner case the oftenoon with 5 the Ma, all my relatives, when we were brought from the truck into the case, Some soldiers followed us into the case. It was 5 soldiers. One soldier stood off to the side bb-y and lider't let the others touch with my repter him. The other is addies were hiting us, ticking as and Slapping us. One soldier pot my face against the wall cal but the back of my head 2003 fines. While they were doing this, they were saying bad things about Allah and about on fimilies. They best on us for about on herr, and the they stopped and the Voting to llows -INITIALS OF PERSON MA EXHIBIT P PAGE 1 OF PAGES TEMENT TAKEN AT HE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. 0020 ander Andere andere en stad andere en service

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<u>ц</u> SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and reviewal. DISCLOSURE: Disclosure of your social security number is voluntary . LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Ward Fop 2230 20031025 LAST NAME FIRST NAME, MODLE NAME 7. GRADE/STATUS 8. ORGANIZATION CO ACCOR Baghard, Iron 9. WANT TO MAKE THE FOLLOWING STATEMEN FUNDER CATH i Taken beip with of interpreter 662 I was brought to the prisoner cage this afternoon with 5 other men, all related to re. When we were brought from the trick into the cage, some soldies to loved in. It was about 5-7 soldiers. The soldiers started the other prisoners, shipping them in the face, ponching them i the body, kicking them and storping on their feet. A Soldie named stool near me and worldn't let the other hit me, beince I spake a little stylish. The other soldiers continend to bet the othe prisores until one of the soldiers from the Bradleys, actigas a lookest, said someone was coming. This allost the soldiers in the jail left while this all was going on the soldiers lexcept were saying but things to us, like "I want to to ik your sister" and other things. Interviewer's Note: When I asked the individual to write Si atile paper the name he saw on the sutter ona piere of wrote blo 11. INITIALS OF PERSON MAKING STATEMENT EXHIBIT Q PAGES AGE 1 OF STATEMENT TAKEN AT DATEC AR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI OO AA201 1 ACLU-RDI 2063 p.197

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