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

53

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 (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 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 pping them of	their clothi	n or about 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 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 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 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 ng.
SPECIFICAT about betwee SPECIFICAT about betwee CHARGE II: SPECIFICAT between 15 Ju	SER (Last, First, MI)	2003, wrongfull	ly maltreat two	o detainees by stri	pping them of	their clothi	n or acour ng.
	SER (Last, First, MI)		ly maltreat two	o detainees by stri	pping them of	their clothi	ng.
AFFIDA VIT: E appeared the ab- charges and spe- he/she either has	SER (Last, First, MI)	26-2 med, authorized day hat he/she is a p f or has investig	III. PREFERRAL b. GRADE	c. ORGANIZATIO	PP ing them of PN OF ACCUSER e. DATE es of this chara , and e of Military Ju and that the sar	their clothin 0.6 DEC 20 cter, persona signed the for ustice and that	ng.
AFFIDA VIT: E appeared the ab- charges and spe- he/she either has	SER (Last, First, MI) L CUSER Before me, the undersig ove named accuser this cifications under oath the s personal knowledge o er knowledge and beliet	med, authorized day of hat he/she is a p f or has investig f.	ly maltreat two III. PREFERRAL b. GRADE by law to adm of erson subject to rated the matter	c. ORGANIZATIO	Pping them of PN OF ACCUSER	their clothin 0.6 DEC 20 cter, persona signed the for ustice and that	ng. DD3 ally pregoing at
AFFIDA VIT: E appeared the ab- charges and spe- he/she either has	SER (Last, First, MI) L CUSER Before me, the undersig ove named accuser this cifications under oath the s personal knowledge o er knowledge and beliet	26-2 med, authorized day hat he/she is a p f or has investig	ly maltreat two III. PREFERRAL b. GRADE by law to adm of erson subject to rated the matter	c. ORGANIZATIO	PP ing them of PN OF ACCUSER e. DATE es of this chara , and e of Military Ju and that the sar	their clothin 0.6 DEC 20 cter, persona signed the for ustice and that	ng. DD3 ally pregoing at
AFFIDA VIT: E appeared the ab- charges and spe- he/she either has	SER (Last, First, MI) L CUSER Before me, the undersig ove named accuser this cifications under oath the s personal knowledge o er knowledge and beliet	med, authorized day of hat he/she is a p f or has investig f.	ly maltreat two III. PREFERRAL b. GRADE by law to adm of erson subject to rated the matter	c. ORGANIZATIC	Pping them of N OF ACCUSER es of this chara e of Military Ju and that the sar hization of Officer	their clothin 0 6 DEC 20 cter, persona signed the focus istice and that ne are true to Oath	ng. DD3 ally pregoing at
AFFIDA VIT: E appeared the ab- charges and spe- he/she either has	SER (Last, First, MI) L CUSER Before me, the undersig ove named accuser this cifications under oath the s personal knowledge o er knowledge and beliet Typed Name or Umcer	med, authorized day of hat he/she is a p f or has investig f.	ly maltreat two III. PREFERRAL b. GRADE by law to adm of erson subject to rated the matter	c. ORGANIZATIC	Pping them of N OF ACCUSER es of this chara e of Military Ju and that the sar hization of Officer	their clothin 0 6 DEC 20 cter, persona signed the focus istice and that ne are true to Oath	ng. DD3 ally pregoing at
AFFIDA VIT: E appeared the ab- charges and spe- he/she either has	SER (Last, First, MI) L CUSER Before me, the undersig ove named accuser this cifications under oath the s personal knowledge o er knowledge and beliet Typed Name or Umcer	med, authorized day of hat he/she is a p f or has investig f.	ly maltreat two III. PREFERRAL b. GRADE by law to adm of erson subject to rated the matter	c. ORGANIZATIC	Pping them of N OF ACCUSER es of this chara e of Military Ju and that the sar hization of Officer	their clothin 0 6 DEC 20 cter, persona signed the focus istice and that ne are true to Oath	ng. DD3 ally pregoing at

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1

	known to me (See R.C.M. 308	(a)). (See R.C.M. 308 if noti	he charges against him/her and 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 Officer Exercising Summary Court-M		• •	
	b6-2	FOR THE 1	
		Official	Capacity of Officer Signing
Typed N:	ame of Officer	Unicial C	apacity of officer cigning
			· · ·
· Si	gnajule 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. On	,, I (caused to		or Rank of Trial Counsel
15. 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 _____

 ϕ , 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) b. GRADE OR RANK BAGHDAD, IRAQ,					SSN			
Pa. NAME OF CONVENING AUTHORITY (Last, First, MI)	NAME OF CONVENING AUTHORITY (Last, b. RANK c. POSITION d. ORGANIZATION OF CONVENING AU							
a. NAME OF SUMMARY COURT-MARTIAL (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 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 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	 		
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 be drawn by the summary court-martial from such silence.								
1. If any findings of guilty were announced or written or both, and to testify and to in	the accused's r itroduce evidence	right to remain silent, to ce in extenuation or miti	make an unsworn statement, ora 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 decide, did did not object to trial by ote: The SCM may ask the accused to initial this entry	summary court- at the time the elec	20 04 martial. ction is made.)	, the accused, after being given	a reasonal -	ole time (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>	_		
			.					

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, between o/a 15 Jun 03 and 15 Jul 03,	Guilty.	Guilty.
an Iraqi detainee with an M34 shocking device.		
Specification 2: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.	Guilty.	Guilty.
Specification 3: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.	Guilty.	Guilty. Guilty. Guilty. Guilty.
	Guilty.	Guilty.
CHARGE II: ARTICLE 134, UCMJ.		01
Specification: Wrongfully maltreat, between o/a 15 Jun 03 and 15 Jul 03, two detainees by stripping them of their clothing.	Guilty.	Guilty.
		CODY DECELVED ON
		COPY RECEIVED ON
	· .	
· · · · · · · · · · · · · · · · · · ·		
9. The following sentence was adjudged: To be an	d to forfeit	; \$
		· · ·
10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement	convening auth	as advised of the right to submit written matters to the ority, including a request for clemency, and of the right to by the Judge Advocate General.
is adjudged.) 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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ACLU-RDI 2063 p.16

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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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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.

ſ []

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 4th 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 2nd 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, 2ND 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 ¹ 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 ^{av} d 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 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 4th 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.

001839



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



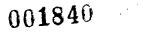
AFZX-CB-EN

28 August 2003

MEMORANDUM FOR COMMANDER, 2ND 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.

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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?					-
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 ^Y
	SECTION III - C		R PROCEEDINGS			
completed findings and recommendations at		1600hrs (Time)	······································	on	(Date)	
· · · · · · · · · · · · · · · · · · ·	· · ·	1(001	(Time)		10 Assessed	(Date) 2003
(investigating officer) (board) finished gatherin	g/hearing evidence at	<u></u>	1800hrs	on	<u> </u>	igust 2003
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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.)
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(Date) 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			
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(Attach inclosed) (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.)
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Appointed by		(Аррс	inting authority)			
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	SEC	CTION I - APP	OINTMENT		· · · ·	
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	Appointed by	IF MORE SPACE IS REQUIRED IN FILLING of SEC Appointed by	If MORE SPACE IS REQUIRED IN FILLING OUT ANY POR SECTION I - APP Appointed by 06 (Appointed by (Appointed by) (Dde) (Attach inclosure 1: Letter of appointment or suma (Dde) SECTION II - SE The (investigation) (board) commenced at Camp Marlboro, Baghdad, Iraq (Place) m_29 July - 8 Aug 03 (If a formal board met for more than one session, or nded, the place, persons present and absent, and explanation of absences, if any. The reserve (After each name, indicate capacity, e.g., President, Recorder, Member, Legal indication of the sense present and absent and explanation of absent: (Include brief exp reserve (After each name, indicate capacity, e.g., President, Recorder, Member, Legal is (investigating officer) (board) finished gathering/bearing evidence at (Introduction of the sense present and absent) e following persons (members, respondents, counsel) were absent: (Include brief exp is following persons (members, respondents, counsel) were absent) e (investigating officer) (board) finished gathering/bearing evidence at (Time) SECTION III - CHECKLIST FO COMPLETE IN ALL CASES actionary (para 3-15, AR 15-6) re the following inclosed and numbered consecutively with Roman numerals: (Attache 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 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 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 (Date) SECTION I - SESSIONS SECTION II - SESSIONS The (investigation) (board) commenced at Camp Mariboro, Baghdad, Iraq (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?	++		
-	 (1) the matter to be investigated, including specific allegations against the respondent, if any? 			
-	(3) the respondent's rights with regard to counsel?		·····	
	(4) the name and address of each witness expected to be called by the recorder?	++		
	 (4) the name and address of each whiless expected to be called by the recorder? (5) the respondent's rights to be present, present evidence, and call witnesses? 	╶╁╶╍╧╺╉		
		+		
	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 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)?		- }	
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	SECTION IV - FINDINGS (para 3-10, AR 15-6) 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 was trying to steal copper wire. He was arrested by members of 2nd Platoon. The detainee was then brought to the Operations Center (CMOC) for processing into the detention center. Upon 2nd Platoon's arrival at the CMOC, a him. An entry of the did not want any detainees at the CMOC. It was better for him to take the detainee him. An entry of the detainee to an abandoned building behind Camp Marlboro. When they arrived the detainee inside the building. They yelled and screamed at him. An entry of gave an order to the the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the the clothing of the detainee inside the building. They selled and screamed at him. An entry of gave an order to the the clothing of the detainee inside the building. They selled and screamed at him. The entry of gave an order to the the clothing of the detainee inside the building the seller is clothing. They have the detainee after removed. Exhibits M, T, & U support these facts.	e Civilian Military away and to release then then to remove all
	The second incident occurred a few days to a week later. The Platoon had detained two looters trying to steal copp detainees to the same building behind Camp Marlboro and the clothing of the detainees. The detainees were released building. The detainees were released clothing was removed. Exhibits A, D, E, M, O, Q, T, & U support these facts.	er wire. They took the detainees into the 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 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, construction 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: 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 Constant of 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.
.		
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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 reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.) (Member) SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6) The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ 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)		
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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 84th 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. mate means of identification to facilitate filing and retrieval.
1. LOCATION (GM) Markoro, Bachdad Irac	2. DATE 31 Suly 03. 3. TIME 4. FILE NO. 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
 Befor Diske asked me any questions about the offense(s), however Diske made it clear to me that I have to I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me in a criminal trial. <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. 	ter questioning and to have a lawyer present with me
 (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. 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. 	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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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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ction C. Non-waiver										
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l want a lawyer		<u>.</u>			i do not want to t	ve questioned o	- Say Bitytill	••••		
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ACLU-RDI 2063 p.41

