

Statement of (b)(7)(C) given on 9 July 2004:

This is a statement regarding handling of detainees #0528, 0529, and 0530 on 5 July 2004. On the morning of the 5<sup>th</sup> the three detainees were brought to the Detention Facility for processing. After the paperwork was cleared I woke the translator they had brought with them up so he could help us with the in brief. After he gave them the brief, I told them that they could go. They were out of the facility before we got the detainees to the search area. Detention facility personnel in no way mistreated the detainees. It is also our strict policy at the detention facility not to handle any detainees until all paperwork has been cleared. There were at least two other Marines from the capturing unit present when we took charge of the three detainees and during the in brief given by the translator.

This is a statement regarding an incident and the personnel involved in the incident that happened on or about July 4, 2004. (b)(7)(C) and (b)(7)(C) were on duty at the Regimental Detention Facility for RCT-1. It has been alleged that (b)(7)(C) and (b)(7)(C) were committing detainee abuse. As their shift NCO I am the person in charge of and responsible for the actions and conduct that they perform. About 90% of the time I am in direct supervision of all detainee/guard interactions. Anytime I am not there it is for Detention Facility business. I was not a direct witness to the incident, but I did speak with the individuals involved in it after the allegation had been made. (b)(7)(C)

(b)(7)(C) He told me that he had seen (b)(7)(C) abuse a detainee. (b)(7)(C) told me that he was behind "The Jungle" watching (b)(7)(C) and one detainee near the detainee heads. There is about 200 meters between the detainee heads and the jungle. The jungle is a set of buildings on the North side of our compound. (b)(7)(C) said that he saw (b)(7)(C) make a detainee stand up and sit down repeatedly then kick dirt in his face. After I was told this I went and asked the Marine in the tower what had happened. (b)(7)(C) told me that (b)(7)(C) wasn't close enough to kick dirt in his face because he was holding the shotgun, which has a required 15-meter stand off from all detainees. When I spoke with (b)(7)(C) he told me that the detainee did not appear to understand the Arabic commands that were given to him. When he told him (the detainee) to stand up, the detainee stayed sitting.

Enclosure (5)

(b)(7)(C) repeated the command with the same result. (b)(7)(C) then resorted to hand and arm signals. The detainee stood up. Then (b)(7)(C) told him to sit down. Once the detainee sat down, (b)(7)(C) told him to stand up again. The detainee sat there. Using hand and arm signals with the command, the detainee stood. (b)(7)(C) repeated this process four or five times so that the detainee understood the intent of (b)(7)(C) command. We do not always have interpreters on hand to translate for us and this can make the guard to detainee process of communicating difficult. I am not under the belief that (b)(7)(C) was acting under ill intent. I believe that (b)(7)(C) was instructing the detainee using basic commands. The detainee did not understand him so he needed to teach him what needed to be done when the command to stand up was given. It is important for the detainees to know what the guards are communicating to them so that we can control multiple detainee movements at the same time. I am not certain of (b)(7)(C) involvement in all of this. I can only assume that he was also in the vicinity of (b)(7)(C) when the allegation was made. (b)(7)(C) told (b)(7)(C) to stop making detainee's stand up and sit down by yelling at him from the jungle. I think that he may have thought (b)(7)(C) was harassing the detainee. My professional opinion of (b)(7)(C) and (b)(7)(C) is as follows. (b)(7)(C) is a solid young Marine who takes pride in every aspect of his work at the facility. He is constantly adjusting to detainee movements and ensuring that they are properly dispersed. He has taken extra steps to learn additional commands in Arabic to further our communication abilities with the detainee's. I would have absolute confidence to leave (b)(7)(C) in charge of the shift in the event that I would not be there. (b)(7)(C) is always ready to do any task at hand. If I give a set of tasks for the section he will always be one of the first Marines to say, I'll do it. He has a strict adherence to orders and never cuts corners. He handles most tasks with little or no guidance and has great situational awareness when it comes to handling detainees. Both Marine's are highly professional and would never knowingly risk getting in trouble. All work I have observed from them has been more than satisfactory. I think that overall this job can be done by Marines of all ages and ranks. It is the professionalism, maturity, and discipline of the Marines that helps them do well at this job. Rank is only needed by the shift NCO who is ultimately responsible for ensuring the job is done properly.

Enclosure (5)

(b)(7)(C)

(b)(7)(C)

Investigating Officer's Signature

Enclosure (5)