

~~SECRET~~
SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 8367 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
DISCLOSURE: Disclosure of your social security number is voluntary.

(b)(2) Guantanamo Bay, Cuba 2. DATE (b)(3) 3. TIME (b)(3):1 FILE NUMBER
20041007:10 0315 0 USC

4. (b)(3):10 USC §130b, (b)(6) 5. (b)(3):10 USC 6. (b)(3):10 USC
§130b, (b)(6) §130b, (b)(6)

7. (b)(2) Guantanamo Bay, Cuba 09360

8. (b)(3):10 USC (b)(3):10 USC (b)(3):10 USC
§130b, (b)(6) §130b, (b)(6) §130b, (b)(6)

9. (b)(3):10 USC (b)(3):10 USC (b)(3):10 USC
§130b, (b)(6) §130b, (b)(6) §130b, (b)(6)

On 7 Oct 04 at approx. 0012 I responded as (b)(3) to a call from the Det Hospital for (b)(3). (b)(3) is not staffed at midnight. (b)(3):10 USC asked me to respond immediately to the hospital pertaining to an incident between detainee (b)(2) and Det Hospital Guard b2 (b)(3):10 USC. Upon Arrival I met with (b)(3):10 USC (Det. Abuse) who had just completed treating detainee (b)(3):10 for a cut lip, and (b)(3):10. There was evidence of an altercation by blood on the floor, bedding and clothing on & around the detainee. I assessed the situation after determining no further immediate treatment was needed started guards (b)(3):10 USC writing statements in separate locations of the Det Hospital. (b)(3):10 arrived and relayed from the detainee b3, b6 that the (b)(3) b2. The detainee then stated when the guard (b)(3):10 refused that the guard (b)(3):10 punched him in the face. The detainee (b)(3) and his adjacent area were cleaned up and (b)(3):10 was sent to the Det Clinic. I notified the Co (b)(3):10 of the situation & collected statements from (b)(3):10 USC upon clearing the Det Hospital I checked on (b)(3):10 who had been sent to the (b)(2) I notified (b)(3):10 at (b)(2), (b)(3):10 USC that there was an incident & that (b)(3):10 seemed shaken up. Nothing follows. (b)(3):10

H/ End of Statement/H

Hand written - b6
Document

10. EXHIBIT

11. INITIAL

(b)(3):10 USC
§130b, (b)(6)

MAKING STATEMENT

PAGE 1 OF 2 PAGE

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" AT DATED

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

~~SECRET~~

DA FORM 2823, DEC 1998

USAPA

STATEMENT OF (b)(3):10 USC §130b,(b)(6) ~~SECRET~~ (b)(3):10 USC DATED 7 Oct 04

9. STATEMENT (Continued)

NOT
USED

(b)(3):10 USC
§130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

AFFIDAVIT

I, (b)(3):10 USC §130b,(b)(6), 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL IN (b)(3):10 USC §130b,(b)(6) HOUT

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, this 7th day of OCTOBER, 2004 at (b)(2) Guantanamo Bay, Cuba 00360

(b)(3):10 USC §130b,(b)(6)

ORGANIZATION OR ADDRESS

(b)(3):10 USC §130b,(b)(6)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING (b)(3):10 USC

PAGE 2 OF 2 PAGES

~~SECRET~~

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 2031; Title 5 USC Section 2091; E.O. 9397 dated November 22, 1982; SSA
 PRINCIPAL PURPOSE: To provide information and to provide information to the Department of Defense by way of information to the Department of Defense
 ROUTINE USES: To provide information to the Department of Defense by way of information to the Department of Defense
 DISCLOSURE: Disclosure of your social security number is voluntary.