				DATA	REQUIRED B	Y THE PRIVACY ACT	r					
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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		
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dur	r personnel subject othe UCMJ ing questioning. This lawyer car both.	-										
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		DATA REQUIRED	BY THE PRIVACY ACT			
PRINCIPAL PURPOSE: ROUTINE USES:	Title 10, United States Code, Sectio To provide commanders and law enf Your Social Security Number is used Disclosure of your Social Security Nu	orcement officials with n as an additional/alternat		•		
LOCATION Camp Marlbonn.	Baghdad		2 DATE 8 Aug @ 3	3. TIME 1417	4.	FILE NO.
5. NAME (Last First MI)	b65	· · · · · · · · · · · · · · · · · · ·	8. CANZATION OR	DDRESS	·····	······································
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	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	• 	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.	· •		• 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		
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me during questioning. I understand t will be appointed for me before any q	hat this lawyer can be one that I arrange juestioning begins.	e for at my own expense, or i	f I cannot afford a lawyer and w	int one, a lawyer	. *	•
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			EDURE/WAIVER CEP 0-30; the proponent agency is C				
		DATA REQUIRE	BY THE PRIVACY ACT				······································
PRII 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 ed as an additional/alterna	· ·			 	
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5 .		66.5	8. ORGANIZATION	DR ADDRESS			· .
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		PART I - RIGHTS WAIV	ER/NON-WAIVER CERTIFI	CATE			
ect	ion A. Rights	<u> </u>		······	-		(
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	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 I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me in a criminal trial (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 or both.	o expense to the Government	or a military lawyer detailed for - or -	me at no expense to r	ne,		¢ F
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	S WARNING PROCEDURE/WAIVER CERTIFIC, E 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. 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
 Before for she asked me any questions about the offense(s), however for the made in I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me in a criminal trial. <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. <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. 	Ver before, during, and after questioning and to have a lawyer present with me pense to the Bovernment or a military-lawyer detailed for me at no expense to me, - or - awyer before, during, and after questioning and to have a lawyer present with
 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	
Section B. Waiver	۲ ۲ 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 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			
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will be appointed for me before any questioning begins.	I have a state of an annual an available	at any time or		
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ACLU-RDI 2063 p.47

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 CATION OR ADDR CATION OR ADDR CAT	3. TIME 12.56 12.56 SESS bout the following offer ent with me expense to me,	val.	4. FILE ND.
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Exhibit Z

Exhibit AA

ACLU-RDI 2063 p.50

CORR-101, dtd 9 Nov 01

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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

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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

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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/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

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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 (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

DOD-046399

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

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) 3. TIME 4. FILE NUMBER 1. LOCATION 030130 5:55 Marlboro anc 7. GRADE/STATUS 6. SSN 5. LAST NAME, FIRST NAME, MIDDLE NAME 66-1 8. ORGANIZATION O 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Prior to the 4th of July, Endid, END3, END7 SE looters. We detained 1 of them. We then went behind Camp Mariboro. They (-11 40. 66-5) I believe then Striped and the Iragi of his clothes. While this was going on I was on EN23 pulling Security on the . 50 cal. Then I seen the Iregi run out of the building. Then left and came back to Camp. Mariboro, Vid you see the Fraqi run out of the Bluilding and past your truck naked? **[**95 INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF DATED "STATEMENT ADDITIONAL PAGES MUST CONTAIN THE HEADING 65 0.62 bootstional page must bear the initials of the person making the statement, and page number 001874ACLU-RDI 2063 p.62

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 -

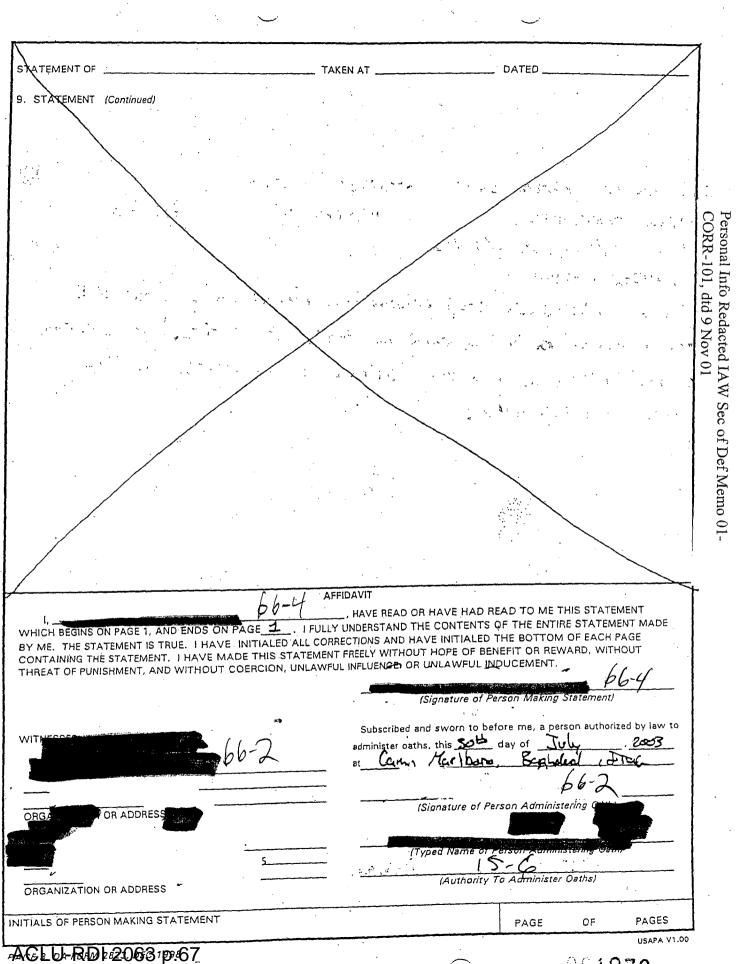
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TAKEN AT DATED STATEMENT OF 9. STATEMENT (Continued) Personal Info Redacted IAW Sec of Def Memo 01-CORR-101,dtd 9 Nov 01 AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH 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

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 LOCATION)*00* 70% 7. GRADE/STATUS 8 ORGANIZATION 9. 66-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: L. CORR-101, dtd 9 Nov 01 That when the local was brought into warehouse under flex alls w/a sa over his head to provent a in security. also that Stated that they were ones who were going to und The plinishment due to to mout lact that they word the. othing I allows 11. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ACLU-RDI 2063 p.70

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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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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.¹¹¹. ે 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 σ 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

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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

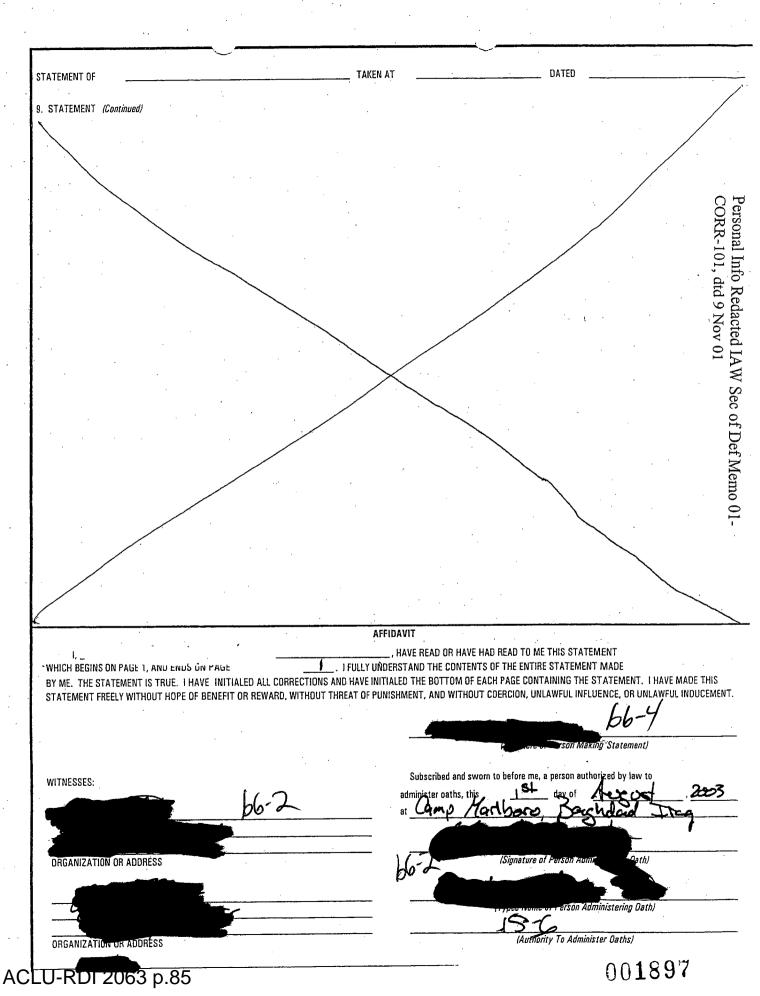
Personal Info Redacted IAW Sec of Def Memo 01 CORR-101, dtd 9 Nov 01

ACLU-RDI 2063 p.81

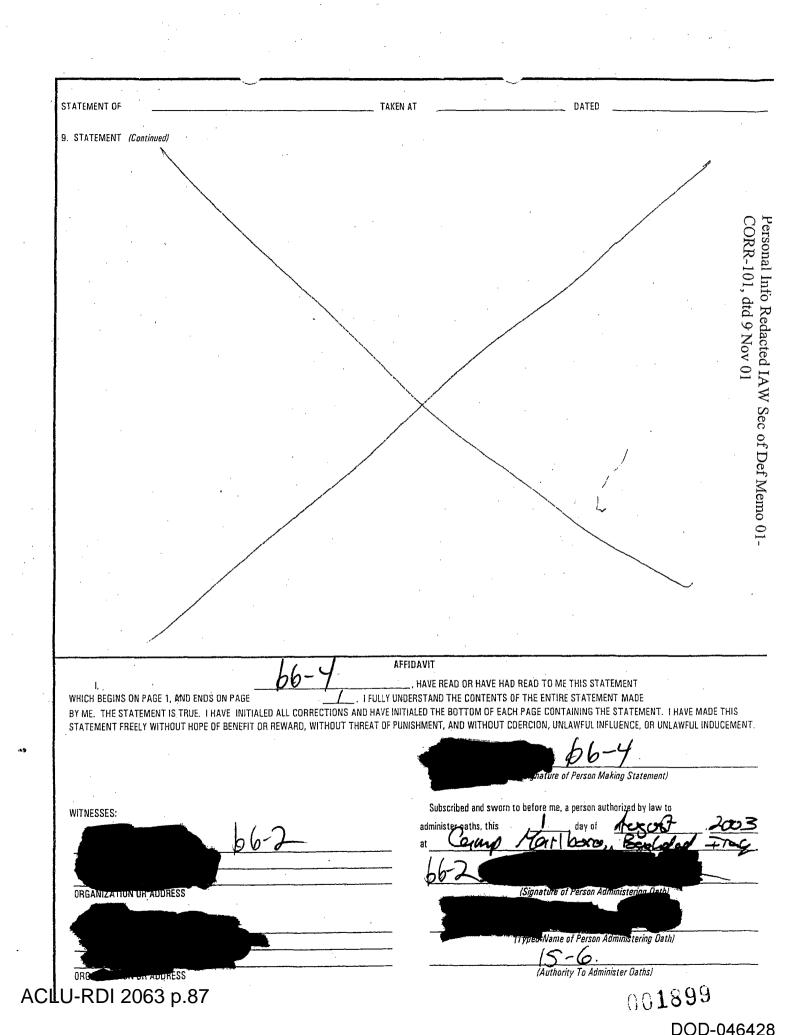
THIS PAGE IS NOT NEEDED 66-TAKEN AT Camp Marlbors DATED 1 Aux 2003 STATEMENT OF s. STATEMENT (Continued) b-f come and asked of any sodas fell of the truck boomse there mais laborer of Sodas missing. I sand no and told have to agrin 2 min 1a 2-15 count them told we togo and count them Personal Info Redacted 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		
	For use of this form	n, see AR 190-45; the proponent agen PRIVACY ACT STATEMENT	cy is ODCSOPS	
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DISCLOSURE:	Disclosure of your social security number is vol	luntary. 2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
CAMP MARLBO 5. LAST NAME, FIRST NAME, I	MIDDLE NAME 66-4	6. SSN	12.22	7. GRADE/STATUS
8. ORGANIZATION OR ADDRES	μυ <u> </u> ss		· • • • • • • • • • • • • • • • • • • •	
9. I.	······	, WANT TO MAKE THE FO	LLOWING STATEMENT UND	ER OATH:
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		OF THE SHOTING	SAND DID.	TND
THE D	SAPPER 6 TAULER	S TO THE MEI	N ENVOLVER), ONE-ON-ONE,
	HE WHOLE PLATOON	ABOUT NOT	BEATING	IRAGI AND TO
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PLEASED) NOONE WAS HUR	TAND WE R	DETATIED TH	E SHOOTER-
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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



