

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

## SECTION I - APPOINTMENT

Appointed by (Major General David Petracus) Commander, 101st Airborne Division (Air Assault)  
(Appointing authority)

on 20 December 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at DREAR, Mosul, Airfield at 0930  
(Place) (Time)

on 19 December 2003 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1700 on 30 December 2003  
(Time) (Date)  
and completed findings and recommendations at 1700 on 31 December 2003  
(Time) (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO
1. Inclosures (para 3-15, AR 15-6)		
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)		
a. The letter of appointment or a summary of oral appointment data?	X	
b. Copy of notice to respondent, if any? (See item 9, below)		
c. Other correspondence with respondent or counsel, if any?		
d. All other written communications to or from the appointing authority?		
e. Privacy Act Statements (Certificate, if statement provided orally)?		
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	X	
g. Information as to sessions of a formal board not included on page 1 of this report?		
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?		

FOOTNOTES: 1) Explain all negative answers on an attached sheet.

2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

DA FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

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USAPA V1

		YES	NO	N
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	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)?	X		
	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)?			
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
	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?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) 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?			
	(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?			
	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 <input type="checkbox"/> )			
	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)?			
12	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?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	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?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	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)?			
15	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)?			
<b>FOOTNOTES:</b> 1/ Explain all negative answers on an attached sheet. 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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The (investigating officer) (board), having carefully considered the evidence, finds:

This is a summary of the findings. For the complete detailed of findings, see enclosed.

1. [REDACTED] was injured at approximately 0545 hours on 11 December 2003 while he was being detained in the 2nd BCT brigade holding area. He sustained a fractured mandible, or broken lower jaw.
2. Mr. [REDACTED] injury was the result of intentional acts by coalition forces. He claims that he was struck by a US soldier and the US personnel involved claim that he fell, most likely the result of exhaustion from performing exercises. There is no direct evidence that anyone saw the injury take place. [REDACTED] was closest to [REDACTED] when the incident occurred. He claimed in his first statement that he was helping Mr. [REDACTED] get up when he lost his balance and fell. In later statements [REDACTED] recanted this earlier statement and testified that he did not see Mr. [REDACTED] fall. The greater weight of the evidence suggests that [REDACTED] claim is the most plausible. There is no direct evidence to the contrary.

## SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

See enclosed

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VI below, indicate the reason in the space where his signature should appear.)

Ex 6, 3  
232.14

[Redacted Signature] CPT

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (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)

(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 corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Ex 6, 3  
232.14

(DNA)  
DAVID H. PETRAEUS  
MG, USA  
Commanding  
JAN 10 2003

b(6), b(3)

**FACTS:**

1. Detainee [REDACTED] was either struck or fell at about 110530DEC03, and broke his jaw.
2. The BHA was under the supervision of [REDACTED] at this time.
3. There were soldiers from 1/502, 3/327, 2/44, and 311 MI at the BUA at this time, serving as either guards or in other MI roles.
4. The detainees were being systematically and intentionally mistreated (heavy metal music, bullhorn, hit with water bottles, forced to perform repetitive physical exercises until they could not stand, having cold water thrown on them, deprived of sleep, and roughly grabbed off the floor when they could no longer stand).
5. The detainees had sand bags on their heads with "IED" written on them, the infantry soldiers stated they felt this was done to make them angry at the detainees, and it had exactly this effect.
6. The IO could determine if [REDACTED] was hit or simply fell to the ground.
7. The IO could not determine who might have struck [REDACTED] if he was struck.
8. The 3d & 4th Geneva Conventions were violated in regard to the treatment afforded to these detainees.
9. The IO made no recommendation as to potential disciplinary action.
10. All deficiencies at the Strike BHA have been corrected.

**RECOMMENDATION:** That [REDACTED] be issued a GOMOR.

**SYNOPSIS OF WITNESS STATEMENTS:**

[REDACTED] 1/502: We "always harassed the hell out of the detainees." They always told us to "smoke the detainees, but to not physically harm them."

I saw the Chief throw them down, put his knee in his neck and back and grind them into the floor. He would use a bull-horn and yell at them in Arabic and play heavy metal music extremely loud, they got so scared they would urinate on themselves. He was very aggressive and rough with the detainees

We were told to only feed them crackers & water (may have been because of late hour)

[REDACTED] 1/502: They were setting it up to make the infantry guys angry by writing IED on the sand bags over their heads.

[REDACTED] of Guard Detail) 3/327: We would force them to stay awake, by banging on metal doors, playing loud music, screaming at them all night - those were our instructions. We were told to not strike them.

[REDACTED] & [REDACTED] 3/327: Our instructions were to keep them awake, smoke them, yell at them, but to not hurt them.

b(6), b(2)

Ex 13  
C3.2.1.6  
[REDACTED] 2/44: We "hazed" the detainees - we had a lot fall and hurt themselves

Ex 13  
C3.2.1.6  
[REDACTED] 1/502: [REDACTED] had IED on the sandbag over his head, the guards were all over him, screaming at him things like "you like to use IED's motherfucker), and smoking him extra. They were smoking him really hard when I heard him cry in pain (he could have been hit or fell).

Ex 13  
C3.2.1.6  
[REDACTED] 3/327: A lot of detainees had IED written on their bags. I was near [REDACTED] when he fell and I helped him up. Interpreters (ICDC) blew cigarette smoke up their sand bag hoods. They also poured water on them to get them up, after the were exhausted from being smoked.

Ex 13  
C3.2.1.6  
[REDACTED] 3/327: "We were yelling in a bullhorn at the detainees, making them do PT, things like flutter kicks, ups and downs, stuff like that." We knew we were supposed to do these things because MI was already doing this stuff when we got there. He did not say it was part of the SOP. He stated, "we were briefed to keep them awake, do not let them talk, and to not hurt them." I had seen "detainees collapse before because of the intensive physical training."

b(6)

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION 251st Combat Support Hospital	DATE 4 Jan 04	TIME 2000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER Iraqi Citizen	GRADE/STATUS	
ORGANIZATION OR ADDRESS			

Q: [REDACTED] A: [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Tell me, did you give a statement about what happened?

A: Yes, to a Dr. I don't know what his name was, but he was a Mosul Dr. who was in Baghdad.

Q: Tell me what happened.

A: I was studying in the morning because I am a student. It was around 0500. It was a Wednesday. There was a knock at my door so I answered it. American soldiers came in and took me outside and arrested me. They told me they were there for my father. They also arrested my brother and my father. I complained because ~~my~~ father is old and ~~my~~ brother is sick. My brother has many physical problems. My mother was crying.

Q: What happened after the arrest?

A: They put me in a truck, covered my face w/my shirt, took me somewhere and took pictures and then took me to another place.

Q: How long from where they took pictures to where he got out?

A: 15 minutes.

Q: Anyone else in the truck with you?

A: Soldiers, my father, my brother, an interpreter, and that is all.

Q: When they took you to the place after the pictures, what was that like?

A: It was a room where I heard people shouting and crying.

Q: How long were you in that room?

A: 2 days.

Q: Did they tell you why you were arrested?

A: ~~NO~~, they said they came for my father.

Q: When did your father become a LT in the Fedayeen?

A: He is not a CPT, ~~at that time~~ he was a LT but he is not now.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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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.

001170

b(6)

STATEMENT (Continued)

Statement of [REDACTED]

Taken at 21st CSH on 4 Jan 04

Q: How long?

A: He became a member of the army about 5 yrs ago but he is not a member now. He just stays at home.

Q: How old is your father?

A: He was born in 1954 or 1959, I forget.

Q: How old are you? A: 20.

Q: Still in high school?

A: Yes. I failed 3 yrs because I had to work. We are a poor family.

Q: Since the arrest, have you had contact with your father or brother?

A: No.

Q: How did your jaw get broken?

A: A soldier hit me.

Q: How do you know that if you had a bag over your head?

A: Not sure if it was a soldier but someone hit me.

Q: Then what?

A: The soldiers, one soldier, took the bag off my head, gave me water and told me to say I had fallen.

Q: What did he look like?

A: He was white, had a mustache, was handsome, young, had short hair, blonde, was about as high as me (5' 7" ish), not slender.

Q: Did you throw up or anything when they took the bag off your head?

A: No, just blood.

#### 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b(6)

PAGE 2 OF 3 PAGES

USAPPC V2.00



b(6), b(3)

b(6)

STATEMENT (Continued) Statement of [REDACTED] Taken at 21<sup>st</sup> CSH on 4 Jan 04

Q: Tell me what was happening in the room before your jaw broke?

A: At night they were throwing water on us and making us stand and squat. From the night to the next day, from wed. to Thursday, they were beating us. I was hit on Thursday. Then they gave me water but I couldn't really drink any. They then took me to a place for an X-ray. we walked there. Then they brought me back, I sat for a while and told me I was going to Baghdad for surgery. I came here (21<sup>st</sup> CSH) and took another X-Ray, then a helicopter took me to Baghdad.

Q: What was happening one hour before you got hit?

A: They were hitting me.

Q: Where?

A: Stomach, neck, back.

Q: With what?

A: With hands and boots.

Q: Were people talking to you in Arabic?

A: Yes

Q: What did he/they say?

A: One man said that I was crying. He asked me why I was crying like a woman.

Q: Before going to the room for your jaw, had you been taken there before?

A: No. It was the first time.

Q: Anything else?

A: I forgive the soldier who hit me. That is all.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4<sup>th</sup> day of January, 2004 at 21<sup>st</sup> CSH, Mosul Iraq

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

USAPPC V2.00



DEPARTMENT OF THE ARMY  
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ  
MOSUL, IRAQ APO AE 09325

REPLY TO  
ATTENTION OF

AFZB-JA

15 January 2004

MEMORANDUM FOR

ADC(O), 101<sup>st</sup> ABN DIV (AASLT) Mosul, Iraq  
Staff Judge Advocate, 101<sup>st</sup> ABN DIV (AASLT) Mosul, Iraq  
Commander, 311<sup>th</sup> MI BN, 101<sup>st</sup> ABN DIV (AASLT) Mosul, Iraq

SUBJECT: Recommendation concerning [REDACTED]

1. Recommendation. I recommend that no punitive action be taken with respect to [REDACTED] Commander, B Company, 311<sup>th</sup> MI BN, 101<sup>st</sup> ABN DIV (AASLT) as a result of the injury to detainee [REDACTED] that occurred on or about 10 December 2003 in the 2BCT detainee holding area.

2. Background. On the evening of 13 Jan 04 I was appointed by the SJA by direction of the ADC(O) to interview [REDACTED] concerning the incident that occurred on or about 10 Dec 03 resulting in injury to a detainee at the 2BCT holding area. On 14 Jan 04 I advised [REDACTED] of his rights, interviewed him for approximately 3 hours and obtained a sworn statement from him. The rights waiver and sworn statement are attached to this memorandum as enclosures one and two. This memorandum is not a summary of the contents of the sworn statement.

3. The primary purpose of the interview with [REDACTED] was to determine if he failed to exercise the appropriate level of supervision and leadership with respect to the operations of the 2BCT holding area. I conclude that he did. More could have been done, as is the case with any Commander in any position, but [REDACTED] actions satisfied the minimum standards for supervision and leadership given the circumstances in this instance.

4. The AR 15-6 investigating officer, [REDACTED], concluded that [REDACTED] jaw was broken by an intentional act, but was unable to determine the actual injury-causing event. [REDACTED] jaw was broken either as a result of a fall or from a blow administered likely by [REDACTED]

5. [REDACTED] states that he checked on the 2BCT holding area 3-4 times per week and, on average, all of these checks but one per week would be unannounced. He states that he requested that 2BCT provide blankets, heaters, an entrance gate, latrines, running water and a shower and offered to provide a copy of the briefing he gave to Strike 5 and 3 making these requests. He states that when he requested heaters as the cooler weather moved in he was told by either Strike

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AFZB-JA

SUBJECT: Recommendation concerning [REDACTED]

b(6), b(2)

Ex 6  
C3.2.1.6, 3

Ex 6  
C3.2.1.6  
5 or 3 "fuck 'em, they can freeze." [REDACTED] and his soldiers paid for the lighting, wiring, and some other items out of his and their personal funds to attempt to make the holding area meet what they believed to be minimum standards. Since he was attached to 2<sup>nd</sup> BCT, [REDACTED] believed he was required to go to 2BCT for fiscal and logistical support. He had prior experience as a field ordering officer. This briefing was provided after 9 Nov 03 when the BHA moved from a temporary facility to one in which the detainees would be kept overnight and for longer periods.

Ex 6  
C3.2.1.6  
6. [REDACTED] states that he never saw detainees with bags on their heads that had certain offenses listed on them and that he never saw any soldier strike a detainee with any object except, on one occasion, a soldier tapped a detainee on the top of the head with an empty water bottle and told him to "look at me" but the manner in which this was done was not inappropriate. Further, he believed that his 1SG prepared a guard briefing and ensured that all guards were always briefed concerning their obligations and rules relating to the detainees before they were allowed to be a guard. This briefing included a statement that they were not allowed to strike a detainee and that their job was to PT the detainees and keep them moving. This is reflected in most of the statements in the report of investigation. [REDACTED] believed that the detainees were fed three times per day and that they were allowed to sleep between approximately 2300 and 0700 each evening (if interrogated during this time period he stated the detainees would be allowed to rest during the day).