(b)(2) Guantanamo Bay Cuba 2. DATE YYYYMM (b)(3) - ME (b)(3) 4. FILE NUMBER
 20041007 0030
 (b)(3):10 USC §130b,(b)(6) (b)(3):10 USC (b)(3):10 USC
 (b)(2) Guantanamo Bay, Cuba 09360
 9. (b)(3):10 USC §130b,(b)(6)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER C

AT APPROX 0005HR ON 07 OCT 04 IN THE DETENTION HOSPITAL THE FOLLOWING INCIDENT
 TOOK PLACE INVOLVING (b)(3):10 USC AND DETAINEE (b)(2) (b)(2) b2
 DETAINEE (b)(2) (b)(2) WAS BEING RESTRAINED, RIGHT ARM, BY (b)(3):10 USC

DETAINEE (b)(2) (b)(2) (b)(2) (b)(2) b2 b2
 DETAINEE (b)(2) (b)(2) (b)(2) (b)(2)

THE DETAINEE SPAT ON THE SGT THEN HIT HIM WITH HIS
 LEFT FIST. I YELLED AT THE DETAINEE TO STOP. THE SGT WAS OBSERVED STRIKING THE
 DETAINEE. I MOVED TO THE LEFT SIDE OF THE DETAINEE AND PULLED HIS HEAD DOWN
 TO PREVENT FURTHER SPITTING OR HITTING BY DETAINEE. TELLING BOTH OF THEM TO STOP
 IN A LOUD VOICE. I OBSERVED THAT THE DETAINEE WAS BLEEDING PROFUSELY FROM
 THE MOUTH AND GUMS. IMMEDIATELY GOT MEDICAL ATTENTION FOR DETAINEE. (b)(3):10

DUTY NURSE RESPONDED TO MY CALL FOR MEDICAL ASSISTANCE. BLEEDING STOPPED AFTER
 (b)(3):10 COMMENCED TREATMENT. DOC WAS NOTIFIED ALONG WITH ARBIL INTERVIEWER
 (b)(3)

AND SOG-2 (b)(3):10 USC - END OF STATEMENT 10

b3
 b6

10. EXHIBIT 11. INITIALS OF PERSON (b)(3):10 STATEMENT PAGE 1 OF 2 PAGES
 0 USC

ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
 MUST BE INDICATED.

DA FORM 2823, DEC 1998

SECRET OBSOLETE

~~SECRET~~

STATEMENT OF (b)(3):10 USC §130b,(b)(6) TAKEN AT GUANTANAMO BAY, CUBA, ON 07 OCT 04 00:50:11 (b)(3):10 USC §130b,(b)(6) (b)(3):10

9. STATEMENT (Continued).
Nothing Follows (b)(3):10

Not Used (b)(3):10 USC

(b)(3):10 USC

AFFIDAVIT

I, §130b,(b)(6), 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.

(b)(3):10 USC §130b,(b)(6) Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of OCTOBER 2004 at (b)(2) Guantanamo Bay, Cuba (09360)

(b)(3):10 USC §130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

Typed Name of Person Administering Oath: Article 36 (b) (4), UCMJ Authority: To Administer Oaths

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON (b)(3):10 USC

~~SECRET~~

For use of this form, see [GSA FPMR \(41 CFR\) 101-11.6](#) and [GSA FPMR \(41 CFR\) 101-11.7](#).

PRIVACY ACT STATEMENT

AUTHORITY: Title 18 USC Section 3605 Title 5 USC Section 2955; E.O. 9397 dated November 27, 1945; SSN
 PRINCIPAL PURPOSE: To provide information and information regarding the activities of the subject in the past, present and future.
 ROUTINE USES: For use in the past, present and future in addition to the information contained in the subject's file.
 DISCLOSURE: Disclosure of the subject's security number is voluntary.

(b)(2)	Guantanamo Bay Cuba	2. DATE YYYYMMDD 2007/10/09	(b)(1) TIME 3:10:15	(b)(1) 4. FILE NUMBER
--------	---------------------	--------------------------------	------------------------	-----------------------

5. (b)(3):10 USC §130b.(b)(6) (b)(3):10 USC (b)(3):10 USC

(b)(2) Guantanamo Bay, Cuba 19360

9. (b)(3):10 USC
\$130b.(b)(6) _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER :

On 7 Oct 04 at approximately 0010. I was ^{trying to apply} the rearrest on the right hand of of detainee (ISAT (b)(2) [redacted] (b)(2) b2). He swung his left hand at me after spitting at me. I tried holding his head to the bed when he leaned forward, while my right hand when to hold his head back it hit him in the mouth by mistake (b)(2). He continued to spit at me until I left the area. (b)(2)

EX-107 (b)(3) - CON WAKING STATEMENT PAGE 1 OF 2 PAGES

OF 10. TOTAL PAGE MUST BE IN THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998

100-443887-100

~~SECRET~~

STATEMENT OF (b)(3):10 USC §130b,(b)(6)

TAKEN AT 0015

DATED

(b)(3):10

STATEMENT Continued.

(b)(3):10 USC §130b,(b)(6)

AFFIDAVIT

I, (b)(3):10 USC §130b,(b)(6), 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.

(b)(3):10 USC §130b,(b)(6)

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of Oct 04

a: (b)(2) Guantanamo Bay, Cuba 00260

(b)(3):10 USC §130b,(b)(6)

Signature of Person Administering Oath

(b)(3):10 USC §130b,(b)(6)

Signature of Person Administering Oath

Article 136 (b)(4) UCMJ
Authority: To Administer Oath

INITIALS OF PERSON MAKING STATEMENT

(b)(3):10 USC §130b,(b)(6)

PAGE 3, DA FORM 2823, DEC 1998

~~SECRET~~

PAGE 2 OF 2

SECRET

For use of the [redacted] Department Agency in DDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 2610, Title 5 USC Section 2951, E.O. 9357 dated November 22, 1954, 554
PRINCIPAL PURPOSE: To provide [redacted] and [redacted] information [redacted] by [redacted] information [redacted] [redacted]
ROUTINE USES: [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
DISCLOSURE: Disclosure of your social security number is voluntary.

1. (b)(2) [redacted] Guantanamo Bay Cuba 2. DATE YYY/MM/DD (b)(3) 3. TIME (b)(3) 4. FILE NUMBER
2004/007 10 0130 3:1

5. (b)(3):10 USC §130b,(b)(6) (b)(3):10 USC §130b,(b)(6) (b)(3):10 USC §130b,(b)(6)

6. (b)(2) [redacted] Guantanamo Bay, Cuba 09360

9. (b)(3):10 USC §130b,(b)(6) [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

(b)(3) [redacted] On 12/10/04, around 0015, call to the bedside of detainee [redacted] due to the patient bleeding from the mouth. Applied direct pressure to the Area to stop the bleeding. Moderate amount of blood was noted on the detainee, the bed, as well as the floor. Two small lacerations noted on the detainee lip (left side). One small gash noted on the interior of the detainee lip. No loose tooth noted. Instructed MP, involved in occurrence to write sworn statement. Called interpreter to hospital to detail detainee account of the incident. [redacted] [redacted]

Detainee stated that MP punch him in the face as the other MP looked on. End of statement (b)(3):1

10. EXHIBIT [redacted] INITIALS OF PERSON MAKING STATEMENT (b)(3):1

PAGE 1 OF 2 PAGES

11. (b)(3) [redacted] 10

12. (b)(3) [redacted] 10

13. (b)(3) [redacted] 10

14. (b)(3) [redacted] 10

15. (b)(3) [redacted] 10

16. (b)(3) [redacted] 10

17. (b)(3) [redacted] 10

18. (b)(3) [redacted] 10

19. (b)(3) [redacted] 10

20. (b)(3) [redacted] 10

21. (b)(3) [redacted] 10

22. (b)(3) [redacted] 10

23. (b)(3) [redacted] 10

24. (b)(3) [redacted] 10

~~SECRET~~

STATEMENT OF (b)(3):10 USC
§130b, (b)(6)

TAKEN AT

013010

DATED

10/7/04

(b)(3)
10

2. STATEMENT (Continued).

not used

(b)(3)
10
USC

(b)(3):10 USC
§130b, (b)(6)

AFFIDAVIT

I, (b)(3):10 USC §130b, (b)(6), 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.