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: Disclosure of your social security number is voluntary. 3. TIME 4. FILE NUMBER 2. DATE (YYYYMMDD) 1. LOCATION 1530 2003 0801 Marlboro amp 7. GRADE/STATUS 5. LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATION OR ADDRESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: The day we arrived to our AO with an Iraqi, I was downloading the trailer of sobas. I saw people take an Iraqi out of 27 and SIT him against a wall. I then went to go and eat in the clow hall, when I returned, they were putting the Iragi back into 27 and the vehicle then left our AO. One day I was gunning on the JO cal of EN22. We arrived at a building behind our compand that I had never been do before. I stepped down into the back of 22 for a moment to drink some water and load my M-16. When I stepped back up to the .50 cal, I noticed a Maked; Iraqi run by the vehicle. I took a bouble take and then we left the area and returned to Camp Marlboro. RSON MAKING STATEMENT 10. EXHIBIT PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMEN ACLU-RDI 2063 p.88

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

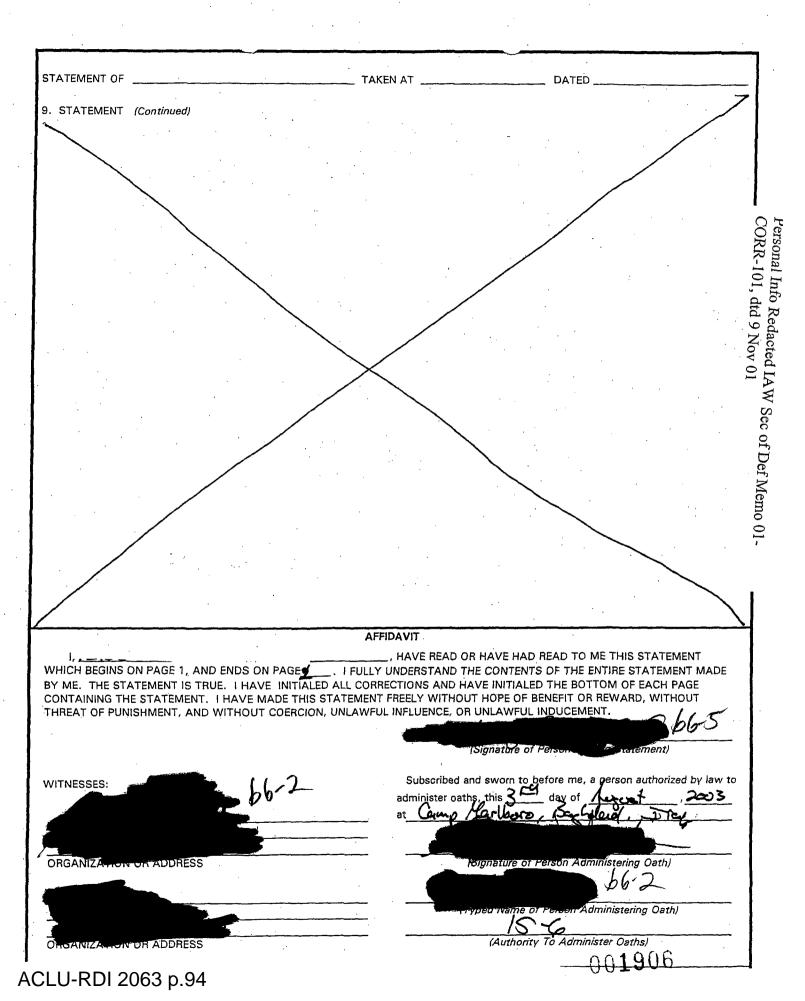
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ITNESSES (sworn to before me, a person auth	orized by law to
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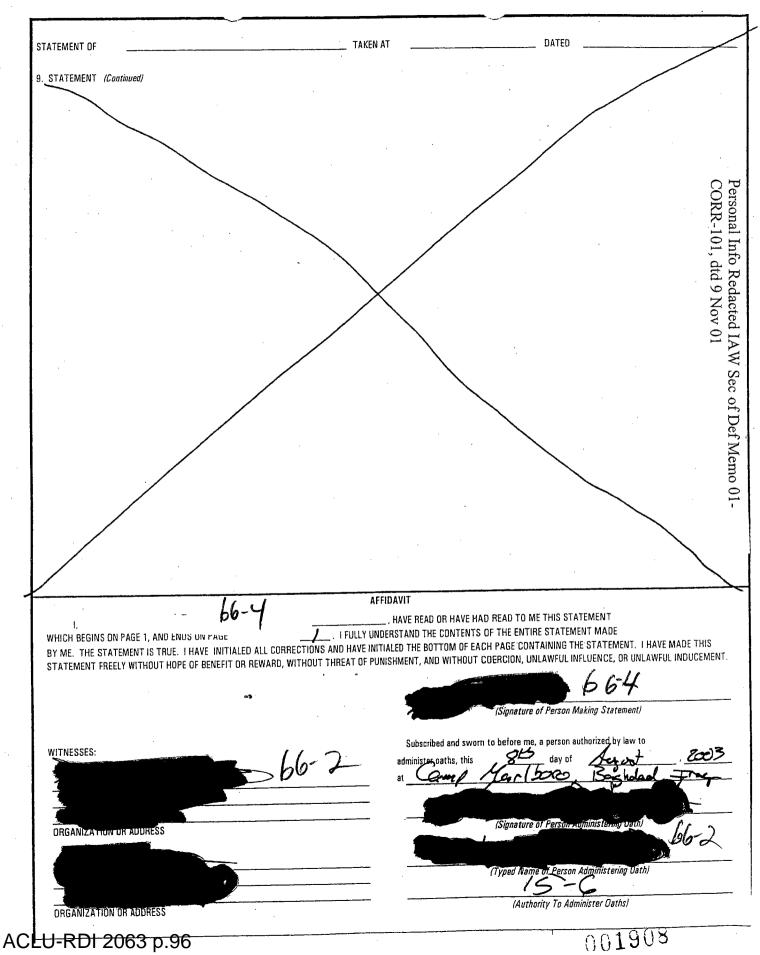
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the building again and stripped them of their clothes and yself were in the building. On the 3rd of July we had to ecked the field for looters. There were looters in the back ck got a flat tire. So we went back to Camp Marlboro a o our AO with a detainee in the back of the truck. I was ed. After the tire got changed ENG27 took the detainee	ck field so we tried to and I told my guys to g sn't around much after	h of July party for a catch them. While the tire fixed. W	trying to catch these looters m hen we got back ENG23 came
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EXHIBIT	lh-S		PAGE 1 OF PAGES
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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

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DEPARTMENT OF THE ARMY HEADQUARTERS 3RD BRIGADE, 1ST 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

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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
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	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	- /		
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THE SPEC	IFICATION: In	that		·····			, did, at or n	ear
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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
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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: ²
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n l (caused t	o be) served a copy hereof on (ea	ch of) the above named accused.
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Trend Marrie 17 10		
Typed Name of Trial Counsel		Grade or Rank of Trial Counsel
Signature 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 accused's 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: Recommend: () Summary Court-Martial () Special Court-Martial () Special Court-Martial () General Court-Martial () Summary Court-Martial () Special Court-Martial () Special Court-Martial () Summary Court-Martial () Special Court-Martial () Special Court-Martial () Special Court-Martial () Special Court-Martial () General Court-Martial () Summary Court-Martial () Summary Court-Martial () Special Court-Martial () General Court-Martial	p6-2		20 SEP 03
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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

001925

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

	ΟN	T	р	'n
6-5	UN	1	D	3

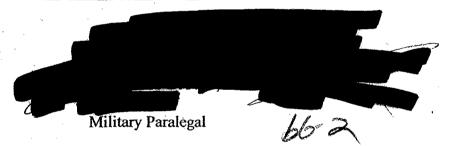
Baghdad, Iraq APO AE 09324

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

 $(\cdot$

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

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DOD-046455

				· ·			(6)
				5 UNDER ARTICLE 10; the proponent agency		· · · · · · · · · · · · · · · · · · ·	ea/Foreign)
6 a d T				Before Completing F	orm		(6)
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Lam considerio	a sub ath an an a la sub			Baghdad, Ira		\$1,903.50	(s)
that you, did ragraph 3.E.(l, at or near Bagho (5), FRAGO 383A	lad, Iraq, to OPOI	on or about 2 RD 03-215 (Ir	15, UCMJ, for the foll 5 October 2003, v on Stability), date et in your custody	iolate a lawfu d 21 July 200	ll general order, i 3. by wrongfully	
irtial. You have not you will be p fense(s). You ma tnesses or other c <i>atters of extenua</i> pe and amount of e right to demand	several rights under the punished. I will not in ay ordinarily have an d evidence to show why <i>ution and mitigation</i>). Spunishment I will im	his Article I npose any p open hearing you should I will cons pose. ^{2/} If y instead. ^{3/}	5 proceeding. Fi unishment unless before me. You of the punished at der everything yo ou do not want m In deciding what	hay be used against you irst I want you to under I am convinced beyond i may request a person t all <i>(matters of defens</i> , ou present before decid he to dispose of this rep you want to do you ha You no	stand that I have I a reasonable do to speak on your e) or why punishn ing whether I wil ort of misconduc ve the right to co	not yet made a decisi ubt that you committe behalf. You may pre nent should be very l ll impose punishment st under Article 15. vi	on whether ed the sent ight or the ou have 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 ense, mitigation, and/	or extenuation	Closed. (2) A	person to speak in my Are not presented		ls Is not req esented in person	uested. Are 66.5
ached. TE	NAME AND GRAD	OF SERVIC	E MEMBER		SIGNA	TURE	
29 Dec 0?			SI			· · · · · · · · · · · · · · · · · · ·	
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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 NAME, GRADE, AN			ely unless otherwise st	ated above.		
28 Jan oy							
	iate block, date, and	sign)		· · · ·	······································		
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ΓΕ	NAME AND GRADE	OF JUDGE	ADVOCATE		SIGNA	TURE	
	tion of all matters pre			is:			
Denied	Granted a	s follows: ¹	<u>o</u> /				
TE	NAME, GRADE, AN	D ORGANIZ	ATION OF COMMA	ANDER	SIGNA	TURE	
I have seen the	 e action taken on my a	appeal.	DATE	SIGNATURE OF	SERVICE MEMBER	1	
ALLIED DOCUM	MENTS AND/OR COMM	AENTS 11/ 12/	 13/	l	· · · · · · · · · · · · · · · · · · ·		
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ACLU-RDI :	2063 p.115
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NOTES

¹ 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.

¹⁴ 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.

⁴ Give the member copy 5 of this form.

- ⁵⁷ 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.
- ⁵⁷ 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.
- ⁹ 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.
- ¹ 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.)