Ex 6  
C3.2.1.6  
7. It is worth noting that [REDACTED] unit was responsible for a number of missions including GSS support to top gun, talon, BSA LLVI, Ears over Mosul, THT19, running source operations, ACT drafting, link diagrams and analysis at Strike Main, two prophets and seven prophet hammers as well as normal supply and administrative operations of a fifty-two soldier company with additional interpreter support. This is not to mention [REDACTED] reading every interrogation report on every detainee processed. Further, it is against doctrine to have interrogators or MI units to operate a BHA, this is an MP function. MI officers and enlisted receive no such training and the first time [REDACTED] had ever even read the Geneva Conventions applicable to prisoners was when he read the interrogation manual on his own initiative.

Ex 6  
C3.2.1.6  
8. This is not to say that [REDACTED] is relieved of his obligation to supervise those soldiers in his charge. He is not. However, if what [REDACTED] states is accurate, the Division and certainly the Brigade (until, notably, just after this incident) utterly failed to provide either logistical or personnel support to operate a proper Brigade Holding Area. Military intelligence assets were used in a fashion they were never trained to do, did not understand, and with neither the logistical or personnel support to perform this rather important mission. This combined with the increased aggressiveness (note seizures based on sole source reporting began in Nov 03) on the part of the Division following a number of CF casualties in November resulted, not surprisingly, in the incident under investigation.

001174

b(6), b(3)

AFZB-JA

SUBJECT: Recommendation concerning [REDACTED]

9. Under the circumstances, the actions of [REDACTED] with respect to the matter under investigation do not warrant punitive or adverse administrative action against him.

10. POC is the undersigned at 581-0710. Ex 6

[REDACTED]

2 Encls

1. DA 3881

2. DA 2823

001175

**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 DMAIN PALACE MOSUL IRAQ	2. DATE 14 JAN 04	3. TIME 1715	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]	

**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 101st ABN DIV AASLT and wanted to question me about the following offense(s) of which I am suspected/accused: dereliction of duty and, generally, supervisory responsibility for detainee abuse

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.  
 Anything I say or do can be used as evidence against me in a criminal trial.  
 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)

**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)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
a. NAME (Type or Print) [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. PRINTED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		6. ORGANIZATION OF INVESTIGATOR [REDACTED]

**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  
 [REDACTED]

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

b(6), b(2)

# 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.

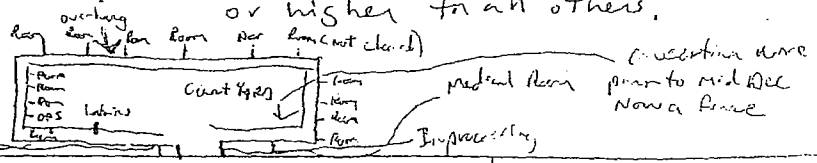
1. LOCATION DMAIN Palace, Mosul, Iraq	2. DATE (YYYYMMDD) 2004/01/14	3. TIME 1715	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS A 0-31 AD	
8. ORGANIZATION OR ADDRESS [REDACTED] BN 101ST ABN DIV AASLT			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

What is your full name: [REDACTED] Held since 1 DEC 03  
What is your duty position and present unit of assignment: [REDACTED]  
How old are you: 30 yrs. Took command in Aug 03. Yes.  
Are you married; do you have children: Yes; No.  
How many years have you been in the military: 7 1/2 yrs.  
Describe your civilian education: B.S. in Pol. Science from Florida State Univ.  
Describe your military education and include all schools you have been to: ABN, AASLT, MIOBC, MIE CPT's Career Course, CAS 3, Maint. Officer Course, Force Pro Level II.  
Tell me what duty positions you have held in the military: Asst S-2, C/JAMMING PLT LDR, BN Maint Off. ACE  
How long have you been deployed here to Iraq -> Since Feb 03: BTL CPT, BN S-2 for SF BN, S-4 for 311th MI, Present Co CDR.  
When else have you been deployed; if you have been deployed before OIF1 describe your duties/responsibilities then: Afghanistan - BN S-2 for SF BN; Kosovo - ACE BTL CPT; Bosnia - Asst S-2, estimated total  
Tell me about your current duty position: Direct support MI company to 2BCT. Here I was deployed = 16. have 52 persons that work for me plus 7 CATZ Linguists. Deployed.  
What are your top responsibilities (top 3, top 5, however you see it) as a Commander - Here "getting all my guys home safely."

Have those always been the same; if not, how have they changed and when - here - No, 2BCT since ~18 DEC 03. [REDACTED] money has been invested in the facility, but since ~9-11 it has become a 24 ops facility as it is now.  
What personnel assigned to you are assigned to the 2BCT holding area -> [REDACTED] Sr Humint Tech, [REDACTED] VCIC 9, [REDACTED] interrogator, [REDACTED] - int, [REDACTED] - 978, and until 1 week ago [REDACTED] 9713, [REDACTED] 9713. They've moved to strike mission. Additionally 2 CATZ Linguists work there under my supervision.  
Describe the jobs of those personnel assigned to you that worked in the Brigade Holding Areas from ~9 Nov - ~18 DEC 03. Sr Humint Tech - in charge of cage and Senior  
What training do each of those personnel receive: interrogator, supervisors & all personnel

When does that occur: [REDACTED]  
What supervision do you provide with respect to each of those positions: 1st line for [REDACTED], second or higher for all others.  
Describe the layout of the 2BCT holding area:  
Is it the same now that it was then: [REDACTED]  
Do you speak Arabic? No.



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

## Highlights of duties

b(6), b(3)

- Sr. Humint Tech + OIC
  - in charge of cage
  - Sr. interrogator
  - supervised all MI personnel
  - suggested ~~≠~~ TIP for interrogations
  - coordinated for all logistics and support to include transport

Note - 97Bs who are counterintelligence we used as interrogators b/c the Division is short of interrogators. But none do interog. by himself unless he has shown he can do but they ~~all~~ interrogators sometimes interpret for them to allow switching of interrogati. Sometimes the 97Bs need the CAT II linguists after briefing the WO1 on how the interog. will be conducted.

- writes SIFs and edits and reviews the interrogator reports
- 97Bs - are used as interrogators now.
- The NCOIC who is ~~off~~ 97B does no interrogations handles logistics under direction of [redacted] or [redacted]

946

3.2.1.6

- [redacted] - 97B did day-shift Database mgt and this means detainee inprocessing ~~and~~
- [redacted] did Document Exploitation. This is where he us a CAT II linguist (~~also~~ tagged all property and wpns, render and ammo secure) to review all documents since he sp no Arabic nor reads it.
- The interrogators - [redacted] + [redacted] both speak Arabic - assist

→ Note 2 96R worked in the ZBCT HA from Nov to 15 DEC and their main function was to help [redacted] account for property.

inprocessing, conduct interog. and assist in DOCEX, produce and assist in managing the data

- [redacted] helps in interrogations, inprocessing and outprocessing, driving and logistics!

Interpreters - interpret for snafus, ~~not~~ for 97Bs used as interog. and interrogators when detainee claims they can't understand.

also  
red with cage

3 - serviced generators

ed detainees that were moving out of the cage, removed the infantry guys and explained to them the process

001178

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 14 JAN 04

9. STATEMENT (Continued)

Why or why not do you think the improvements were made ~ 17-18 DEC 03 - because of the guy getting his jaw broken and because of [REDACTED] recommendation.

Tell me more about the limits of physical discomfort used as part of the interrogation process. During an interrogation the use of are not placed in discomfort.

What role does physical discomfort play in obtaining information from a detainee/interrogee while at the holding area or not during interrogation? "If makes them tired and when you're tired you slip up."

How does that work -> If you have something to hide and you're tired it is easier to be caught.

Is it fair to say that administering punishment and rewards to detainees who are being interrogated is part of the process used in the 2BCT holding area to obtain information from them. Overall an interrogator would not direct a guard to

PT a guy who was being a pain in the ass more than other detainees, but it may have rarely occurred. Give me examples of both punishment and rewards that can be provided detainees in an effort to obtain information from them.

Cigarette vs. no cigarette; Reward - not put in general population there fire no PT, no guards.

Are there hard and fast rules about how far you can go either way - with punishment or rewards.

Who set the limits on the amount of PT that the guards make the detainees do?

Why "I'd say it would be chief b/c he was out there more than I was."

What are they? What PT guidance did you tell the guards - "use stand up / sit down

Tell me about the SOP? 9-11 Nov Chief made an SOP all the guards signed.

Describe them. Did the guards change? Yes all guards were briefed 2x by my 1SG and I think all, including the ones for Reindeer Games signed off.

If a little discomfort is useful in obtaining information, why not apply more discomfort even to the point of what we'd call torture?

Tell me why or why not -

Is it ever okay to strike detainees with water bottles? "To strike, no." What about to threaten to strike them with a water bottle? I don't think so, but don't know for sure. Not know if a When and how far can you go? physical threat with water bottle is permitted, but not think so.

Is it ever okay to scream at them with a bullhorn or loud speaker? Sure, with 70 people in a cage hear the detainees are they going to hear you. So scare or communicate? Both.

When and describe how far you can go.

What about sleep deprivation. Sleep deprivation is keeping someone up more than 24 hours straight. This not used because they're allowed to sleep 6 or 24 hours. What if they're

How long can you force someone awake in an effort to obtain information detainees at 2300? Once in

What about food deprivation - Not used, 3 meals a day since full time in Nov 03. case there on a set schedule. The sleep time begin at 2300 and ends at 0700 but I need to look it up give or take an hr.

What about physical exercise? So if a guy says I not eat 2 days? He must have

What about combinations of the above? If you wake them up during that time they get sleep during the day.

Could you put an unloaded weapon to an interrogator's head and threaten to kill him if he doesn't provide information?

Threatening someone with a pistol - is that allowed to obtain information.

Is that in any way against the rules? - Yes Even if unloaded - Yes "correct"

If so, which rules -> The rules of human nature. Unwritten rules of detention facilities.

Why "Just not something you do." Ever read the Geneva Conventions or the Torture

You do not point a weapon at someone unless you're a prisoner - Excerpts in the interrogation manual

What is your personal opinion about the limits on physical pain that can be imposed on an interrogee during the interrogation process Not useful. Think it is proven that torture does not work.

Do you reduce the amounts of discomfort administered for each technique if you use the above discomfort methods in combinations.

If so, why -

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES



out in front of ~~the~~ them. What distinguished the water bottle exercise from a stress position? ~~Could be considered~~ stress positions, but not what was used at ~~the time~~ 54

- You mentioned stress positions. What is that and how is it used?
- They are not used, but it is placing a person in a position that causes them ~~to~~ physical discomfort.
- Is that used by any of your personnel on detainees from the time they arrive at the BHA until they leave? No. They are made to do PT. If you consider that stressful, okay, but stress positions are not used unless you consider the position they're placed in to be searched to be a stress position.
- How is PT used? It is used ~~to~~ when detainees are in the Main Holding Room / General Population by the Guards. This ended when the guy got his jaw broken. I told everyone "no more PT."
- Who had told the guards to make the detainees to perform PT when in general population? "Myself and Chief."
- This was pre ~18 Dec? Correct. Roughly that time.
- What was the purpose of doing PT? To make them concentrate on things other than their story, to make it uncomfortable for them. We wanted to take advantage of the shock of capture. To continue their nervousness we did not want it to be a nice, peaceful place. The detainee will want to get out of the environment they're in and the unwillingness to talk to us is reduced.
- The purpose of the PT is to prevent them from relaxing.
- You trained to use PT on interogee pre interogation ~~as~~ in any training you received from the military? No but when I was a Lieutenant I went thru 1st ~~AB~~ ID's SEER school and that is what they did.
- As an MI officer training you've rec'd <sup>taught</sup> ~~taught~~ you anything about interrogations? No.
- The first interrogation I ever saw was around July 2003.

b(6), b(3)

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 14 JAN 04

9. STATEMENT (Continued)

When detainees are waiting to be screened or interrogated at the 2BCT HIA who supervises or monitors them - in general population  
The guards tasked from B 3/4 ADA. What about Op Reindeer Games - same unit until  
How many detainees normally are waiting to be interviewed at a time we had 100+ people and HHC 3/327 1/302  
Since 9 Nov 03 - from 40-70.  
Was the volume of detainees in the 2BCT HIA higher on the night of 10 Dec and morning of 11 Dec higher than normal due to  
Operation Reindeer Games Yes.

What training do the non-interrogator guards receive before they begin guarding detainees in the BHA - The briefing - the  
one they're supposed to sign. Did you ever see the written "rules" by 10 DEC  
What training did they receive on 10 Dec 03 "Correct yes I did." Did the rules change off

What, if anything has changed 10 DEC 03. Yes the rules changed because  
eliminated PT.

Who conducts that training; now versus then -> There is no training any more of guards since it is the  
same guards. Any refresher

What is the current SOP for the non-interrogator supervisors/guards  
When did MP's take over - around 18 DEC 03.  
What was the SOP on 10 Dec 03 training? No.

What changes, if any, have been made to the procedures for guarding or interrogating detainees who are in the 2BCT BHA since  
10 Dec 03 and today. I am not in charge of the cage any more.

Who suggested those changes The PMO as far as I know.

Who implemented those changes 503rd MP Bn and my guys that work out at the killing room

How did [REDACTED] jaw get broken I don't know.

Who is responsible for his jaw being broken I do not. What do you think happened? Intimidating  
guys say he fell. He says he was hit. Which do you think is

Do you believe there was anything you should have done to prevent the broken jaw incident from having occurred more likely.

Are you aware of any detainees dying or receiving fractures while in the custody of 101st soldiers

If so, describe what you know -

Why did [REDACTED] have a bag over his head that said "IED" on it I don't know. Not  
know he had one that said IED on it

What was the purpose of having bags with certain offenses written on them on the heads of detainees pre-interrogation

I do not know that. I think w/ 70-100 people I guess it was for identification for guards  
What relationship did the offense on the bag have to the person on whom the bag was placed. I never told anyone to  
write offenses on bags and don't know anyone who did.