(b)(3):10 USC
§130b, (b)(6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of OCT 2004

at (b)(2) Guantanamo Bay, Cuba (9360)

(b)(3):10 USC §130b, (b)(6)

OFFICE LOCATION OR ADDRESS

(b)(3):10 USC §130b, (b)(6)

OFFICIAL USE ONLY OF ADDRESS

Article 36 (b)(4), UCMJ
Authority: To Administer Oaths

(b)(3):10 USC
§130b, (b)(6)

PAGE 2 OF 2

~~SECRET~~

~~SECRET~~

SWORN STATEMENT			
For use of this form, see AR 180-45; the agency is (b)(3) PS			
LOCATION (b)(2)	GTMO, APO AB 09360	DATE 07 OCT 04	TIME 1416
FILE NUMBER			
NAME (b)(3):10 USC		SOCIAL SEC (b)(3):10 USC	GRADE/STATUS (b)(3)
ORGANIZATION OR ADDRESS b3, b6			
(b)(3):10 USC §130b, (b)(6)			
I, (b)(3):10 USC §130b, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: AT APPROX. 0005H ON 07 OCT 04 IN THE DETENTION HOSPITAL, THE FOLLOWING INCIDENT TOOK PLACE INVOLVING (b)(3):10 USC AND DETAINEE # (b)(2) (b)(1). RESHACKLED TO THE BED BY (b)(3):10 DETAINEE COMPLAINED THAT THE SOFT RESTRAINT WAS ON THE DETAINEE BECAME VIOLENT WHEN (b)(3):10 DID NOT LOOSEN IT. THE DETAINEE SPAT ON THE SGT, THEN HIT HIM WITH HIS LEFT FIST. I (b)(3):10 USC (b)(3):10 YELLED AT THE INMATE TO STOP. THE SGT WAS OBSERVED STRIKING THE DETAINEE. I MOVED TO THE LEFT SIDE OF THE DETAINEE AND PUSHED HIS HEAD DOWN TO PREVENT FURTHER SPITTING OR HITTING BY THE DETAINEE. TELLING BOTH OF THEM TO STOP IN A LOUD VOICE. I OBSERVED THAT THE DETAINEE WAS BLEEDING PROFUSELY FROM THE MOUTH AND I IMMEDIATELY GOT MEDICAL ASSISTANCE FOR THE DETAINEE (b)(3):10 RESPONDED TO MY CALL FOR MEDICAL ASSISTANCE. BLEEDING STOPPED AFTER (b)(3):10 COMMENCED TREATMENT. DOC WAS NOTIFIED ALONG WITH ARABIC (b)(3) AND SGT (b)(3):10 USC (b)(3):10 A: (b)(3):10 Q: WITH WHICH HAND DID (b)(3) STRIKE THE DETAINEE? A: I'M NOT SURE, IT HAPPENED TOO FAST (b)(3) Q: DID THE DETAINEE STRIKE (b)(3)? A: I SAW THE DETAINEE SWING AT THE SGT. I DON'T KNOW WHERE THE BLOW EXACTLY LANDED (b)(3) Q: DO YOU KNOW IF THE DETAINEE MADE CONTACT WITH (b)(3)? A: I DON'T KNOW (b)(3) Q: DID (b)(3) MAKE ANY COMMENT ABOUT THE DETAINEE BEFORE THE INCIDENT? A: THE SGT MADE A COMMENT ABOUT THE WAY THE MAN PRAYED. A SECOND COMMENT THAT I PAID NO HEED TO AND DON'T REMEMBER (b)(3) Q: IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD TO THIS STATEMENT? A: NOT AT THIS TIME. (b)(3) END OF STATEMENT. //			
EXHIBIT	INITIAL (b)(3): 10	ON MAKING STATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

~~SECRET~~

DOD JUNE

2532

ACLU-RDI 2478 p.9

DOD056348

~~SECRET~~

STATEMENT (Continued)

Not used

(b)(3):
10
USC

(b)(3):
10

AFFIDAVIT

(b)(3):10 USC
I, (b)(3):10 USC, 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.