¹ 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

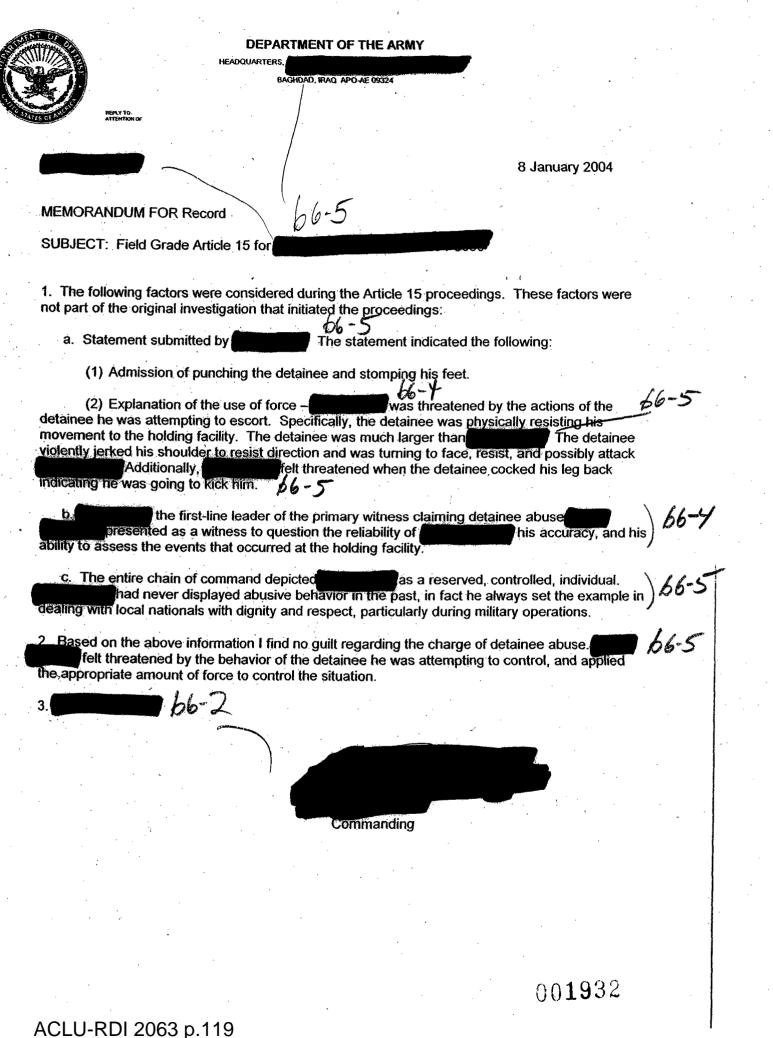
001930

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 (Plus Allowances)	\$ 1869.00
	Spouse's Take Home Pay (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 \$ 300.00 - Master Bedroom
	Payment on Current Debts	\$ 36.67 - Backyard Fence \$ 50-00-Credit card
	Payment on Current Debts (Loans/DPP/Chg Accts Rent	\$ N/A (post housing)
	Food	\$ 300 00
· · ·	Utilities (telephone, etc.)	75.00- Friorie 75.00- cell phone 100.00-coble + Computer access 20.00- Home reators insurance
· · · · · · · · · · · · · · · · · · ·	Insurance	20.00- Home renters insurance \$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>	
· . 	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	- - -	\$ <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 Clothin	a for Children N/A	
phone	g For Children N/A cards \$ 35.00	
		00193

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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.



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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).

1st 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 4th and 5th 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-1st 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

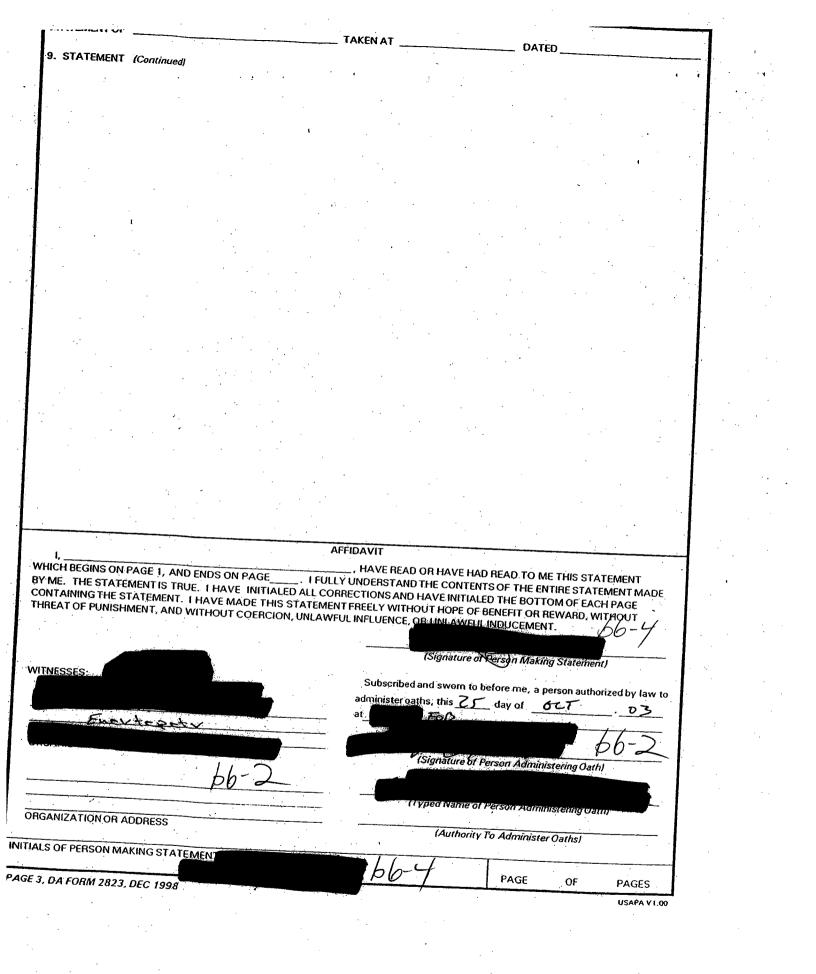
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n the evening of 25	o Oct 2003 at approximatel	v 1845	who is the	Contraction of the second second second	asked for th	e medice to
erform physical exa	ims on some Iragi Detainee	s which were	brought recently	TO OUT FUB.	the	and .
ent immediately do	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
	- hla-4	· · ·			• • •	
nderness to palnatu	had subjective numbrion (touch) without evidence	ess of his left	4th and 5th fing	ers as well as epiga	istric (upper c	entral) abdominal
to purplic			na (or uistiig).			
	had tenderness to palpat	ion but no eco	chymosis of his l	eft clavicle (collar	oone), the rig	ht side of his
and tote by ms temp umbness of his 4th	peromandibular joint (jaw), and 5th fingers on his left l	and his periu	impilical region (central abdomen).	He also had n 800mg of I	subjective 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

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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, 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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efore he/she asked me any questions about 1 do not have to answer any question of Anything I say or do can be used as ev	ut the offense(s), however, he/she mad or say anything.	ie it clear to me that I have	the following rights:	
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(For civilians not subject to the UCMJ)	/ I have the right to talk privately to a	- or lawyer before, during, and	after questioning and to b	ave a lawyer present with
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	PART I - RIGHT	NAIVER/NON-WAIVERCERTIFICATE	
ection A. Rights		6-5	·····
 I do not have to answer any question or Anything I say or do can be used as evid (For personnel subject othe UCMJ hav during questioning. This lawyer can be a or both. 	say anything. dence against me in a crin ve the right to talk private a civilian lawyer I arrange I have the right to talk pri	the made it clear to me that I have the following righ o a lawyer before, during, and after questioning and at no expense to the Government or a military lawye - or - ely to a lawyer before, during, and after questioning a	to have a lawyer present with me r detailed for me at no expense to me,
me during questioning. I understand that will be appointed for me before any ques If I am now willing to discuss the offensi speak privately with a lawyer before ans	stioning begins. se(s) under investigation, u swering further, even if I s	l arrange for at my own expense, or if I cannot affore or without a fawyer present, I have a right to stop a	l a lawyer and 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 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

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	I this form, see AR 190-30; the proponent agency is ODCSOPS
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	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:
 I do not have to answer any question or say anything. Anything I say or do can be used as evidence against 	
	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 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
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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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HICH BEGINS ON PAGE 1, AND ENDS ON (ME. THE STATEMENT IS TRUE I HAVE	PAGE_1 I FULLY UNDERSTAND THE CO 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	
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	(Signa	ture of Person Making Statement)	
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TNESSES:	Subscribed and sw	orn to before me, a person authorized by law to	
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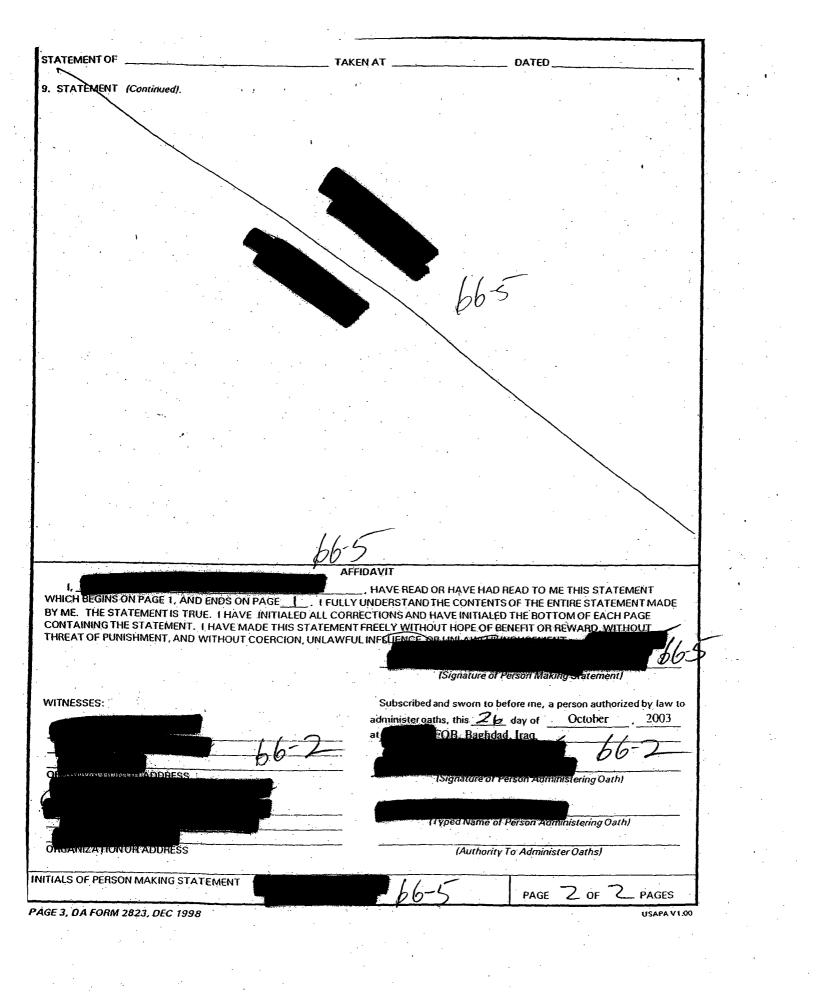
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		PART I - RIGHTS WAIVE			·		······
Section A. Rights	·.		······	· · · · ·			· · · · · · · · · · · · · · · · · · ·
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suspected/accused: mistre				to question (ne about the foll	owing offense(s)	b(which I am
		offense(s), <u>however h</u> e/she ma	de it clear to me that	I have the fo	nowing rights.	.	
 I do not have to answer. 	any question or say	anything.					
		e against me m a criminal		· ·			
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me during questioning. I 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
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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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	P	ART I - RIGHTS WAIV	ER/NON-WAIVERCERT			
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 1. I do not have to answer	any question or say anyt	sets), <u>nowever, he</u> lshe ma 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				
 (For personnel subject of during guestioning. This 	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 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.
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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	•
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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 (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			· · · · · · · · · · · · · · · · · · ·	
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(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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(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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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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VHICH BEGINS ON PAGE 1, AND END BY ME. THE STATEMENT IS TRUE. I	DS ON PAGE (. I FULLY UNDERSTAND THE C	CONTENTS OF THE ENTIRE STATEMENT MA EINITIALED THE BOTTOM OF EACH PAGE	DE
CONTAINING THE STATEMENT. 1 HA	VE MADE THIS STATEMENT FREELY WITHOUT H 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:			
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VITNESSES:		this 26 day of October 200 3. Baghdad, Irac	<u>)3</u>
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DATA REC	QUIRED BY THE PRIVACY ACT
AUTHORITY: Title 10, United States Code, Section PRINCIPAL PURPOSE: To provide commanders and law end	
	forcement officials with means by which information may be accurately identified. 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 (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 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 t I arrange for at my own expense, or if I cannot afford a lawyer and 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 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