What effect do you think the offense information had on the guards who were watching the detainees

Not think it would have any effect. That's what I think.

Do you think it was a good idea to write offense information on the bags and place them on the heads of people who were not  
even necessarily suspected of having committed that offense - were detainees? No.

Did you know that was going on back on 10-11 Dec 03 - No, I did not.

Why not aware of that? Because I didn't see it.

Were any of the detainees apprehended and taken to the 2BCT HA hit with water bottles as far as you know. I know I  
saw a guard tap him on the head with an empty water bottle and say "look at me."  
When did you become aware of the detainees being hit with water bottles with water in them?

I've been told that since 11 DEC 03.

What efforts did you take to ensure misconduct by the guards and interrogators did not take place Tell them the rules  
and tell them no physical harm. I was out there 3-4 x's / week for from 1 hour to 12 hours.  
What would you do differently now, if anything, if you knew what you know now back on 10 Dec 03

I would have made it more of a prison setting. No PT, just sit there and don't talk.

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 14 JAN 04

9. STATEMENT (Continued)

Who are the persons responsible for ensuring the infantrymen guarding the detainees pre-interrogation know what the rules are for detainee treatment during Op Reindeer Games - 1SG - [REDACTED] Mark

Anyone else

~~2nd WO1 Coppedge~~  
I talked to them and two Specialists to assist and make sure guards signed paperwork.

Describe to me what Conventions, Orders, Rules, SOPs or other guidance or directives you consider authoritative when it comes to the processing, interrogation, and detention of detainees picked up in an operation such as Reindeer Games

Who do you believe is responsible for Salah Salih Jassim entering the 2BCT HA without a broken jaw and then leaving with a broken jaw 1st -> The guards 2nd [REDACTED] and myself.

What responsibility do you bear w/rt this guy getting his jaw broke? Looky back on it now I think I should have eliminated the P.T.

Anyone else

If he was hit intentionally could you have done anything to prevent this - NO. I hope he

What else do you think it is important for me to know about this event - the 10-11 Dec detention of Salah Salih Jassim. did not do it intentionally.

Even drop in unannounced - no prior warning? Of 3-4 x's per week I would announce maybe 1x.

I told the Brigade XO when the cage went full time that the max capacity was 30. Not until OP R. Games did they send more guards and I asked that the BTL CPT and Strike 3 himself 3 times at least I asked for blankets, heaters, gate, latrines, running water, a shower. I can provide a copy of the briefing. I also asked for MPs to help guard and to keep track of property. Of all that. I got blankets from my Battalion. When I asked for heaters when it got cold Strike 5 and 3 said "fuck 'em. They can freeze." Most, if not all of what was obtained was done by "my guys." All power, lights, wiring done by my soldier with my money - my personal money - since attached to BDE there was no FOD for me because BDE was my first level. And not the priority.

What other ops you ran? - BSS support to 100600, Talon, BSA

HVI to separate mission plus Ears over Mosul, THH 19 running, source ops, Act dir, link diagrams and analysis at Strike main, 2x prophets and 4x Prophet Hammer, then normal supply, and personnel (admission) ops.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 5 PAGES

b(6), b(7)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 14 JAN 04

9. STATEMENT (Continued)

Anything else you'd like to add?

We got backed up b/c it was a requirement that an SIR must be done b4 release, DCEP, a IZ Police. Unless an SIR was done they were not allowed to move. I told BDE from day one I couldn't hold more than 30 people in that cage. I was told to interrogate faster.

How would more guards help with interrogation rate? There would have to be more guys to do the multiple logistical coordination that have to be done every time a detainee has some kind of problem like being sick instead of pulling an interrogator the entire time or a linguist to help the coordination. Now all my guys do is interrogate and this is the way it should be done.

Did you do anything to [REDACTED] after this incident with the broken jaw? I orally counselled him. What did he say?

Not used.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JAN 04 at [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

10 USC 1044g  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

6/10  
What he specifically said I do not remember, but he agreed with me that we should have made the hold, and (once it became permanent) more like a prison setting, we should not have focused on the shock of capture, and as the Hurnut tech he gave me bad advice.

001184

116

The following is an exact transcription of the statement of [REDACTED]

By the Name of God, the Most Merciful and Gracious,

My name is [REDACTED] a student in high school. On Wednesday 10/12/2003, me and my family were sleeping at home when we heard a knocking at door. Then, soldiers from coalition forces entered the house and commenced searching our house. (It was 5 in the morning). After that, they tied my brother and father and my hands and took us to their quarters. There, they put bags on our heads and took us to a room which contains a vocal device (so big recorders) and rised its voice so loudly and started torturing us with many kinds of torture like stand and sit down, pour cold water on our bodies at night and beat us during the day and didn't give us food and even water except one time for two days. (The period of our torture).

During the time of torture, the bag was on my head, when one of the soldiers drew me till I came near the wall, then he kicked me a very strong kick on my face even my teeth were broken. Also my down jaw brake (several fractures). After I are injured, they took me to another room and told me to say that I've fallen down and no one beated me. Then, they transferred me from Mosul to Baghdad without treatment of my wounds.

Now, for eight day, I am in the hospital for remedy. I am from a poor family. I have two brothers, one is a child and the other is 25 years old, but he is very sick. He suffers from three disease that are kidney, stoniach, and windpipe. He is incapable to work. I also have 5 sisters. I used to work as a carrier of pebbles and sand after my duration in school. My father is an old man. The coalition forces took him with my brother and I don't know where are they, or in which detailion they are. I hope to release so I can go to my school because it's my last year in high school. Also, to work and help survive my family (my mother and sisters).

Be so kind to review my case

[REDACTED]  
18/12/2003



HEADQUARTERS  
DEPARTMENT OF THE ARMY  
51 AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL  
FORT CAMPBELL, KENTUCKY 42223-5000

REPLY TO  
ATTENTION OF

AFZB-CG

SEP 16 2004

MEMORANDUM FOR RECORD

SUBJECT: Courts-Martial Panel Adoption

1. I hereby adopt the present courts-martial panels convened by Court-Martial Convening Order Number 1 (General) and Court-Martial Convening Order Number 2 (Special); and the process by which alternates are detailed as set forth by Major General (Petraeus) on 13 April 2004 and 16 April 2004.

2. I have made these decisions based on the criteria set forth in Article 25, Uniform Code of Military Justice (UCMJ). Specifically, I considered the adopted members best qualified to serve as court members by reason of age, education, training, experience, length of service; and judicial temperament.

EX 6  
C3.2.1.6

  
MICHAEL L. GATES  
Brigadier General, USA  
Commanding

APPELLATE EXHIBIT I

b(6) A-2

By the name of God, The most merciful and gracious.

Enam My name is [REDACTED] a student in high school. On Mon. Wednesday 18/12/2003 me and my family were sleeping at home when we heard a knocking at door. Then, soldiers from Coalition Forces entered the house and commenced searching our house (It was 6 in the morning). After that, they tied my brother and father and my hands and took us to their quarters. There, they put bags on our heads and took us to a room which contains a vocal device (a recorder) and raised his voice so loudly and started torturing us with many kinds of torture like stand and sit down, Pour cold water on our bodies at night and beat us ~~more~~ during the day and didn't give us food and even water except one time for two days. (The period of our torture)

During the time of torture, the bag was on my head, when ~~one~~ one of the soldiers drew me till I came near the wall, then he kicked me a very strong kick on my face even my teeth were broken ~~and~~. Also, my down jaw broke (several fractures). After I was injured, they took me to another room and told me to say that 'I've fallen down and no one beat me'. Then, they transferred me from Mosul to Baghdad without treatment of my wounds.

Now, for eight days, ~~from Wednesday~~ I am in the hospital for treatment (remedy). I am from a poor family, I have two brothers, one is a child and the other is 25 years old, but he is very sick, He suffers from three diseases that are: Kidney, Stomach and wind pipe. He is incapable to work. I also have 5 sisters. I used to work as a carrier of pebbles and sand after my graduation in school. My father is an old man. The coalition forces took him with my brother and I don't know where are they, or in which detention they are. I hope to release so I can go to my school because it's my last year in high school. Also to work and help or survive my family (My mother and sisters)

Be so kind to ~~now~~ review my case

[REDACTED]  
18/12/2003



b(6)

A-4

Target Name	Status of Target	Target#	Targeting Packet	CAPTAG#	Detaining Unit
[REDACTED]	Detained	W6	N	672822	WQ
[REDACTED]	additional	W6A	N	672751	WQ
[REDACTED]	additional	W6B	N	672753	WQ

Feedback/Comments	DTG In	Recommend	Result	DTG Out	SIR
	100730LDEC03	CORPS	CORPS	100930LDEC03	
	100730LDEC03				
Broken jaw	100730LDEC03	DCCP		11LDEC03	

Operation T80

Target Name	Status of Target	Additional	Target #	Tag #	BHA Status	Feedback/Comments	DTG In	Recommend	Result	DTG Out	SIR	SIR Sent	Equipment Confiscated
[REDACTED]	[REDACTED]	0	T1			[REDACTED]							
[REDACTED]	[REDACTED]	1	T2			Killed during detention							
[REDACTED]	Detained	4	T3	672999		At Corps							
[REDACTED]	Detained		T3a			At Corps							
[REDACTED]	Detained		T3b			At Corps							
[REDACTED]	Detained		T3c			At Corps							
[REDACTED]	Detained		T3d			At Corps							
[REDACTED]	Detained	2	T4	671598		At Corps; Locals led to target							
[REDACTED]	Detained	1	T5			Locals led to target							
[REDACTED]	[REDACTED]	1	F1										
[REDACTED]	Detained	2	F2	672830		At Corps							
[REDACTED]	[REDACTED]	1	F3										
[REDACTED]	Detained	0	F4	671514									
[REDACTED]	[REDACTED]	3	W1										
[REDACTED]	Detained	0	W2	671544		At Corps							
[REDACTED]	Detained	3	W3	671545		At Corps							
[REDACTED]	[REDACTED]	0	W4										
[REDACTED]	Detained	0	W5	672818		At Corps							
[REDACTED]	Detained	0	W6	672822		At Corps							
[REDACTED]	Detained	1	W7	671548		At Corps; Possible Imam							
[REDACTED]	Detained	0	W8	672821		At Corps							
[REDACTED]	[REDACTED]	0	W9										
[REDACTED]	Detained	0	W10	672791		At Corps							
[REDACTED]	Detained	3	W11	672789		At Corps							
[REDACTED]	Detained	4	W12	672825		At Corps							
[REDACTED]	Detained		W12a			At Corps							
[REDACTED]	Detained		W12b			At Corps							
[REDACTED]	Detained		W12c			At Corps							
[REDACTED]	Detained		W12d			At Corps							
[REDACTED]	[REDACTED]	0	W13										
[REDACTED]	[REDACTED]	0	W14										Computer
[REDACTED]	Detained	0	W15	671546		At Corps							
[REDACTED]	Detained	0	W16	672829		At Corps							
[REDACTED]	Detained	2	B1	672827		At Corps							
[REDACTED]	Detained	5	B2	672820		At Corps							
[REDACTED]	[REDACTED]	0	B3										
[REDACTED]	[REDACTED]	0	B4										
[REDACTED]	[REDACTED]	0	B5										
[REDACTED]	[REDACTED]	0	B6										
[REDACTED]	Detained	2	B7	672819		At Corps							
[REDACTED]	Detained	0	B8	672826		At Corps							
[REDACTED]	Detained	2	B9	672754		At Corps							

2<sup>nd</sup> BCT Detenances  
Roster for 11 Dec

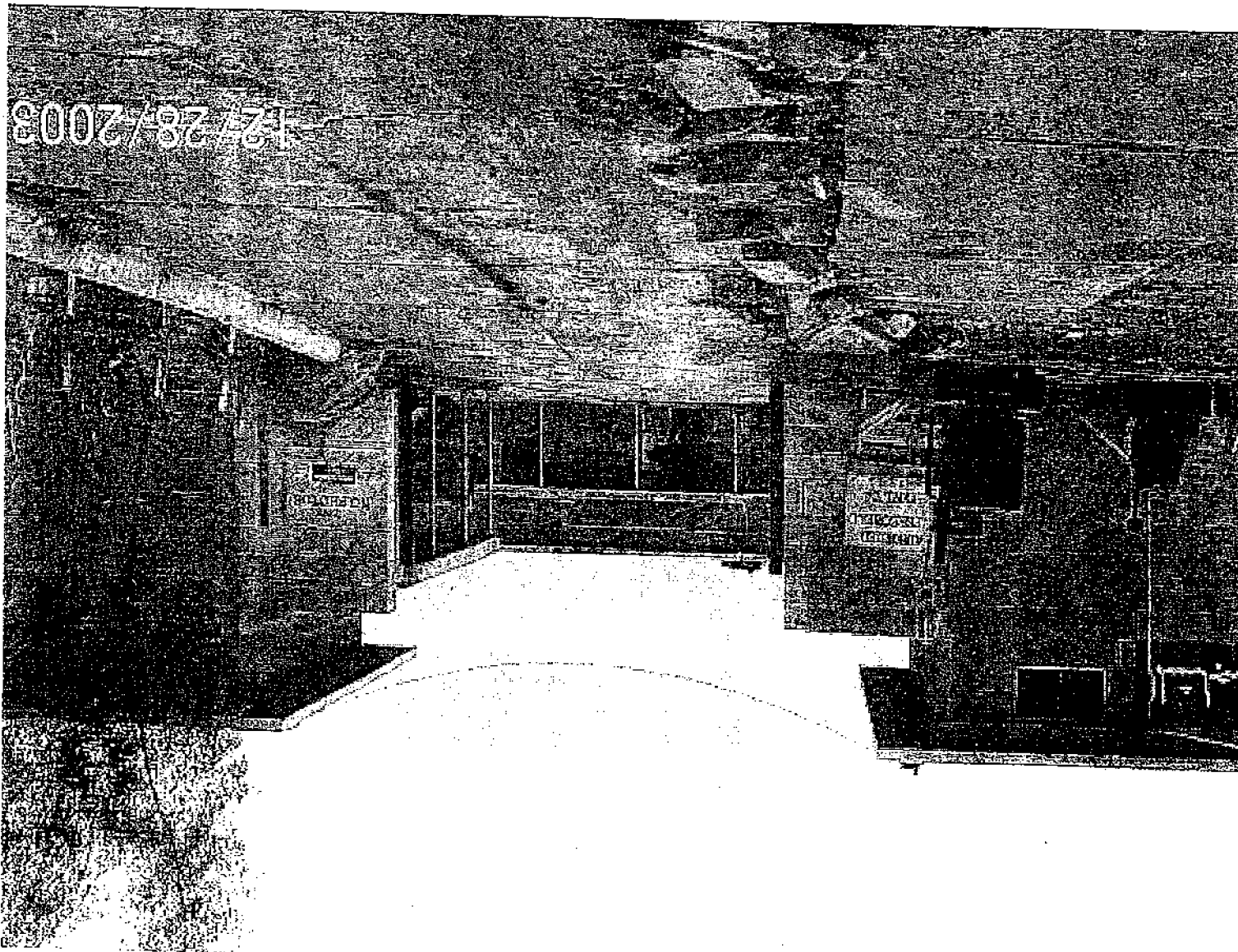
001190

No indication of  
being detained [REDACTED]