(b)(3):10 USC
§130b,(b)(6)

(in Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized to administer oaths, this 7 day of OCTOBER, 2004 at (b)(2) GTMO, APO AE 09360

(b)(3):10 USC §130b,(b)(6)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ART 136 (B)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3):
10

PAGE 2 OF 2 PAGES

USAFPC V2.00

~~SECRET~~

~~SECRET~~

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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: JTF-GTMO (b)(2) Guantanamo Bay, Cuba
2. DATE: (b)(3) 7 October 10
3. TIME: (b)(3) 1500
4. FILE NO.
5. NAME (Last, First, MI): (b)(3):10 USC
6. SSN: (b)(3):10
7. GRADE/STATUS: (b)(3):10
8. ORGANIZATION OR ADDRESS: (b)(2) Guantanamo Bay, Cuba APO AE 09360

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator, whose name appears below told me that he/she is with the United States Army JTF-GTMO, (b)(2) and wanted to question me about the following offense(s) of which I am suspected/accused: Assault Article 128 UCMJ

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:

1. 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 criminal trial.
3. For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

For civilians not subject to the UCMJ I have the right 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 can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you had your rights read to you in the last 30 days? ☒ Yes ☐ No

(b)(3):10

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		(b)(3):10 USC	
b. ORGANIZATION OR ADDRESS AND PHONE		\$130b,(b)(6)	
2a. NAME (Type or Print)		(b)(3):10 USC	
b. ORGANIZATION OR ADDRESS AND PHONE		\$130b,(b)(6)	
		5.	
		6. ORGANIZATION OF INVESTIGATOR	
		JTF-GTMO (b)(2)	
		(b)(2)	

Section C. Non-waiver

1. I do not want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT/INTERVIEW REPORT SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3381, NOV 89

~~SECRET~~

USAPA 2.01

SECRET

SWORN STATEMENT			
For use of this form, see AR 190-45; the proper agency is ODCR.			
LOCATION (b)(2) Guantanamo Bay, Cuba	DATE 07OCT03	TIME 1613	FILE NUMBER (b)(3)
LAST NAME FIRST NAME MIDDLE NAME (b)(3):10 USC	SOCIAL SECURITY NUMBER (b)(3):10	GRADE (b)(3):10	
ORGANIZATION OR ADDRESS (b)(2)			
(b)(3):10 USC			
I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 07 October 2004 at approximately 0013, I was applying the [REDACTED] [REDACTED] [REDACTED] At this time the detainee leaped back and swung his left arm at me, I moved away as he was spitting at me hitting me in the face and chest several times. I then attempted to take control of his head by garbing his head and turning away from me. As I tried to take control of his head I hit him in the mouth with my right hand. The situation happened all in about 20 seconds. I know that I moved very quickly when my hand made contact with his face. My instincts took over after the swing and spitting. The contact made to the detainee's mouth is fuzzy in my head and I can not say that at that moment I did or did not intend to strike the detainee based on my emotional state everything happen so fast. I believe that based on the cut to my hand I may have struck him with out realizing. When detainees mouth began bleeding and he continued to spit at me hitting me in the face and chest. I stated to the other MP that we needed to take control of his head in a loud voice. I did not attempt to help the other MP take control of the situation because I didn't want to make things any worst then they already were. I walked away to avoid any further escalation of the situation. The other MP was making statement, statement that I do not recall (b)(1) Q: Do you wish to add anything to this statement A: no (b)(1) /-----End of Statement-----//			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(3):10	PAGE 1 OF 2 PAGES	
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2823, JUL 72

SUPERSEDED

SECRET

WHICH WILL BE USED.

USAPPC V2.00

DOD JUNE

2535

~~SECRET~~

STATEMENT (Continued)

Not used

(b)(3):10

(b)(3):10

(b)(3):10 USC §130b(b)(6)

AFFIDAVIT

I, (b)(3):10 USC §130b(b)(6), 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.

(b)(3):10 USC §130b(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of October, 2004 at (b)(2) Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

(b)(3):10 USC §130b(b)(6)

ing Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ART 136 (b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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PAGE 2 OF 2 PAGES

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