	RIGHTS WARNING PRO For use of this form, see AR	DCEDURE/WAIVER CEI 190-30; the proponent agency is		•
	DATA REQUIR	RED BY THE PRIVACY ACT		
AUTHORITY: Title 10.	United States Code, Section 30	012(a)		
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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

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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 n additional/alternateme	· · ·	may be accurately identified. facilitate filing and retrieval.
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	PART 1 - RIGHTS WAI	VER/NON-WAIVERCERT		
ection A. Rights				·····
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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:	
 I do not have to answer any question or say a Anything I say or do can be used as evidence 				$\sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{i$
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(For civilians not subject to the UCMJ) I have	e the right to talk privately to	- or - a faws er before, during, and	l after questioning and to h	ave a lawyer present with
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 If I am now willing to discuss the offense(s) uses speak privately with a lawyer before answering 			ive a right to stop answeri	ng questions at any time, or
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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

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OB, Baghdad, Iraq			2. DATE 2709-02	3. TIME 0940	4. FILE NO.
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	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 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:	
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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

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(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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Concerning the inc	ident on the after	noon of 25 October.	, where 6 prisone	rs were delivered t	o the	Detaine
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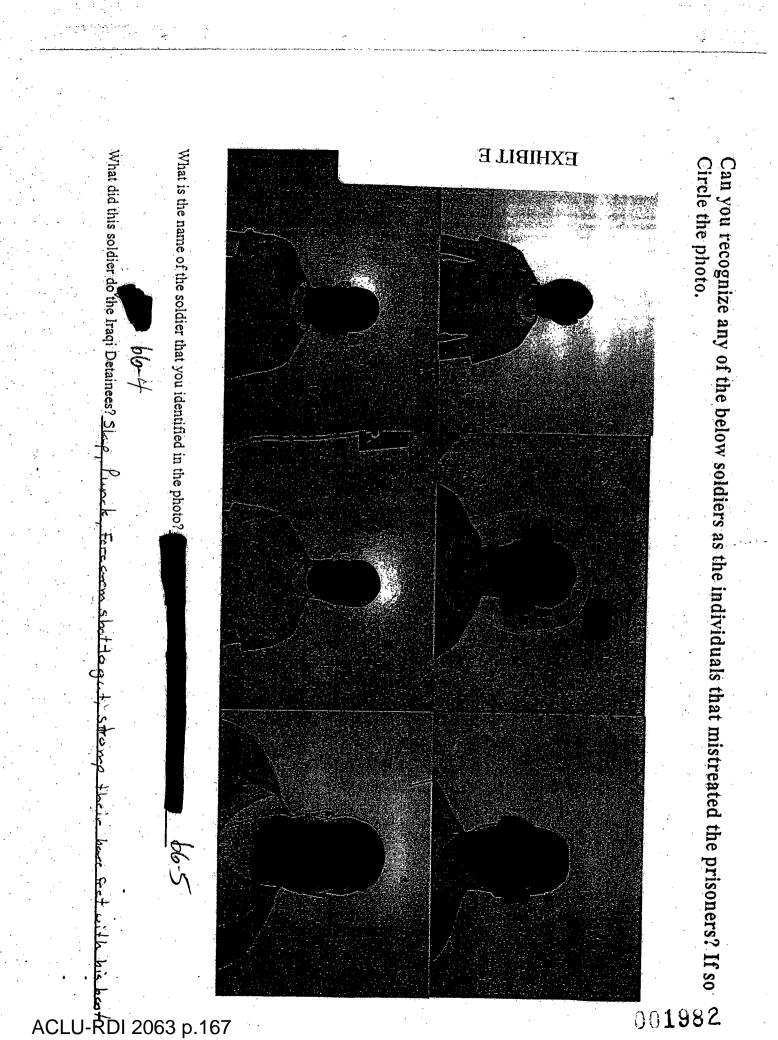
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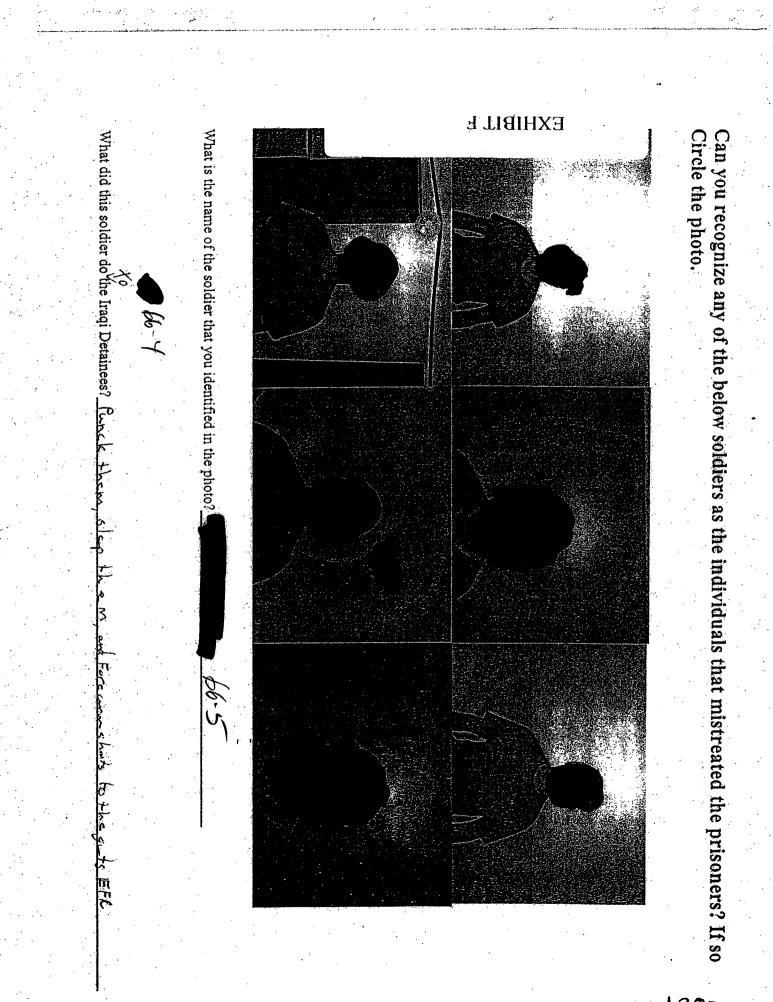
ACLU-RDI 2063 p.165

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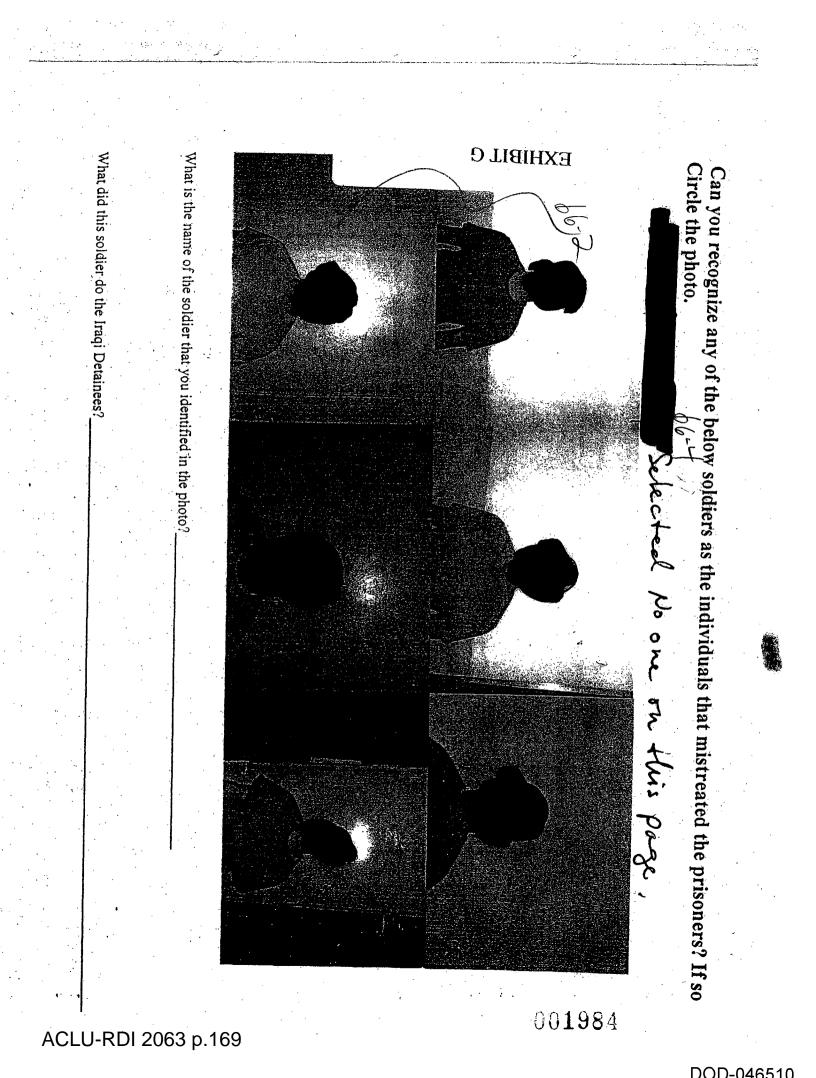
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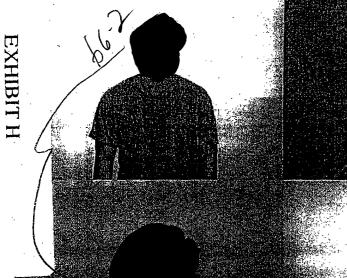
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Can you recognize any of the below soldiers as the individuals that mistreated the prisoners? If so Circle the photo.

Scheeted No one on His Page

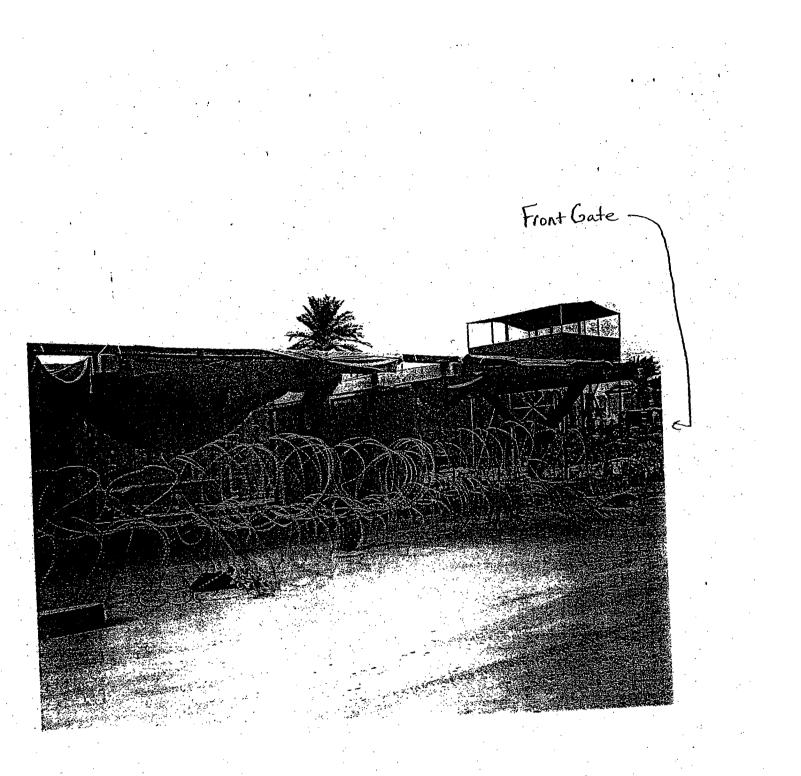


What did this soldier do the Iraqi Detainees?

