

**ARTICLE 31 RIGHTS**

Name: (b)(7)(C)  
Activity: USMC  
Telephone number: N/A

Rank/Rate: (b)(7)(C)  
Unit: (b)(3) - 10 USC 130b

I understand that the statement I previously gave to N/A is not admissible at a court-martial and cannot be used against me. Regardless of the fact that I have talked about this offense before, I understand that I still have the right to remain silent now.

I have been advised that I may be suspected of the offense(s) of: Prisoner Abuse and that:

(b)(7)(C)

I have the right to remain silent.  
Any statements I do make may be used as evidence against me in trial  
I have the right to consult with lawyer counsel prior to any questioning.  
This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.  
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.  
I have the right to terminate this interview at any time.

**WAIVER OF RIGHTS**

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C)

I expressly desire to waive my right to remain silent.  
I expressly desire to make a statement.  
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.  
I expressly do not desire to have such a lawyer present with me during this interview.  
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b)(7)(C)  
(Witness signature/date)

(b)(7)(C)  
(Member signature/date)

040709

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

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

On or about 3 July 2004, after receiving information that (b)(7)(C) had ordered a detainee in HESCO block A-1 (who were about to go home) to get off their mats and stick their nose in the sand and leave them the day prior. I decided to station myself on the corner of the back holding cells that are under construction, and observe the Marines interaction with the detainees. (b)(7)(C) were the two Marines responsible for escorting the detainees to the toilet. I observed (b)(7)(C) making a detainee do squats and push-ups. The detainee took his right hand and placed it behind his back. The Marine stood over the detainee in a manner to force him to continue the push-ups and squats. (b)(7)(C) took another detainee over to the location behind a tall dirt pile where the incident was occurring. He later left and then returned. I observed the Marine walk over to the detainee, take his boot, and kick dust/sand in the detainee's head four times. I yelled out to him to stop it right now and he did. The detainee was returned to his HESCO cell. I told (b)(7)(C) to go and get his NCO, (b)(7)(C), (b)(7)(C) and for all three of them to meet me (b)(7)(C). Shortly afterwards (b)(7)(C) appeared and said he was informed of what happened and he would rectify the problem. I asked what had he been told that had happened. He stated his men were having the detainees to exercise. When I asked him what else he stated that was all he had been told. I asked him to go back to (b)(7)(C) and (b)(7)(C) and have them tell him the rest of the incident. I later told him and he stated he would place them in the tower away from the detainees. The following day the Marines were working with the detainees. I then informed (b)(7)(C) of the incident. I also told (b)(7)(C) (b)(7)(C).

On or about 3 July 2004 I overheard (b)(7)(C) and (b)(7)(C) discuss how a Marine had ordered detainee #505, (b)(7)(C) to place sand in his mouth and in his jumper uniform.

On or about 27 June 2004 at approximately 0730 I was being assisted by (b)(7)(C) conducting personal hygiene inspections at which time a nail was discovered in a detainee "HESCO". (b)(7)(C) called out to (b)(7)(C) and (b)(7)(C) to inform them of what he had found. He stated to the detainee, "you are in trouble now". (b)(7)(C)

Enclosure (6)

(b)(7)(C), and (b)(7)(C) joined the three Marines, (b)(7)(C), (b)(7)(C), and (b)(7)(C). The detainee was ordered to perform push-ups, bend and squats, move rocks from one location to another, and hold a cinderblock in the air while he ran around the grounds. I left the environment while this was occurring. This was reported to (b)(7)(C) later. This was the last day for (b)(7)(C) and (b)(7)(C) to work at this detention facility. They were being transferred/rotated out. (b)(7)(C) and (b)(7)(C) were remaining behind for another tour.

On or about 27 June 2004 detainee #490 (b)(7)(C) (b)(7)(C) reported that his arms and shoulders were hurting, as I was making my rounds, around 0800. I contacted a translator and marine to have him accompany me to detainee #490's HESCO cell to obtain additional information. When I initially spoke with him he used signs and broken words. The translator reported that detainee #490 stated the Marine Guards had made him do a lot of push-ups while he was tired. The Marines told detainee #490 not to do it again if ordered to do so. I suggested we not have him refuse because he would be disciplined. He was asked to inform someone when this occurs. I informed (b)(7)(C) and (b)(7)(C) on 29 June 2004 at 0030.

On or about 20 June 2004 I observed (b)(7)(C) ordering a detainee to do push-ups behind a tall dirt pile. He was using sign language i.e. 10, 20, 30, 40, 50 etc. I was unsure of the amount of time this had occurred. I soon left the detainee with him. Later that day I informed (b)(7)(C) that one of his Marines was ordering a detainee to perform exercises. He said he would speak to each of them and asked if I knew which one and I said I didn't know, even though I did

(b)(7)(C)

(b)(7)(C)

Enclosure (6)