(9)9

A-4

001191

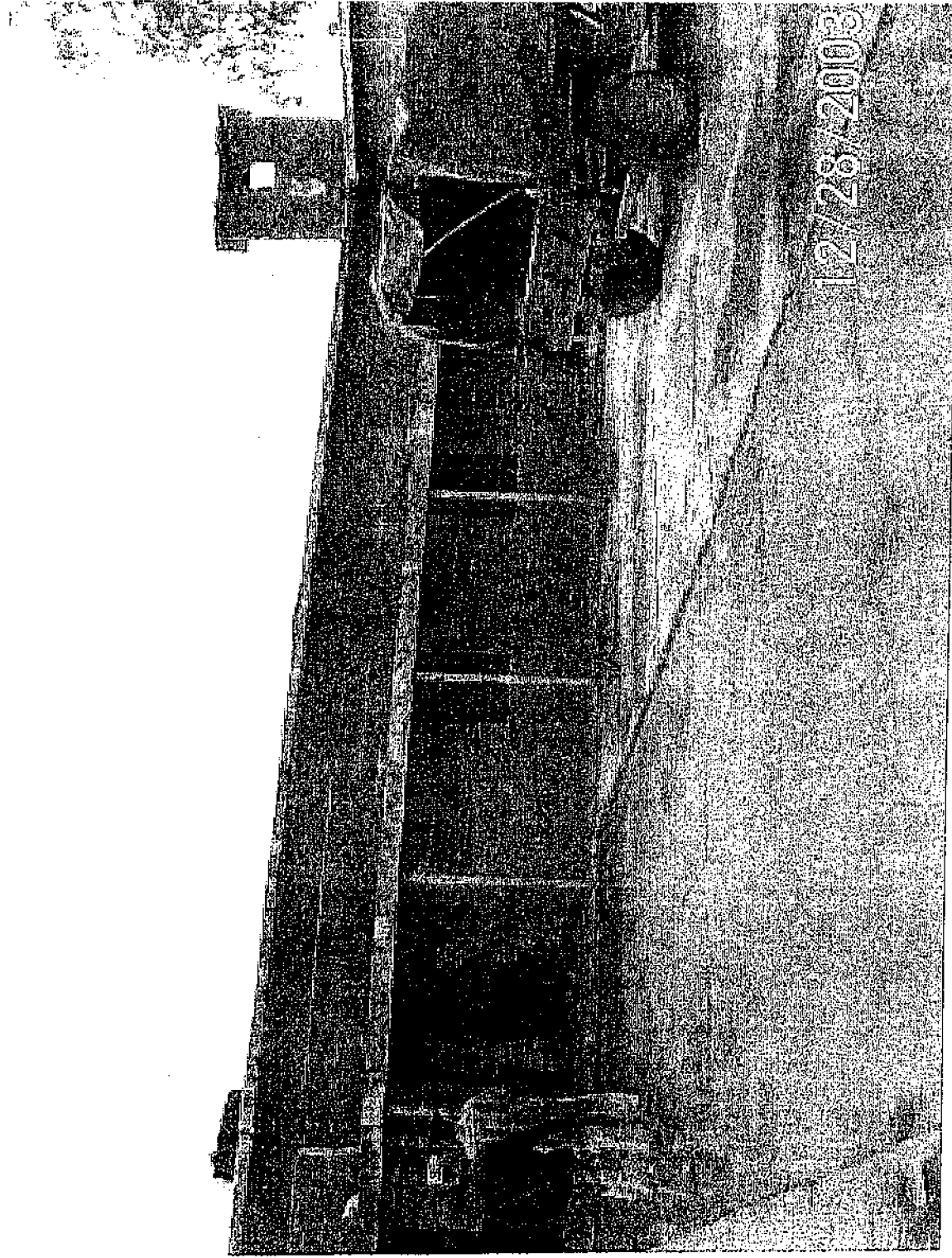


Entrance to the BHIA

1-1

Looking across the courtyard  
to the main detention room

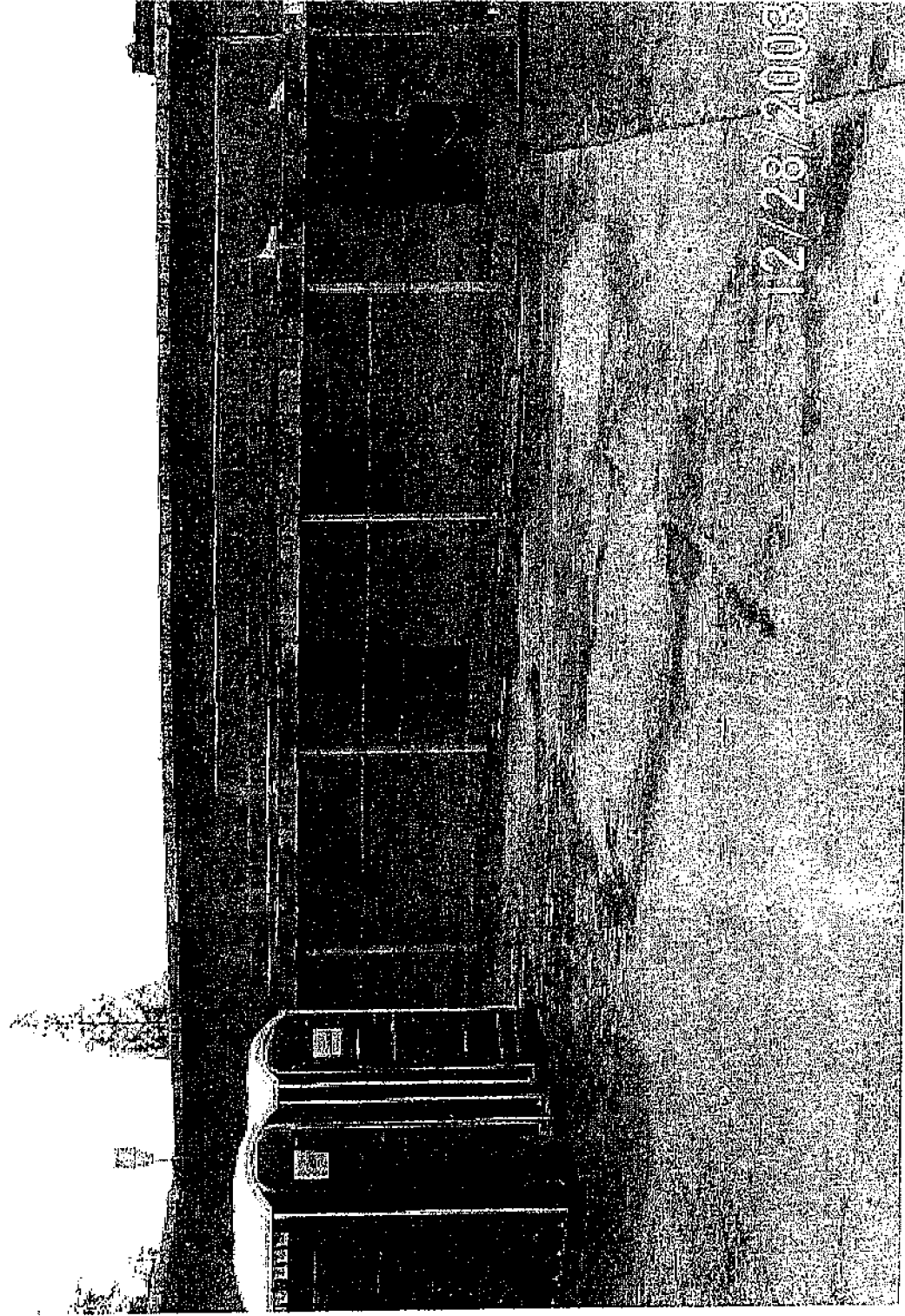
B-2



1192-  
001102

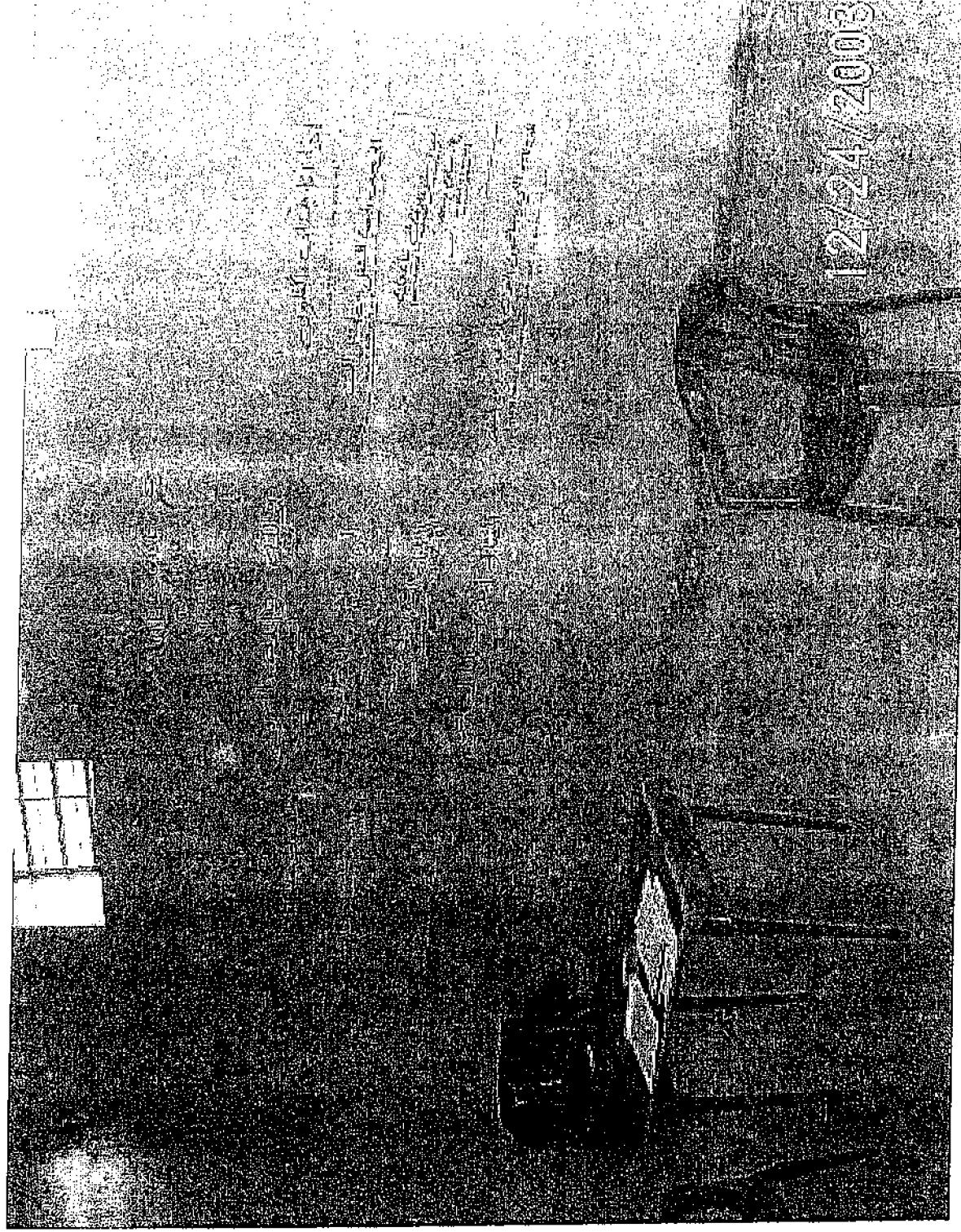
Looking to the left of the  
main detention room, approaching  
from across the courtyard

B-3



001193

Investigation Room  
with typical and most common  
response to questions within  
a the wide in Arabic