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

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EXHIBIT J

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			and wanted to ques	tion me about the follo	wing ollensels) of wh	ich í am
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Anything I say or do can	be used as evidence against m					
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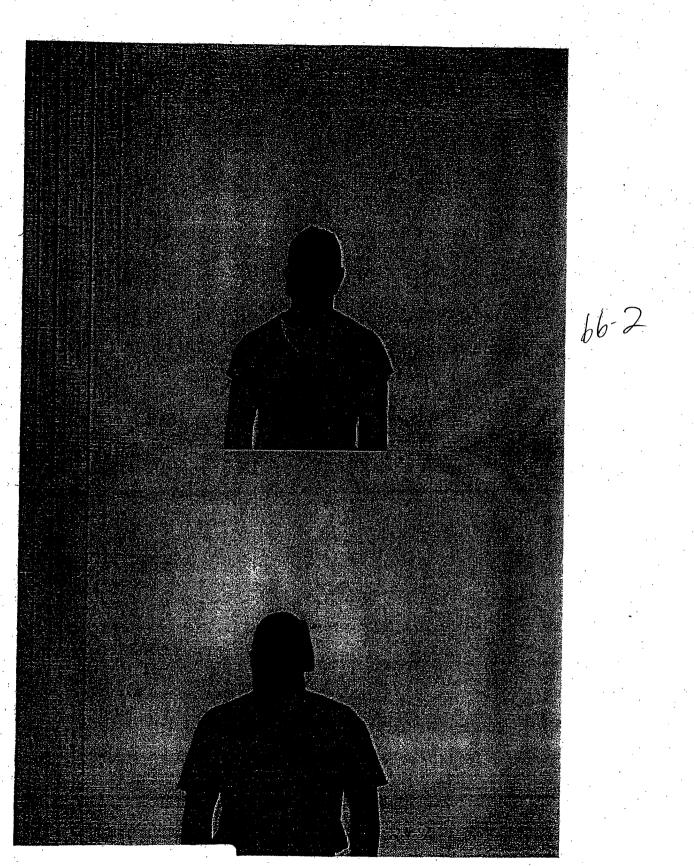
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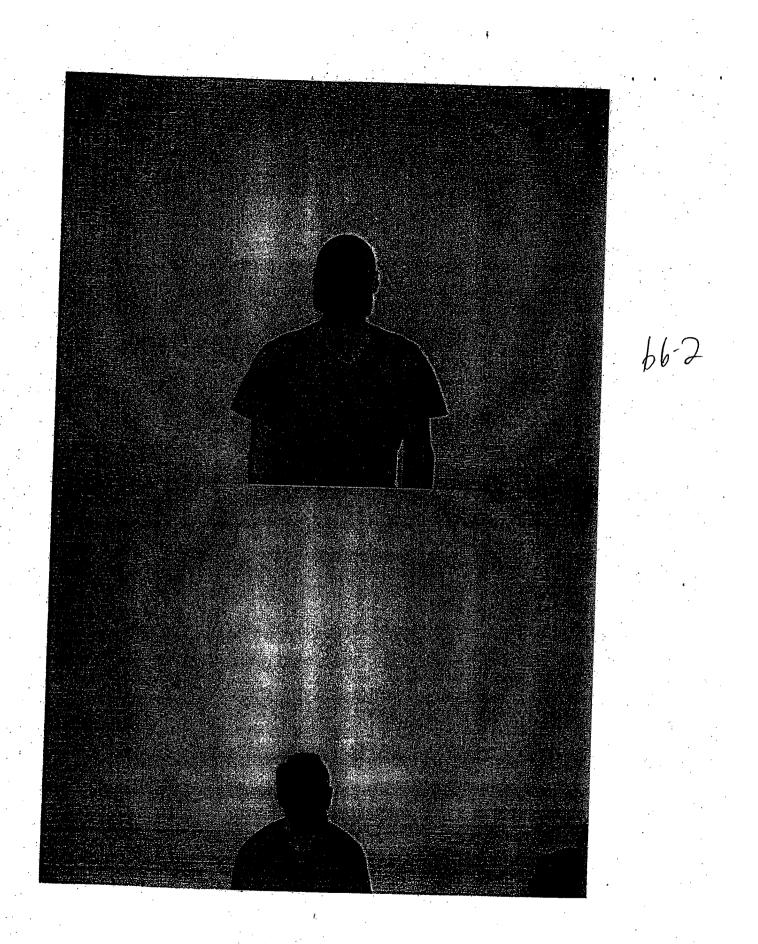


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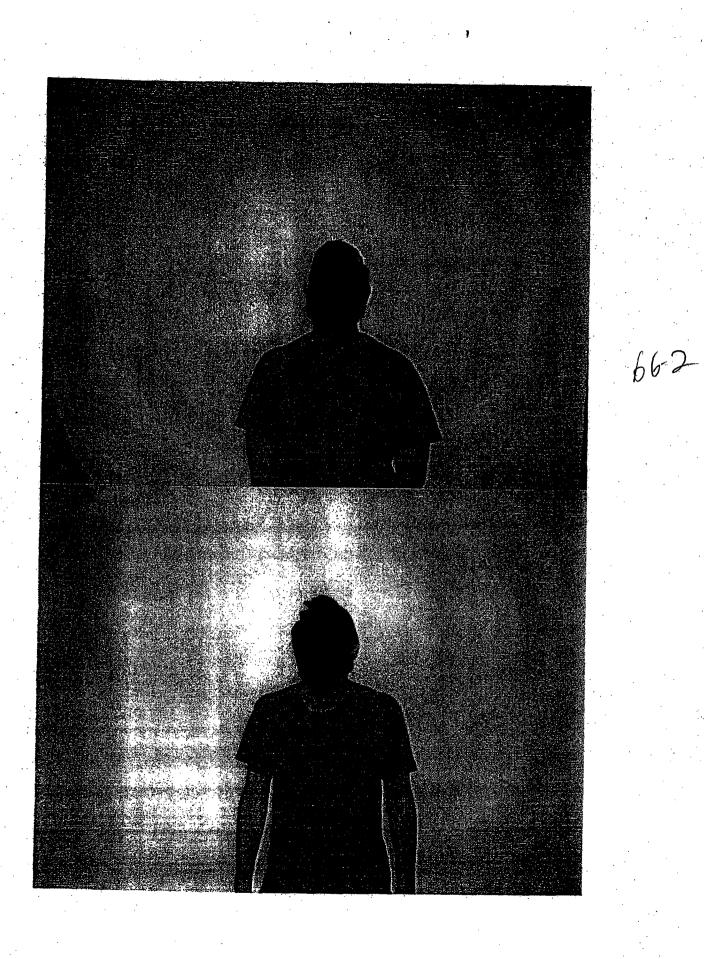
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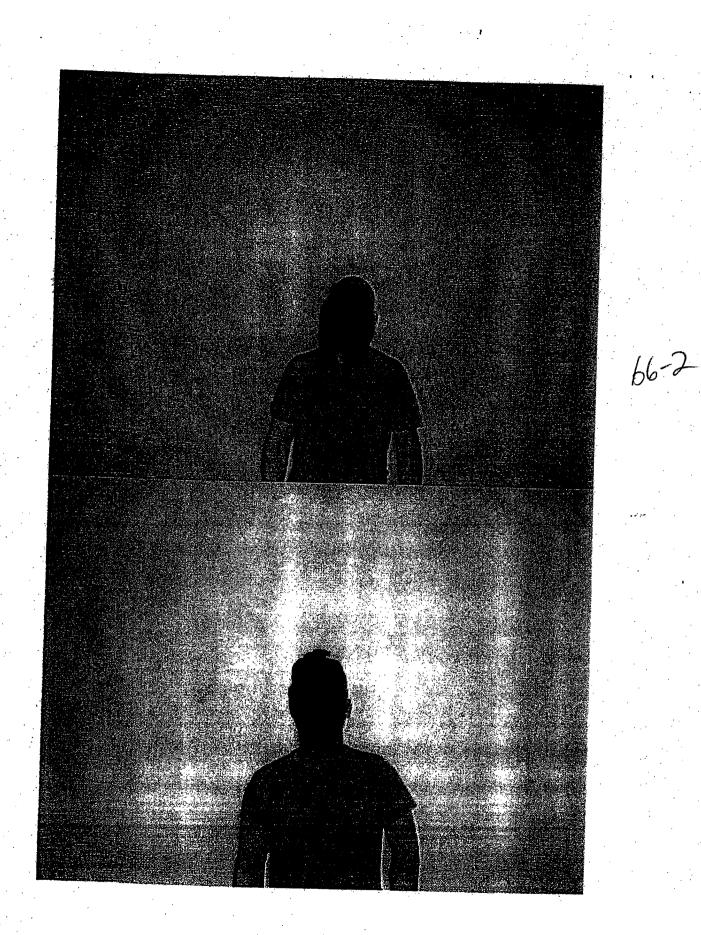


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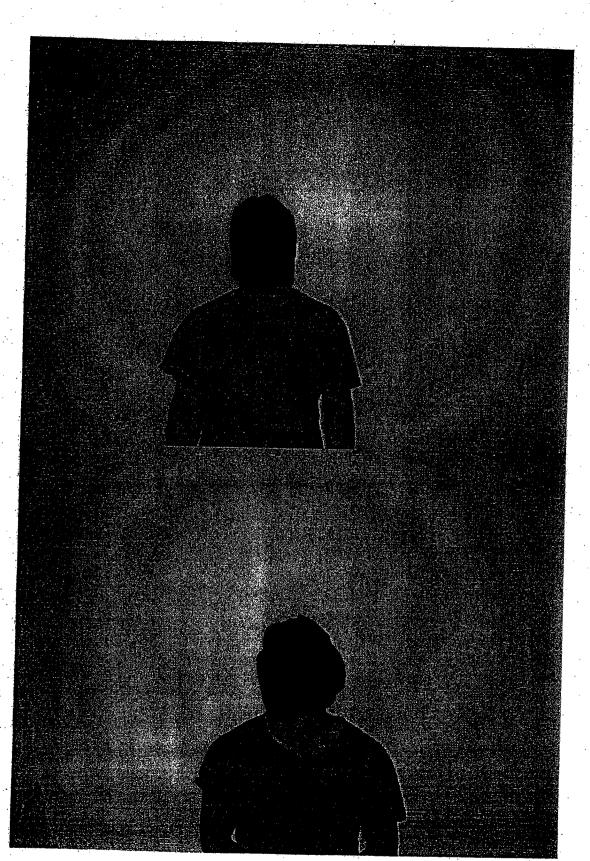
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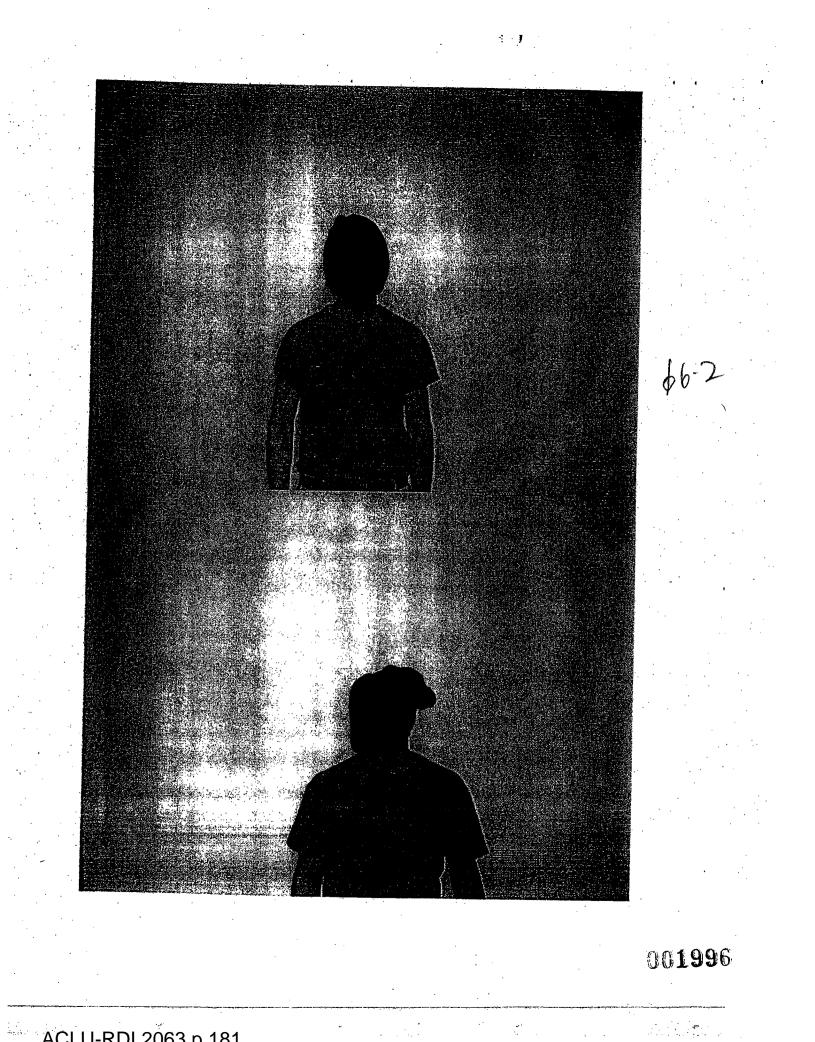
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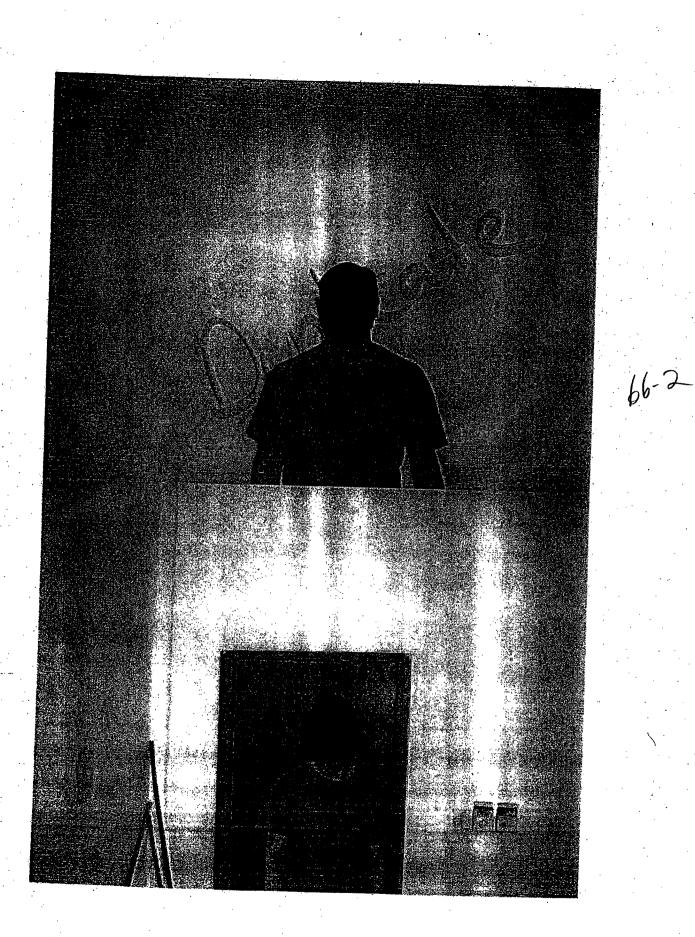
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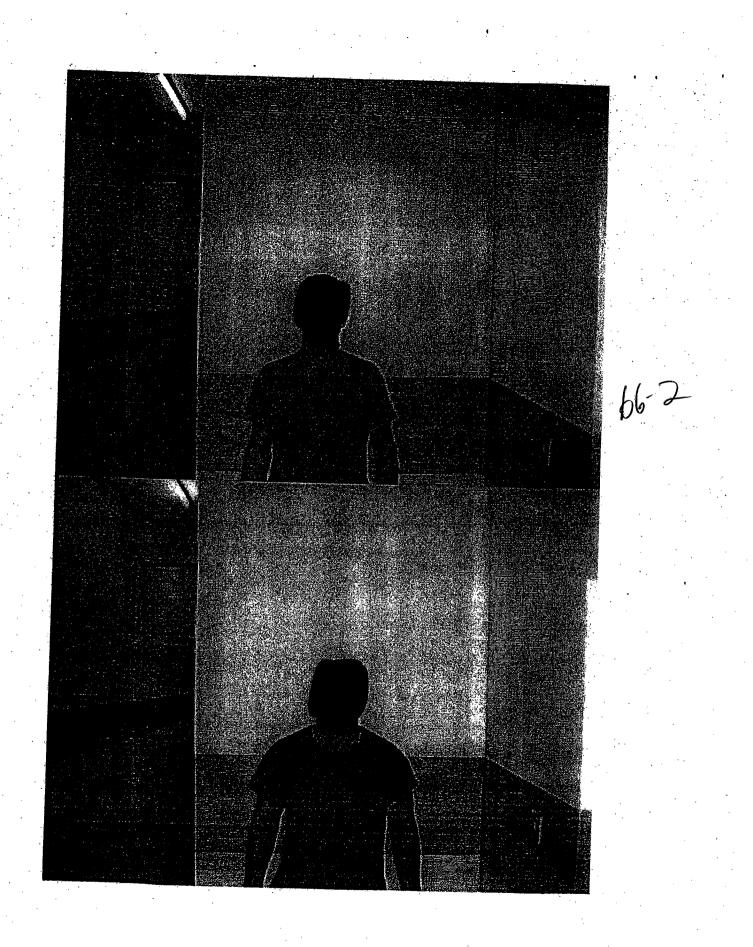
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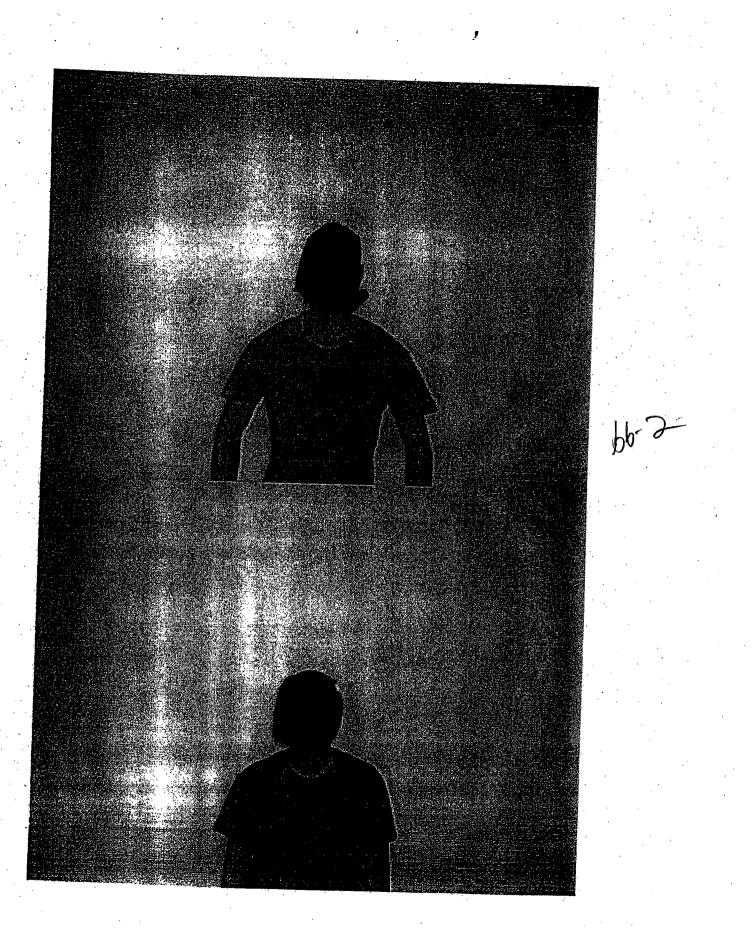
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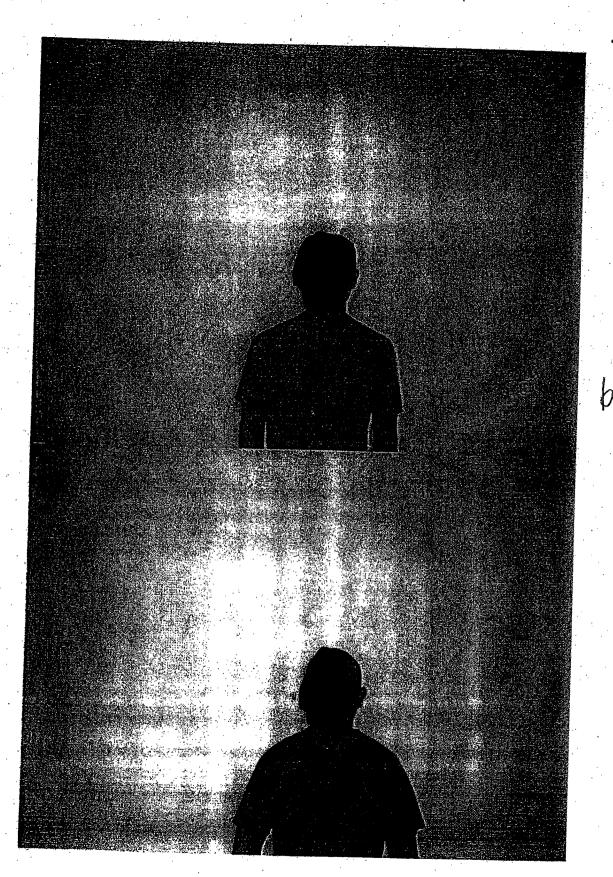