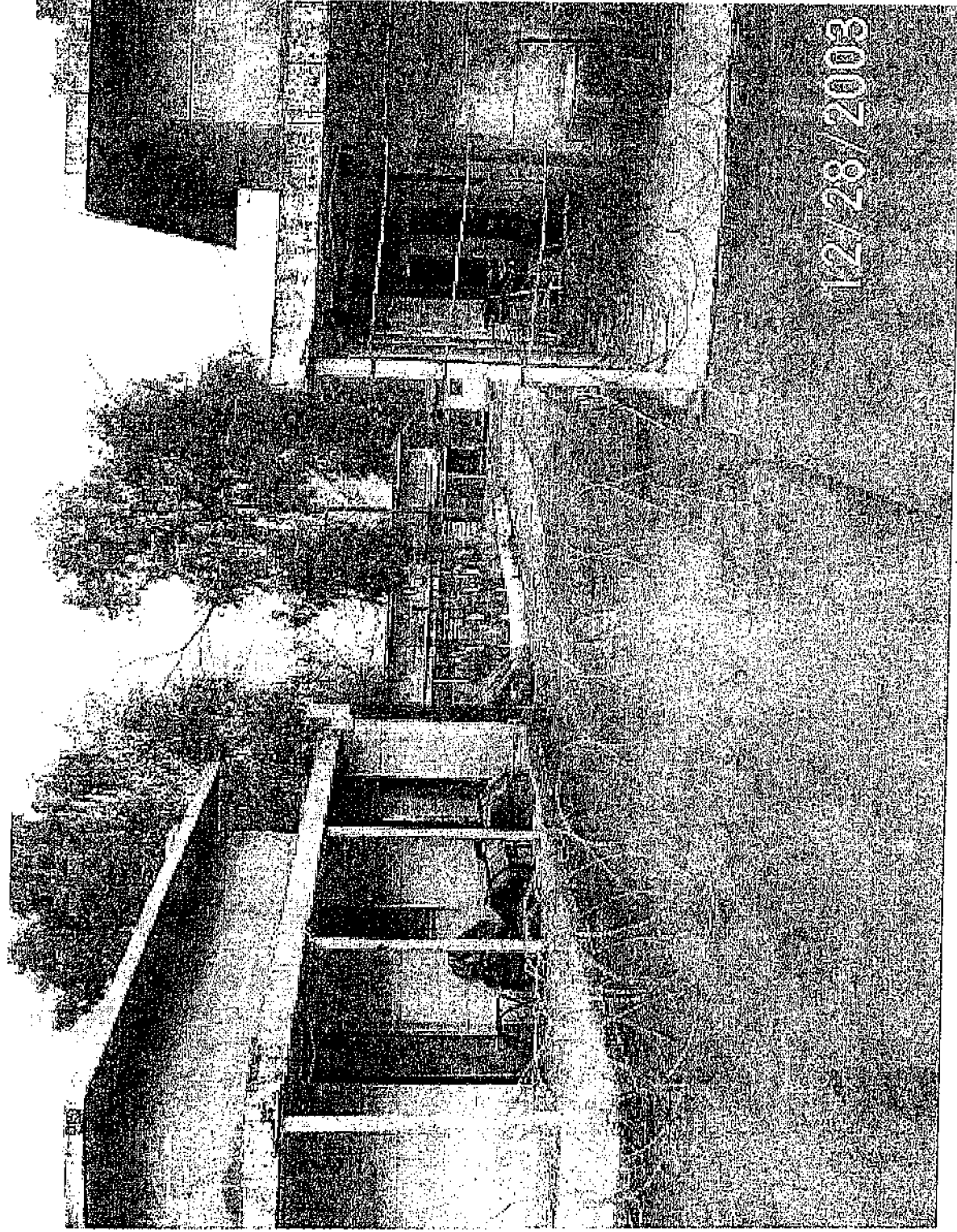


001194



Exiting the CHA  
In-processing room is just to the  
left, out of sight

6-8



001195





DEPARTMENT OF THE ARMY  
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ  
MOSUL, IRAQ APO AE 09325

b(6), b(2)

REPLY TO  
ATTENTION OF

AFZB-CG

20 December 2003

846  
3216  
MEMORANDUM FOR [REDACTED] HHC, 101<sup>st</sup> ABN DIV (AASLT)

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are appointed to conduct an informal investigation of the following incident: On or about 10 December 2003, [REDACTED] an Iraqi national, claims he was struck in the face by a soldier from the 101<sup>st</sup> ABN DIV (AASLT). [REDACTED] was being detained in the 2BCT detention facility at the time of the incident.
2. You will make specific findings of fact regarding the following matters:
  - a. Was [REDACTED] injured?
  - b. If he was injured, did it occur as the result of an accident or the intentional acts of Coalition Forces?
  - c. What were the events leading up to the incident?
  - d. Was there evidence of any misconduct on the part of Coalition Forces?
  - e. What were [REDACTED] actions while he was detained?
  - f. What is the SOP at 2BCT for processing detainees?
  - g. Was the SOP followed during [REDACTED] detainment (approximately 10 to 12 December 2003)?
  - h. Did the failure to follow any policies or procedures contribute to the alleged incident?
3. You will make recommendations, based on your findings, for any changes in the current policies and procedures. You will obtain and preserve all available evidence for future reference as necessary.
4. You will conduct your investigation using the informal procedures of Chapter 4, AR 15-6. You may consult with subject matter experts as you deem appropriate. All witness statements, if feasible, will be sworn. If, during the course of your investigation, you determine that it is

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AFZB-CG


SUBJECT: Appointment as AR 15-6 Investigating Officer

b(6), b(3)

relevant and necessary to inquire into the conduct of an individual senior in rank to you, you will report this matter to me through the Staff Judge Advocate and obtain direction from me before proceeding with your investigation.

5. You should consult [REDACTED] or [REDACTED] SJA, DNV 581-0975, prior to beginning your investigation and for any legal advice you may need during the course of this investigation. Ex 6

6. You will submit your report using a DA Form 1574 to SJA personnel at the DMAIN or DREAR for legal review NLT 31 December 2003. Requests for extension of this suspense will be submitted to me through the Staff Judge Advocate at the DMAIN.

()  
DAVID H. PETRAEUS  
Major General, USA  
Commanding

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b(6)

DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
MOSUL, IRAQ APO AE 09325

REPLY TO  
ATTENTION OF:

AFZB-JA-CAL

31 December 2003

MEMORANDUM FOR RECORD

SUBJECT: AR15-6 Investigation Into the Broken Jaw Injury of [REDACTED]

1. On 19 December 2003, at 0900 hours I was notified that I would soon be appointed as the investigating officer in an AR15-6 investigation into the broken jaw injury of a detainee named [REDACTED] detainee #0672753, to determine the cause of his injury while in the custody of the 2<sup>nd</sup> BCT holding facility. My instructions were to determine if the injury was the result of intentional acts by coalition forces and to develop all the factors surrounding the injury.

2. The exact cause of the broken jaw injury to [REDACTED] is blunt trauma to his lower mandible. How exactly he sustained this blunt trauma is uncertain. Two explanations that have been offered by the parties involved are that he either fell directly onto his face while trying to get up, or he was struck by a US soldier while he was bent over, see Findings for a complete discussion.

3. What factors contributed to his injury?

A. Safety of the detainees was not a priority.

1. [REDACTED] was harassed and exercised without stopping for at least three hours, while he was flex-cuffed and while he had a sand bag over his head.

2. The guards who were on duty were infantry enlisted personnel that were either told to keep the prisoners awake, silent, and moving, or were not given any guidance at all and just followed the lead of the guards they were joining or replacing.

3. All the guards on duty at the brigade holding area (BHA) were yelling at the detainees and were making them do flutter kicks and knee benders.

4. Some BHA personnel were striking the detainees with water bottles.

5. There is evidence that suggests the 311th MI personnel and/or translators engaged in physical torture of the detainees.

b(6)

B. The atmosphere in the detainee holding room was tense, emotional, and encouraged the guards to engage in abusive, out of control behavior.

1. The guards who were guarding the detainees in the holding room were not properly briefed or properly trained on handling detainees, and were shown abusive behavior toward the detainees by the MI personnel and the interpreters.

2. The noise level was tremendous. A stereo with approximately three-foot floor speakers was blasting music. The guards were encouraged to yell at the detainees and they beat against metal doors and probably empty ammunition cans.

3. The detainees had sand bags over their heads that were marked with different crimes, leading the guards to believe that the particular detainee committed that particular crime. [REDACTED] bag was labeled "IED", a particularly hated crime by infantry soldiers patrolling the streets.

4. The MI personnel were abusive to the detainees and these personnel set the example for the inexperienced guards.

C. There were not enough US personnel on duty.

1. There were too few personnel on duty from 311<sup>th</sup> MI when the detainees arrived, resulting in [REDACTED] not being interrogated prior to the incident.

2. [REDACTED] was one of approximately seventy detainees brought in that night as a result of Operation Reindeer Games. If he had been interrogated it would have been determined that he was not the target and should have been released after questioning.

3. Many of the guards made statements to the effect that they did not know what the other guards in the room were doing or where they were when the incident occurred. More guards would have allowed the guards to supervise each other.

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Chronological History of the Investigation Into the Broken Jaw Incident of [REDACTED]

19 December 2003

EX 6  
03.2.1.6  
At approximately 0900 hours [REDACTED] of OSJA informed me that I was to be appointed as an AR 15-6 investigating officer involving an incident that occurred in the 2<sup>nd</sup> BCT holding area. I first contacted 2<sup>nd</sup> BCT trial counsel [REDACTED] to get a brief synopsis of what had occurred. I was informed that a commander's inquiry had already been completed and that a brigade 15-6 investigation was underway. I was told that the point of contact for the brigade 15-6 was [REDACTED] of 327<sup>th</sup> infantry regiment. I attempted to contact [REDACTED] but was unable to reach him by DNV. I telephone the DMAIN in an attempt to get a signed appointment memo.

20 December 2003

EX 6  
03.2.1.6  
Made several attempts to contact [REDACTED] in order to obtain a copy of the commander's inquiry information that he was given and to see if had any new evidence to add from his investigation. Left several messages. Was unable to make contact.

21 December 2003

EX 6  
03.2.1.6  
Telephoned 2<sup>nd</sup> BCT trial counsel and spoke at length about the background on this incident. I learned from [REDACTED] that a detainee had died in that same holding area just 2 days prior to the incident I was investigating. I was given the name of the IO for the death incident and attempted to make contact to see if he had any information that might assist me. Also made several attempts to contact [REDACTED]. No success with either contact attempt. Contacted DMAIN about getting a signed appointment memo and was told it would be forth coming later in the evening.

22 December 2003

EX 6  
03.2.1.6  
I interviewed [REDACTED], the company commander of 108<sup>th</sup> MP Company. I obtained information about what types of changes her company made to the brigade holding area (BHA) since they took over operating it.

23 December 2003

EX 6  
03.2.1.6  
I visited the BHA for the first time. Viewed the facility, spoke with [REDACTED] the B Company, 311<sup>th</sup> MI company commander, and spoke with [REDACTED]. Got the background information about the events of 10-11 December, the circumstances surrounding the incident, and about the procedures they had in place at the time of the incident. While here, [REDACTED] arrived to conduct his investigation. We spoke and I obtained the information contained in the file from the commander's inquiry. Went back to the 108<sup>th</sup> MP Company to see if there were any diagrams of the facility. Obtained a copy of the signed appointment memo from the DMAIN.

b(6), b(3)

24 December 2003

Obtained a list from the BHA of the guards that were purported to be on duty the night of the incident and who had signed an acknowledgement of understanding of what they were to do. Asked MI personnel if they knew who was on duty at the exact time of the incident and was told no.

25 December 2003

Christmas Day. No investigation.

26 December 2003

Went back to the BHA with a camera and took pictures. Went to the 21<sup>st</sup> CSH and interviewed [REDACTED]. Obtained a copy of the x-ray of [REDACTED]

27 December 2003

Went to AO Glory. Interviewed [REDACTED] at approximately 1000 hours. Interviewed [REDACTED] at approximately 1100 hours. Interviewed [REDACTED] and [REDACTED] who were the replacement guards for [REDACTED] and [REDACTED]. Also interviewed [REDACTED]. Returned to the airfield to type the statements.

28 December 2003

Interviewed [REDACTED]. Had [REDACTED] and [REDACTED] sign their statements. Visited the BHA and talked off the record with [REDACTED] the [REDACTED] from 108<sup>th</sup> MP Company. Went to [REDACTED] Company, 2-44 ADA to interview the guards that were present on 10-11 December at the BHA. They were unavailable but I spoke with their [REDACTED] and set up an interview appointment for later that night at the DREA for 1830 hours. Returned to the DREAR. At 1830 waited for the ADA guards to arrive. They never came.

29 December 2003

Went to 1/502<sup>nd</sup> CP at AO Glory and interviewed [REDACTED], [REDACTED], [REDACTED], and several other 502<sup>nd</sup> soldiers who were thought to have relevant information but in fact did not. Went to the BHA and obtained a written MFR from [REDACTED]

30 December 2003

Returned to 1/502<sup>nd</sup> CP to have [REDACTED], [REDACTED], [REDACTED], and [REDACTED] sign their statements. Interviewed [REDACTED] one more time.