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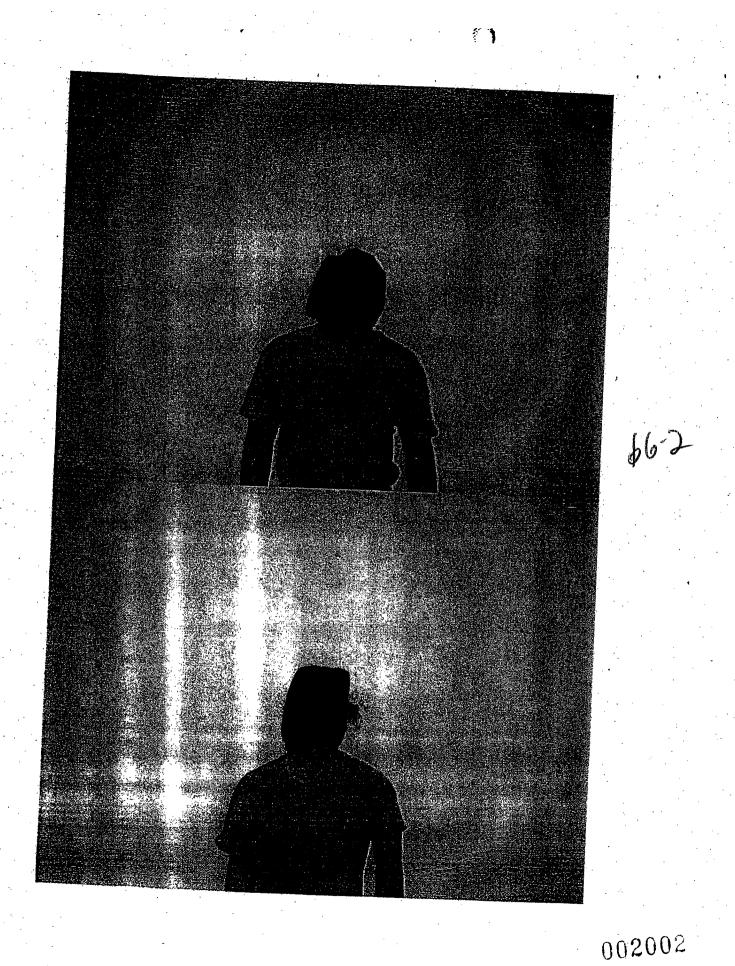
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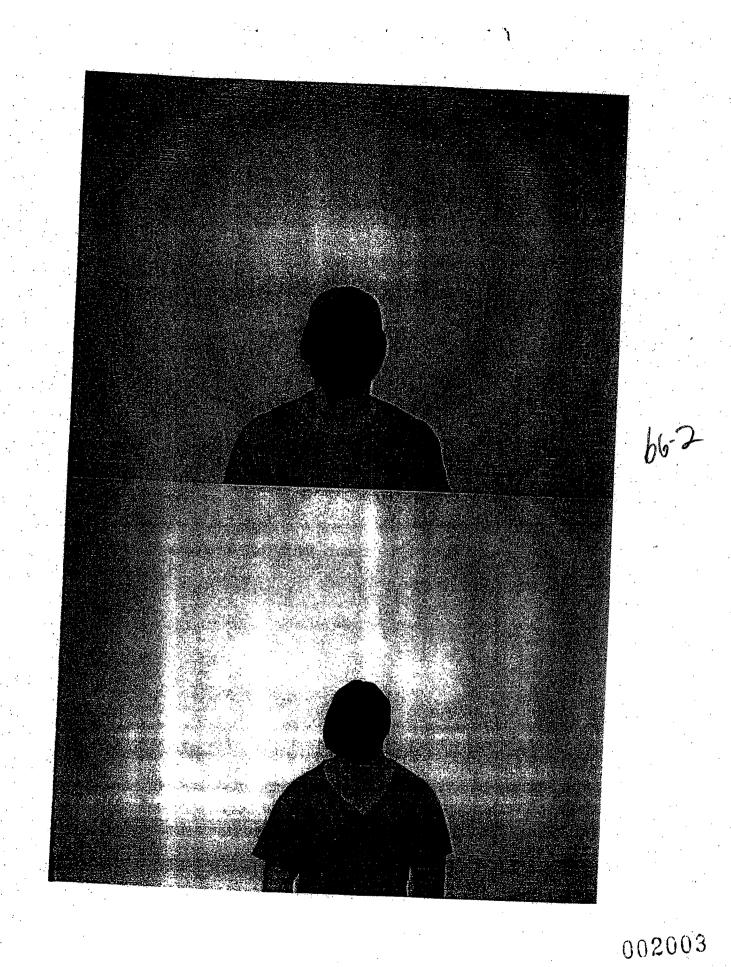
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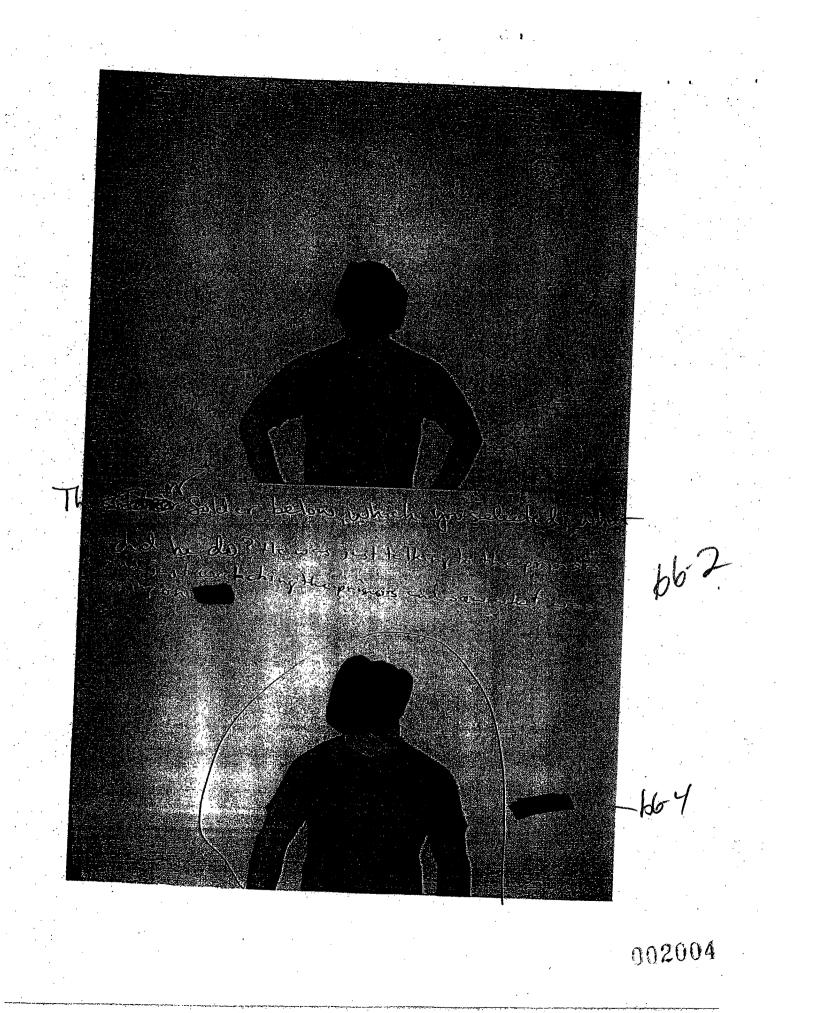
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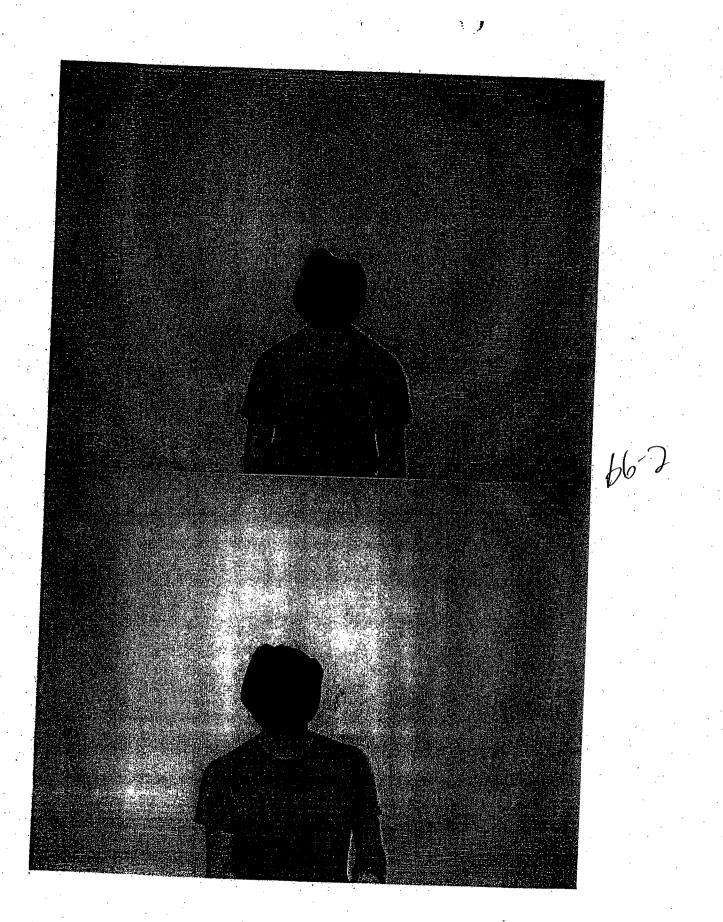
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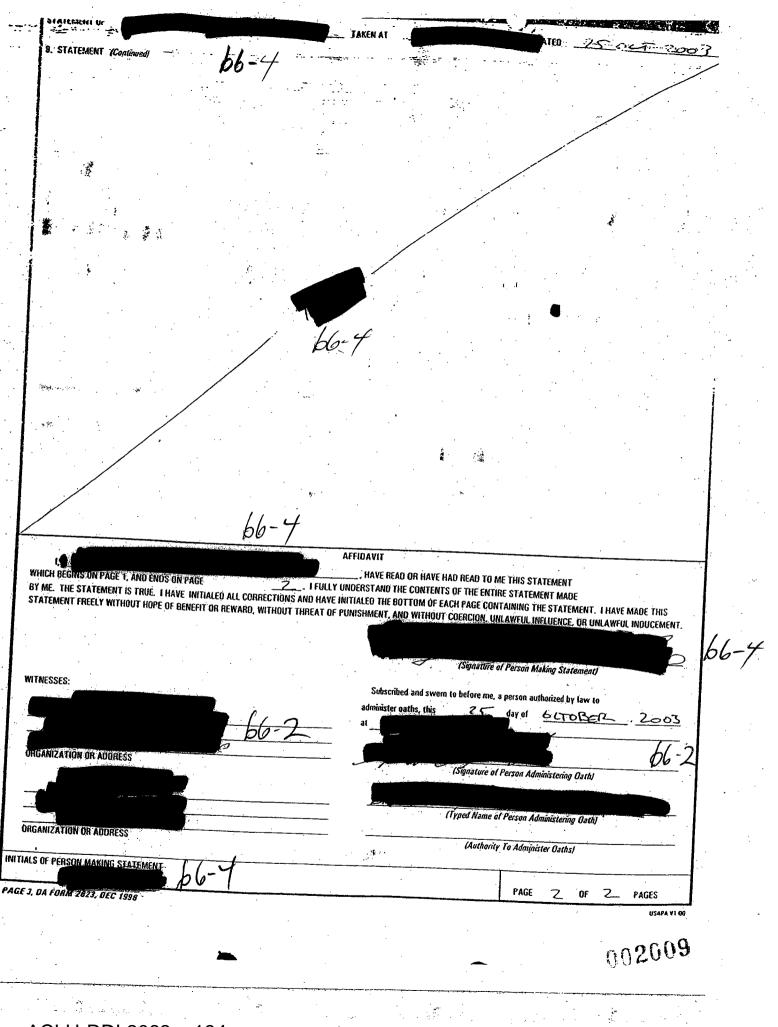
SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which 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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PRINCIPAL PURPOSE: To provide commanders a ROUTINE USES: Your social security numb	I: Trile 5 USC Section 2951 nd law enforcement official	ACY ACT STATEMENT E.O. 9397 dated November 22 with means by which informat lemate means of identification	ion may be accurately iden		-
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