31 December 2003

From 0830 to approximately 1500 wrote this report

b(6), b(3)

## Factual Summary

1. [REDACTED] was detained and removed from his house along with his 25 year old brother and his father as a result of Operation Reindeer Games sometime late 10 December 2003. His father, [REDACTED] was the person targeted in their house. He is suspected to be an officer in the Fedayeen. [REDACTED] and his brother were captured as sub-targets. Sub-targets are male Iraqi citizens found inside a target's home.
2. All three detainees were brought with approximately seventy other detainees to the 2<sup>nd</sup> BCT Holding Area. This holding area is a prison like facility located on AO Glory and operated by B Company, 311<sup>th</sup> MI battalion.
3. Upon arrival at the BHA, all detainees were made to stand in formation in the courtyard in the center of the compound and await in-processing. The detainees were flex-cuffed, and some had bags over their heads.
4. [REDACTED] was in-processed by the MI personnel. He was given a detainee number (#0672753), and had a bag placed over his head that had "IED" written on it. He was then placed in a large detention room with the other detainees.
5. In the detention room [REDACTED] was made to perform excessive amounts of exercises like flutter kicks and knee benders for a period ranging in length from three to four hours. Loud music was blasting in this room. [REDACTED] was yelled at and was subjected to bullhorns in his face and cold water being poured on him. The guards in the room were roaming among the detainees pounding on metal doors, shouting at the detainees to perform exercises, and physically grabbing detainees up if they were slow getting to their feet. If the detainees attempted to lift the bags over their heads, the guards pulled the bags back down and spent extra time in front of that detainee making them do exercises.
6. The guards that were guarding the detainees changed at various times depending on what unit they were from. There were guards from 1/502<sup>nd</sup>, 3/327<sup>th</sup>, and several interpreters from the 311<sup>th</sup> MI personnel that guarded this group of detainees. The group of detainees that were already being held in the BHA prior to the arrival of the detainees from Operation Reindeer Games had been moved to a different room and they were being guarded by 2-44 ADA guards. Those detainees were told to sleep. Several of the infantry guards guarding the detainees from Operation Reindeer Games were on this detail for the first time.
7. Only three guards were positively identified as being in the room at the time of the incident. They were [REDACTED] from [REDACTED], [REDACTED] from [REDACTED], and [REDACTED] of [REDACTED]. Both [REDACTED] and [REDACTED] have stated that they never saw what happened to [REDACTED]. In his very first statement, [REDACTED] claimed to have been assisting [REDACTED] get up when he suddenly fell. In every statement thereafter he denies seeing [REDACTED] fall.

EXC  
2.1.6

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8. At approximately 0545 hours, [REDACTED] began crying and bleeding from under his bag. [REDACTED] and [REDACTED] approached [REDACTED] and both were present when either an interpreter or an MI soldier removed his bag. He was bleeding from his mouth.

9. [REDACTED] was taken to an interrogation room where he was asked what had happened. The first person to ask him what had happened was an Arabic speaking US soldier, [REDACTED]. He translated that [REDACTED] said he fell down.

10. When the Arabic translator, [REDACTED], asked [REDACTED] what had happened, he claims [REDACTED] told him he was punched or something similar.

11. [REDACTED] was returned to the detention room and the guards were told to leave him alone. He was subsequently examined and x-rayed by [REDACTED] from [REDACTED]. She found he sustained a fractured lower jaw and recommended he be sent to the 21<sup>st</sup> CSH.

12. [REDACTED] arrived at the 21<sup>st</sup> CSH at approximately 1450 hours. He was again x-rayed and was examined by [REDACTED] Dr. [REDACTED] found that [REDACTED] sustained a fractured lower jaw and malocclusion. He arranged for [REDACTED] to be sent to the 28<sup>th</sup> CSH in Baghdad for treatment. Eventually [REDACTED] was transferred to the 28<sup>th</sup> CSH and is still there as of the date of this AR 15-6.

b(6), b(3)

## FINDINGS

1. Was [REDACTED] injured?

Ex 3.2.1.4  
Finding: Yes, [REDACTED] was injured. He was not injured when he came in to the BHA. There are no indications that he had any injuries when he was in-processed. He was injured and bleeding from his mouth when he left the BHA. He suffered a mandible fracture, or broken lower jaw. [REDACTED], the first medical person to thoroughly examine [REDACTED] ordered x-rays taken of his jaw and found a clear mandible fracture to the lower jaw. (Exhibit G-3) Dr. [REDACTED] ordered his own x-rays taken of [REDACTED] at the 21<sup>st</sup> CSH and determined that [REDACTED] sustained a fractured lower jaw as well as malocclusion (teeth not lining up). (Exhibits C-1, C-2) I attempted to locate [REDACTED] and was told by [REDACTED] of the Division Provost Marshall's Office that he was still at the 28<sup>th</sup> CSH in Baghdad because his mouth was wired shut and he needs to be fed through a straw.

2. Was the broken jaw injury of [REDACTED] the result of an accident or intentional acts by coalition forces?

Ex 3.2.1.4  
Finding: [REDACTED] injury was the result of intentional acts. After examining the evidence, I am unable to definitively determine the actual injury-causing event. Every single guard I interviewed on duty in the room where the incident occurred that night testified that they did not see the injury occur. (Exhibits D-5, E-5, F-1) [REDACTED] is the guard most consistently placed close to [REDACTED] at or around the time the injury occurred. He has two inconsistent statements. In his first statement taken just hours after the incident, he states that he was helping to pick up [REDACTED] from a laying down position when he fell. In every statement thereafter he states that he did not actually see [REDACTED] fall. It is my opinion that [REDACTED] was somehow involved in [REDACTED]'s injury, but I do not have conclusive evidence to prove this. [REDACTED] claim that [REDACTED] fell is neither plausible nor credible.

Ex 3.2.1.4  
Regardless of whether the injury was the result of a blow by a US soldier or was the result of a collapse due to muscle fatigue or muscle failure, it was an intentional act that led to the injury. If we accept the explanation that [REDACTED] fell face down while trying to get up, the evidence undeniably shows that he was intentionally, excessively exercised by US soldiers for at least three hours prior in such a way that would have resulted in complete leg-muscle fatigue and failure. If his injury was the result of an unassisted fall and not a blow, in order to fall completely on his face while his hands were cuffed in front of him, and with enough force to completely fracture his jaw, the fall would have had to have been the result of a complete collapse. [REDACTED] stated that the lack of abrasions to [REDACTED]'s face, and the contusions on his body, suggest that his testimony of being beaten is more likely the truth of what happened, but excessively exercising the detainees to the point of complete muscle failure is still the result of an intentional act by US soldiers.

3. What were the events leading up to the incident?

Finding: [REDACTED] had been brought into the BHA at approximately 0100 hours on 11 December 2003, as the result of a large target operation called Operation Reindeer Games. He

001205

2/6

was among approximately 70 detainees brought in at this time. They were all flex-cuffed at this time. He was downloaded from the vehicle that brought him in, lined up in a formation in the courtyard of the BHA, and awaited in-processing. He was eventually in-processed where he was given a target number, was briefly questioned about background information, and had a bag placed over his head whereon was written a suspected offense. He was taken to the large detainee holding room along with the other detainees from the operation, and was subject to very loud music from a stereo. He was exercised without stopping for approximately three hours, was made to do flutter kicks and up-downs, and was subject to being hit by water bottles. He had cold water poured on him and was yelled at repeatedly by roving guards. The evidence suggests that he was harassed more than most of the other detainees. At some point approximately 0545 hours, the guards were told that a certain detainee was requested for interrogation. The guards began organizing the detainees in formation. At some point during that attempt [REDACTED] began crying and bleeding from his face, under the bag.

4. Was there evidence of any misconduct on the part of coalition forces?

**Finding:** Yes. Supervision and training of the guards was almost non-existent at the Brigade Holding Area (BHA) under B Company, 311<sup>th</sup> MI control. Abuse of the detainees in some form or other was an acceptable practice and was demonstrated to the inexperienced infantry guards almost as guidance. Evidence clearly indicates that detainees were excessively exercised to the point of complete muscle failure and collapse (Exhibits D-3, D-5, E-3, F-1, H-4, J-1, K-1), that detainees were struck with half-filled water bottles (Exhibits D-5, J-1, J-2), that detainees had cold water poured on them while in the stone-walled detention room where there was no heat (Exhibits K-1), and were subject at times to direct physical abuse (Exhibits K-1).

In addition, at the time the detainees were brought into the BHA there were not enough MI staff on duty to conduct the interrogations. As a result, even during in-processing, the detainees waited for a long time. When MI personnel started conducting interviews, the fact that there were not many personnel on hand resulted in longer periods of exercise for the detainees before they could break to be interrogated. It also meant that sub-targets were not readily segregated out of the target population and had to endure the harassment for many hours. There were also too few guards. There were approximately 5 guards tasked with guarding approximately 70 detainees and tasked with keeping the detainees awake, silent, and moving. In addition, the detainees were marked with suspected offenses on the bags that covered their heads, and there is no indication that there was a rational basis for this labeling. Since the detainees were not interrogated and since many were sub-targets, the markings of suspected offenses seem to be arbitrary. The detainees were marked in such a way as to illicit anger from the poorly briefed and minimally trained infantryman-turned-guards.

5. What were [REDACTED] actions while he was detained?

**Finding:** There is little evidence that addresses this question directly. To many of the guards, the detainees were indistinguishable. Evidence shows that [REDACTED] was arrested as a sub-target in the capture of [REDACTED] (Exhibit A-4). He was in-processed in accordance with B Company, 311<sup>th</sup> MI procedures. His picture was taken (Exhibit A-1) and he was assigned a detainee target number (Exhibit A-4). According to B Company, 311<sup>th</sup> MI personnel, the biographical information taken at the in-processing interview was sent with [REDACTED] to the

b(6)

21<sup>st</sup> CSH and is not kept at the BHA. [REDACTED] was kept with in the large holding room with the general population of detainees from Operation Reindeer games prior to his injury and was not individually interrogated. He stayed in this large holding room almost the entire time he was at the BHA except for the time spent outside in the courtyard waiting to be in-processed. He participated in exercising along with the other detainees and may have been more than most. His hands were cuffed in front of him the whole time, and the detention bag that was placed over his head was labeled "IED", indicating his suspected offense. For this reason he may have drawn more attention from the infantry guards than most of the other detainees.

6. What is the SOP at 2<sup>nd</sup> BCT for processing detainees?

**Finding:** The standard operating procedure for processing detainees is that when a detainee is captured, the capturing unit completes a CPA in-take form, the detainee is entered into the BDE target database if they are not released to the local police, and they are processed by the BHA. Processing by the BHA means that B Company, 311<sup>th</sup> MI is responsible for collecting biographical information from an in-process interview and his belongings are tagged and kept in an evidence room. If the detainee is not the target, he is released shortly after the interview.

7. Was the SOP followed during [REDACTED] detainment (approximately 10 to 12 December 2003)?

**Finding:** No. There are no records on [REDACTED] except for the front of an OCPA detention form. He does not appear in the detainee log for 2<sup>nd</sup> BCT under the primary target number, as he should, and he does not have a completed initial intake form from the BHA. He was not a primary target and should not have been there in the first place. Since he was detained, he should have been released shortly after the in-process interview but was not.

8. Did the failure to follow any policies or procedures contribute to the alleged incident?

**Finding:** Yes. If the policy had been followed of quickly in-processing detainees and releasing those who were detained incident to the specified target but were not actually targeted, then [REDACTED] may very well have been released prior to the injury. In addition, if B Company, 311<sup>th</sup> MI had observed proper detention procedures of not allowing abuse of detainees, he certainly would not have sustained a fractured jaw. Did the failure to follow the documentation procedures contribute to [REDACTED] injury? The answer to that question is no.

## Recommendations:

1. Remove control of the BHA from 311<sup>th</sup> MI and replace that unit with an MP unit.
  - MP units are better trained and better equipped for the task of processing, managing, and handling detainees. They have been trained to identify and address critical elements in this process and have experience doing it.
  - This recommendation has already been implemented.
2. Institute a safeguard that will allow detainees who are not targets to be released much sooner in the process or not detained at all.
  - This recommendation will require more precise seizure operations, but it may eliminate the large percentage of incidental detainees, thus reducing the overcrowding in the detention facility and allow for greater supervision of the detainees.
3. Eliminate all physical harassment of detainees.
  - This will have the effect of eliminating the possibility that the harassment might become criminal or injurious to the detainees.
  - This recommendation has already been implemented.
4. Increase the number of guards.
  - The guard-to-detainee ratio should be greater.
  - At critical times when larger numbers of detainees are present at the BHA, the number of guards on duty to guard them should be increased.
  - This recommendation has already been implemented.
5. The Company Commander for B Company, 311<sup>th</sup> MI should be disciplined for allowing abuse of detainees as standard operating procedure, as well as anyone else that was involved in the decision to allow the abusive behavior to be SOP for the BHA.
6. The BHA facility should be repaired, heat should be added to the detention rooms, and better lighting should be installed for the rooms and for the courtyard.
  - The detainees have been kept in extremely cold conditions, which could lead to their inability to react or to cooperate quickly with guard demands. Heat will help them stay warm, stay healthier, and keep them safe during their detainment.
  - Better lighting would help guards keep better visibility of detainees and help deter misconduct of the guards themselves. It will help the guards keep better visibility of each other.
  - This recommendation has already been implemented.
7. Ensure that all guards are well trained and are familiar with proper procedures for handling detainees.
  - This recommendation is already being implemented.
8. Establish set schedules for when detainees are allowed to eat, what they can eat, what they are allowed to do while being detained, and ensure that all guards are aware of this information.
  - This will allow the feeding of detainees to better monitored so that it is not overlooked
  - This will also help reduce any abusive behavior in the future.

b(6)

-This recommendation has already been implemented.

9. [REDACTED] should be compensated for his injury and for his suffering.

-According to his statement, his family is impoverished and he is the only male that can work.

-He is a fulltime high school student and is missing valuable class time that may affect his ability to graduate on time.

b(6), b(7)

EX 6  
3.2.1.6

## Index of Exhibits

- Chapter A..... [REDACTED] (pictures of [REDACTED] his statements, the x-ray taken of his jaw, his detainee and capture number, 2<sup>nd</sup> Brigade detention/arrest roster)
- Chapter B..... Brigade Holding Area pictures
- Chapter C..... [REDACTED] statement and 21<sup>st</sup> CSH diagnosis report
- Chapter D..... [REDACTED] (guard in the room on duty at the time incident occurred)
- Chapter E..... [REDACTED] (guard in the room on duty at the time incident occurred)
- Chapter F..... [REDACTED] (guard in the room on duty at the time incident occurred)
- Chapter G..... [REDACTED] (Medic that first responded to [REDACTED] injury)
- Chapter H..... Guards on duty at the time of the incident that were not in the room
- Chapter I..... Guards relieving the guards on duty at the time the incident occurred
- Chapter J..... Guards who were at the BHA shortly before or after the incident
- Chapter K..... [REDACTED] (guard on duty sometime during 11 December 2003, but who had experience with BHA guard duty and saw excessive abuse)
- Chapter L..... [REDACTED] (The new [REDACTED] of the BHA from 108<sup>th</sup> MP Company)
- Chapter M..... Signatures of guards acknowledging receipt of MOI brief
- Chapter..... My notes taken during the outset of the investigation

b(6), b(3)

C-1

DEPARTMENT OF THE ARMY  
Bravo Company, 311<sup>th</sup> Military Intelligence Battalion  
101<sup>st</sup> Airborne Division (Air Assault)  
Mosul, Iraq 09325

AFZB-KL-B

17 December 2003

MEMORANDUM FOR RECORD

SUBJECT: Telephone interview with [REDACTED]

1. At 161130LDEC03, the undersigned conducted a telephonic interview with [REDACTED] from 21<sup>st</sup> Combat Support Hospital concerning the injury to [REDACTED] at detainee at the Brigade Holding Area (BHA). The following is a summary of the conversation.
2. The investigating officer asked what the final diagnosis of the patient was. [REDACTED] responded that he had a broken mandible (jaw). When asked how the jaw was broken, [REDACTED] said the detainee stated that he was hit, but it is possible that the detainee was injured from a fall. However, [REDACTED] stated that even though he was not a wound pattern expert, but he did not believe that the abrasions were consistent with a fall. [REDACTED] also stated that he did not disagree with a 15-6 to determine what occurred on 11 DEC 03.
3. POC for this action is [REDACTED] at 581-9343. Ex 6

Ex 6  
C3.2.1.4

[REDACTED]



# SWORN STATEMENT

For use of this form, see AR 190.45; the proponent agency is ODCSOP's

b(6), b(7) - 2

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA).  
**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 LSA DIAMONDBACK	2. DATE (YYYYMMDD) 2003/12/26	3. TIME 14:27	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. When was the first time you had contact with [REDACTED] 1450 hours 11 December 2003. He spent about 4 hours here at the CSB getting ready for transfer. He was transferred @ 1900 hours to 28<sup>th</sup> ESH in Baghdad, [REDACTED].  
 2. What were your initial impressions of his injury?  
 20 yr old I2. Sustained blunt trauma to his mandible + his teeth were not lining up (malocclusion). X-ray shows mandible fracture.

3. Did you have an interpreter with you? Yes. If yes, what did [REDACTED] say about his injury? He said he was beaten. The interpreter was from the 21<sup>st</sup> CSB. He said he was knocked unconscious for a short period. I did not ask how he was beaten or when.  
 The injury was sustained within the last 24 hours.

4. Who brought [REDACTED] to the 21st CSB? [REDACTED] from 2 BDE HA

5. What can you tell me about the nature and severity of the injury [REDACTED] sustained? (fall injury, likely not, any other signs of bruises, etc. that may shed light on how it happened?) People who fall usually do not do so right on their face. The absence of abrasions is not consistent with a fall. He had scattered minor contusions across his chest which could be consistent with the claim of being beaten.

6. Anything to add?  
 A: NO. That's it.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
-------------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 26 Dec 03  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

b(6), b(3)

STATEMENT OF

TAKEN AT

LSA Diamondback

DATED

26 December 2003

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE two (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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26<sup>th</sup> day of December, 2003 at [redacted]

[redacted]  
(Signature of Person Administering Oath)

[redacted]  
(Typed Name of Person Administering Oath)

OSTA

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

b(6)

C-13  
SSN 7540-02-0

## EMERGENCY CARE AND TREATMENT

(Medical Record)

TREATMENT FACILITY Stamp

LOG NUMBER

21CSH, BCo, Mosul Iraq

ARRIVAL		TRANSPORTATION TO HOSPITAL (Attach care envelope sheet)	CURRENT MECS. (retarus Immunization and other data)	HISTORY OBTAINED FROM
DATE	TIME	<input type="checkbox"/> PRIVATE VEHICLE <input type="checkbox"/> AMBULANCE <input type="checkbox"/> OTHER (Specify)		<input type="checkbox"/> PATIENT <input type="checkbox"/> OTHER (SP)
DAY MONTH YR.				ALLERGIES

PATIENT'S HOME ADDRESS OR DUTY STATION (City, State and ZIP Code)

HOME TELE. NO. (Inc. area co)

DATE COMPLAINT(S) (Include symptoms, duration)

SEX

AGE

POSSIBLE THIRD PARTY PARTY

☐ YES ☐ NO

VITAL SIGNS		DESCRIBE (1) Subjective data (Patient History); (2) Objective data (Examination - include results of tests and x-rays); (3) Assessment (Diagnosis); (4) Plan (Treatment/Procedures - include medication given and follow-up)	TIME SEEN BY PROVIDER
TIME			
BP			
PULSE			
RESP.			
TEMP.			
WT. (LBS)			

CATEGORY (See Footnote)

☐ EMERGENT☐ URGENT☒ NON-URGENT

ORDERS (UNIT, TIME)

ASSESSMENT/DIAGNOSIS

DISPOSITION (check all that apply)

☐ HOME☐ FULL DUTY

QUARTERS

☐ 24 HRL☐ 48 HRL☐ 72 HRL

MODIFIED DUTY UNTIL:

DAY

MONTH

YEAR

REFERRED TO (Indicate clinic)

11/1/00 11:00

☐ EMERGENCY☐ TODAY☐ 72 HOURS☐ ROUTINE

ADMIT. TO HOSP. UNIT/SERVICE

CONDITION UPON RELEASE

☐ IMPROVED☐ UNCHANGED☐ DETERIORATED

TIME OF RELEASE:

PATIENT'S IDENTIFICATION (Mechanical imprint)  
FOR WRITTEN ENTRIES GIVE: Name - last, first, middle;  
SSN; DOB; service status; name and relation of sponsor or next  
of kin. (IMPORTANT: LIST FACILITY HOLDING TREATMENT RECORDS)

SIGNATURE OF PROVIDER AND ID STAMP

INSTRUCTIONS TO PATIENT (Include medications ordered, any limitations and follow-up plans)

X-ray - Unstable fracture

ACCOMPIED IN TRANSFER BY

DR [REDACTED] 20th CSH

OMFS @ 1800

EMERGENCY CARE AND TREATMENT

STANDARD FORM 558 (R)  
OCTOBER 1990 EDITION

**SWORN STATEMENT**

For use of this form, see AR 180-45; 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 Mosul, Iraq	2. DATE (YYYYMMDD) 20031211 RLV	3. TIME 0717 RLV	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 11 DEC 03, AROUND OR ABOUT 0530, I LEFT TO GO AND wake up my other 2 guys for the detainee guard. When we came back, the other guys was putting them (detainees) in a formation. I helped line a few detainees up and a few moments later I saw a couple of soldiers pick a detainee up from off of the floor. END OF STATEMENT RLV

10. EXHIBIT D	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 INDICATED.

DA FORM 2823, DEC 1988

DA FORM 2823, JUL 72, IS OBSOLETE

001215

b(6), b(3)

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

[Large area crossed out with a large X, indicating redacted content]

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11<sup>th</sup> day of December, 2011, at GHA [REDACTED] Inc.

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

Act 136 (b)(4) [REDACTED]  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PA

# SWORN STATEMENT

For use of this form, see AF 190-45; the proponent agency is ODCSOPS

## PRIVACY ACT STATEMENT

**THORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**NCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**UTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**CLOSURE:** Disclosure of your social security number is voluntary.

LOCATION BHA	2. DATE (YYYYMMDD) 20031216	3. TIME 1900	4. FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON DEC 11, 2003, at OSBQ, I left to go get my relief and returned about 0550. At that time the guys was putting the detainees in a formation. I help a little and I looked up and saw them picking one up. Today I answered the following questions relating to the incident:

Q: On 11 DEC 03, what time did you start working at the BHA?

A: 0400

Q: What time did your shift end?

A: 0800

Q: Who was with you at time of the incident?

A: [REDACTED] from [REDACTED] and a few other guys who I didn't know.

Q: What did the detainee do to bring attention to himself?

A: Nothing unusual.

Q: What were the other detainees around him doing?

A: Lining up for formation.

Q: Did any of the detainees give you any problems, including [REDACTED]?

A: No.

Q: Where was the detainee at the time of the incident?

A: In the big holding room, standing against the wall.

Q: Did you see him fall?

A: No.

Q: Did anyone else see him fall?

A: Davis might have seen him fall or maybe one of the 502d guys.

Q: Do you know what contributed to his fall?

10. EXHIBIT D 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 2 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 INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT MOSUL, IRAQ DATED 16 DEC 03

STATEMENT (Continued)

- Q. No [REDACTED]
- Do you have any reason to believe anyone else in the room struck the detainee at any time?
- NO. It also didn't seem like anyone was angry? [REDACTED]
- 1. Did anyone else come in the room after the incident?
- 2. I don't recall. [REDACTED]
- 3. Did anyone move the detainee after the fall?
- Someone moved him, but I am not sure who? [REDACTED]
- Do you have anything you would like to add about this incident?
- NO. [REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of December, 2003 at MOSUL, IRAQ

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

USAPA V1.00

PRINCIPAL  
ROUTINE USES:  
DISCLOSURE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.  
Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
Disclosure of your social security number is voluntary.

1. LOCATION HMC/3-327 IN CP	2. DATE (YYYYMMDD) 20031224	3. TIME 1034	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]  
A: [REDACTED]

Q: WAS YOUR SHIFT A 2-HOUR SHIFT OR 4-HOUR SHIFT?  
A: MYSELF ALONG WITH [REDACTED] PULLED 2 OUT OF A 4HR SHIFT

Q: HAVE YOU PULLED GUARD AT THE BHA BEFORE? HOW MANY TIMES?  
A: YES, TWICE BEFORE [REDACTED]

Q: HAVE YOU EVER SEEN A DETAINEE COLLAPSE AFTER DOING PHYSICAL CORRECTIVE TRAINING?  
A: YES [REDACTED]

Q: WERE THERE ANY BLUNT OBJECTS IN THE DETAINEE ROOM (I.E. BOXES)?  
A: NOT IN THE AREA OF THE INCIDENT [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00



b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Mosul, Iraq DATED 24 Dec 03

9. STATEMENT (Continued)

Q: WAS ANYONE BESIDES [REDACTED] IN THE ROOM AT THE TIME OF THE INCIDENT? DO YOU KNOW WHO THEY WERE?

A: NOT sure at the time of the incident. and after the incident, I believe they were 404 guys picking up the detainee. [REDACTED] END OF STATEMENT [REDACTED]

[REDACTED]

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of December, 2003 at MOSUL, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

# 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 <u>3/327<sup>th</sup> CP, AO Glory</u>	2. DATE <u>2003/12/27</u>	3. TIME <u>1010</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED] <u>Exp</u>		
6. SSN <u>J</u>	7. GRADE/STATUS [REDACTED]		

## 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, Office of the Staff Judge Advocate and wanted to question me about the following offense(s) of which I am suspected/accused: injury inflicted to an Iraqi Detainee in the BTA area about 10-11 Dec 03  
 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.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- 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)

### 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)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>STJ</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

### Section C. Non-waiver

- I do not want to give up my rights  
☐ I want a lawyer ☐ I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

# SWORN STATEMENT

For use of this form, see AF 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 3rd/ 327th CP, AO Glory	2. DATE (YYYYMMDD) 2003/12/27	3. TIME 1010	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10-11 December, 2003, I came on duty around 0400 hours. There were four of us from our unit so we split the shift- 2 hours on and 2 hours off. When we got there, they were lining up the detainees.

Questions: [REDACTED]  
 Answers: [REDACTED]

Q1: Who was lining up the guys?  
 A: Different guards on the detail. There were other guards there. In total there were about 5 or 6 guys guarding the detainees.

Q2: What happened?  
 A: Around 0530 I went to get our relief, [REDACTED] and [REDACTED]. When I came back to the room with the detainees, I noticed that back in the last row, in the far corner, they were picking up a detainee. The detainees were lined up in rows and there were about 3 or 4 rows. He was in the last row.

Q3: Where was [REDACTED] Was he in the group helping lift the man?  
 A: Not sure where [REDACTED] was at that time.

Q4: What else did you see?  
 A: The guy (detainee) was bleeding from his mouth and they had tissue on it.

Q5: Anything else?  
 A: No.

Q6: OK, tell me about what the room was like, what was going on, who was there, what you guys were doing to the detainees, etc.  
 A: MI guys would come and go throughout the night. They did not have names or ranks. One guy that I remember was a white guy, short hair, and did not wear glasses. Interpreter was coming and going from the room as well. We were yelling in a bullhorn at the detainees, making them do PT, things like flutter kicks, up-downs, stuff like that. There were about 5 or 6 guards in the room during my shift, and detainees were coming and going with the guards to the latrine. Some MI guys were taking the detainees to the interrogation room for questioning.

Q7: How did you know that you were supposed to exercise the detainees? Was it part of a brief or SOP?  
 A: MI was already doing it when we got there. We just sort of did the same thing. We were briefed before we started our shift that we were to keep the detainees awake, keep them from talking to each other, and to not strike or hurt them physically. We were allowed to keep them listening to music and keep them tired so that MI could mess with their heads.

Q8: What kind of music was playing?  
 A: American. Just to sort of mess with them.

Q9: Were you and [REDACTED] together?  
 A: No, we were sort of working the detainees so we got separated in the room. We were all walking around, yelling at the detainees and making them do PT.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_

TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

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

STATEMENT OF

TAKEN AT

AO Glory

DATED

2003/12/27

9. STATEMENT (Continued)

Q10: When you came back and saw the other guys picking up the injured detainee, what did you see?

A: He was kind of laying on his shoulder, kind of sideways, at an angle. Then, I noticed that he was bleeding from his mouth.

Q11: What other things did you use on the detainees besides just PT?

A: Well, the MI guys were using empty water bottles to hit the detainees.

Q12: What was your reaction to all this? I mean, this was your first time pulling this duty. What did you think when you arrived?

A: I thought, whoa, this is strange. It was kind of weird.

Q13: Who were the other guards that were there with you? Any 2-44 ADA guys?

A: I don't know but I am pretty sure that some of the ADA guys were in there with us.

Q14: The Dr. at the CSH said that the detainee had contusions on his body. What was being done that could have caused this?

A: We physically snatched people up off the floor if they could not get back up or were slow doing it. Maybe that was what caused it. That or hitting them with the empty water bottles.

Q15: When did you make your first statement? Did anyone give you a brief on what happened so you would know what to say?

A: No, we went home and came back later that morning to make our statements. There was an MP there who wrote sworn statements. The MP told us that he had a broken jaw.

Q16: Anything to add?

A: When they were walking the injured detainee out with tissue on his mouth, there were no conversations, I did not see where he went exactly. There were no questions or comments about what had happened, but people that were there in the room sort of looked different. I mean there was no hostility or anything but they just had these expressions on their faces like they had gone too far.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

b(1), b(2), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] P AO DATED 2003/12/27

9. STATEMENT (Continued)  
Nothing follows.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 Statement)

WITNESSES.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of December, 2003 at 3rd/327th CP, AO Glory

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

OSJA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

**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.  
**OTHER USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**CLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Mosul Iraq	2. DATE (YYYYMMDD) 20031211 NLB	3. TIME 0712-01D	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] OK.	6. SSN [REDACTED] EX6	7. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

was gathering up prisoners in a line up to identify a number of a prisoner they was looking for. I had been making a group of prisoners do fluster kicks and getting up and down and different leg raises the prisoner while I was trying to get him up from a laying down position and try to get him to line up fall down on the ground face first after losing his balance. I left him down cause my relief was there. However I saw him bleeding I thought he had busted his nose or something [REDACTED]

End of Statement

10. EXHIBIT D	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 INDICATED.

STATEMENT OF

TAKEN AT

DATE

b(6), b(2)

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], 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 EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL REWARD.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11<sup>th</sup> day of December, 2003, at BHA Mesa, AZ.

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

Art 136 (b)(4) LCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

b(6), b(3)

E-10

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 596th FSB TOC 2. DATE (YYYYMMDD) 20031216 3. TIME 2035 4. FILE NUMBER  
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS  
8. ORGANIZATION OR ADDRESS  
9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was at the BHA when [redacted] was injured. Today I answered the following questions concerning the incident.

Q. When did you start working at the BHA the day of the incident?

A. I started shift at 0400 on 11 DEC 03.

Q. Who was with you at the time of the incident?

A. I don't know everyone who was there, but [redacted] from my unit was present.

Q. What did the detainee do to bring attention to himself?

A. He was talking and continually receiving corrective training, like flatter kicks, arm raises and ups and downs. Many people were violating rules, so he was not the only one receiving corrective training.

Q. What was the detainee doing prior to the incident?

A. We were putting everyone in a formation and he was standing near a wall.

Q. Were there other detainees around him prior to the incident?

A. Yes

Q. What were the other detainees doing?

10. EXHIBIT D 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]"

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



b(6), b(3)

A. They were all trying to talk [REDACTED]

Q. Did you see the detainee fall?

A. No. But, I turned around and saw he was bleeding. Then my relief came.

Q. Did anyone else see him fall?

A. I don't know. I had my back to him.

Q. Was any other US person near him when he fell.

A. I am not sure because my back was to him.

Q. Is anything else you would like to add?

A. No.

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of December, 2003 at Mosul, Iraq

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART. 136 (UCMJ)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

PRINCIPAL  
ROUTINE USES:  
DISCLOSURE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.  
Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
Disclosure of your social security number is voluntary.

1. LOCATION HHC/3-327 IN CP	2. DATE (YYYYMMDD) 20031224	3. TIME 1007	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] EX6	7. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS [REDACTED] MOSUL IRAQ EX6			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]  
A: [REDACTED]

Q: HAVE YOU EVER SEEN A DETAINEE COLLAPSE AFTER DOING PHYSICAL CORRECTIVE TRAINING SIMPLY DUE TO THEIR POOR PHYSICAL CONDITION?

A: Yes

Q: WAS THE DETAINEE LYING FACE DOWN?

A: The Detainee was kinda lying on a Diagonal

Q: WERE THERE ANY OBJECTS (i.e. boxes) IN THE ROOM?

A: NO other than water bottles

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

STATEMENT OF

TAKEN AT

MO SOU / Iraq DATED 24 Dec 03

9. STATEMENT (Continued)

Q: HOW LONG HAD YOU BEEN ON SHIFT, AND HOW LONG WOULD YOU SAY YOU HAD BEEN "EXERCISING" THE DETAINEES?

A: 2 Hours Exercising the entire two hours

Q: WAS [REDACTED] THE ONLY OTHER PERSON IN THE ROOM AT THE TIME OF THE INJURY?

A: I am Not Sure cause other people were rotating detainees to the latrine but I am not certain

Q: WERE YOU RELEASED AFTER [REDACTED] CONDUCTED INITIAL QUESTIONING, SINCE YOUR RELIEF WAS PRESENT?

A: I had left when my relief came initially and was called back for questioning

Q: HAD YOU NOTICED THE DETAINEE BEING IN A GENERALLY WEAK PHYSICAL STATE AT ANY POINT DURING YOUR SHIFT? → (PRIOR TO HIS INJURY HAPPENING)

A: He MAY have been weak ~~state~~ acting but a lot of them was acting weak probably thinking that would create sympathy given toward them

AFFIDAVIT

I, [REDACTED], 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 [REDACTED] WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of December, 2003 at Mosul, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

b(6), b(3)

## 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 3/327th, AO Glory	2. DATE (YYYYMMDD) 2003/12/27	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night that the detainee broke his jaw I was on guard duty in the room. It was about 0545 when it happened. The whole room was full of detainees. Me and the other guards were smoking them the whole time, and we were rotating them out to the latrines. MI came in and told us they needed a specific detainee number so we started lining them up to look for him. This was near the end of my shift. I was walking around when I noticed the detainee had fallen. My relief got there and so I just turned around and left.

Q: [REDACTED]  
 A: [REDACTED]

Q1: Who was your relief? I don't remember. They were from my unit but I don't remember.

Q2: When did you get briefed?  
 A: Right before the shift.

Q3: Did the detainee leave the room?  
 A: I don't remember, too many people to focus on one. Plus, they had bags over their heads.

Q4: Who else was in there?  
 A: I don't know their names but [REDACTED] was there, maybe four or five guys total.

Q5: Anybody from ADA in there?  
 A: Yes.

Q6: Were the ADA guys rough with the detainees?  
 A: I don't know what the units were.

Q7: Who was roughing up the detainees? Who was doing stuff to them that was over the line?  
 A: The interpreters were blowing cigarette smoke up into the sand bags that were over their heads. They were grabbing them up off the floor.

Q8: Who was hitting them with water bottles, you or them?  
 A: It wasn't us, it was the other infantry guys.

Q9: What else did the interpreters do?  
 A: That's pretty much it. They were rotating in and out.

Q10: What about pouring water on the detainees, who was doing that?  
 A: That was the interpreters. They were pouring cold water on the detainees from the water bottles. They were pouring on their heads. Some were acting like they were passed out and pouring water on them got them up again.

Q11: Who were the interpreters? American soldiers?  
 A: No. They looked like ICDC, they had uniforms on.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 INDICATED.

DA FORM 2823, DEC 1998

OA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATE [REDACTED]

9. STATEMENT (Continued)

Q12: Tell me how the detainee fell.

A: I didn't see him fall, but he was kind of flopped over at an angle.

Q13: Was this your first time on duty?

A: Yes.

Q14: Tell me about the room that night, what was it like?

A: It smelled bad. I saw one guy banging his head against the wall, all on his own. Guys were falling down from being smoke from doing flutter kicks and up-downs.

Q15: What if a detainee didn't do PT? What happened to him?

A: Nobody wasn't doing PT. They knew the commands and so they were all doing it.

Q16: Let's go back to the brief for a minute. This was your first time pulling this guard. What did they Q21 tell you in the brief?

A: We were told not to strike the detainees, and make sure we didn't do anything that would leave a bruise.

Q17: Tell me about when the Chief met with you.

A: He asked what did we see, who was there, did we have any weapons.

Q18: Who told you what to say?

A: Nobody.

Q19: Who pulled you together and told you what was happening?

A: Oh yeah, same Chief. I talked to him twice. Once that morning when they called me back, and then a couple of days later.

Q20: Right after it happened, what was the detainee doing?

A: He was just slumped over, not making any sounds that I could hear.

Q21: Anything to add?

A: No.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CHANGES CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of December, 2003 at 32327th, AO Glory

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b(6), b(3)

# 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	2. DATE 30 Dec 03	3. TIME 12:27	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

## 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, OSJA and wanted to question me about the following offense(s) of which I am suspected/accused: the incident where detainee broke his jaw

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.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- 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)

### 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)		3. [REDACTED]
1a. NAME (Type or Print) [REDACTED]		
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		4. SIGNATURE OF WITNESS [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

### Section C. Non-waiver

- I do not want to give up my rights  
☐ I want a lawyer ☐ I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

b(6), b(3)

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION 3/327 CP, AO Glory	DATE 30 Dec 03	TIME 1145	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I Stand By my previous statements

Nothing to Add

Q: [REDACTED]  
A: [REDACTED]

Q1: You were present in the room when the detainee broke his jaw, correct?

A: Yes.

Q2: This particular detainee held IED written on his leg, correct?

A: A lot of them did.

Q3: were you briefed prior to shift or after? By whom?

A: prior, but it was an MI guy that's all I know.

Q4: were you in the vicinity of detainees when the incident occurred?

A: I was in the middle portion of the room, not right there but in the middle.

Q5: you helped him up, right?

A: Roger

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

b(6), b(3)

STATEMENT (Continued)

Q6: when did you stop contact with him?

A: After I picked him up, I saw my relief so we left.

Q7: WAS anyone with you picking him up?

A: No.

Q8: Were you first one on the scene, to that detainee?

A: I guess.

Q9: Anything to add?

A: No.

AFFIDAVIT

I, [REDACTED], 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 COERCION, THREAT, OR UNLAWFUL INFLUENCE, AND, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INFLUENCE.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of December, 19 2015 at 3/3275 CP, Ao Glory OK O.K.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPPC V2.00



# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

b(6), b(3)

## 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 1/502 CP, AO Glory	2. DATE (YYYYMMDD) 2003/12/29	3. TIME 11:50	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was on guard when the guy had his jaw broken. The what I recall is, we were asked to stand them up in a formation so they could find one of the detainees. A soldier and I was standing some up on one side of the room along with 4 or 5 others on the other side when I heard one of the detainees crying. So I went to see what was wrong. He was crying and holding his hands to his face when the soldier who was with me came over and pulled his mask off. His face was full of blood. They then ask me to take him to another room where I was then asked to go ahead and go.

Questions + Answer Follow on next page (2/3).

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

\_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

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

001236

STATEMENT OF [REDACTED] TAKEN AT [REDACTED], AO [REDACTED] DATED 2003/12/29

9. STATEMENT (Continued)

Q1: You were on duty the night the detainee got his jaw broken, correct?

A: Yes.

Q2: What was the scene like?

A: This was my first time pulling this duty.

Q3: Then tell me more about this particular detainee. What was he doing, what was being done to him?

A: He had IED written on the bag over his head so the other guys in there were really all over him, really yelling at him. They paid extra attention to him and yelled things like, "You like to use IEDs motherfucker?!" Stuff like that. They were smoking him extra. Him and a supposed [REDACTED] who was training kids to hate US soldiers.

Q4: How did you know this? Was it on the bags?

A: Yes, and each shift passed the information on.

Q5: Go on. Tell me about the two black soldiers in the room, what were they doing?

A: They were smoking the broken jaw guy pretty hard. They were really on him because he was the IED guy.

Q6: Where were you standing when you heard something was wrong?

A: All of a sudden he started crying. That was when I knew something was wrong. I was standing up near the front of the room, to the left of the stereo, facing the detainees. The guy with the broken jaw was sort of in the back near the middle.

[REDACTED] drew a map and [REDACTED] pointed to where he was and where the detainee was and indicated the features of the room- see below)

Q7: Did you see him fall or hear him fall?

A: No. There was no sound of him falling. All of a sudden he was just crying and he was bent over. When I got there I saw that he was bleeding.

Q8: Was he taken out at that point?

A: Yes. He was taken to another room, by me.

Q9: Did you hear anyone say what happened? Anybody say that he was hit or anything like that?

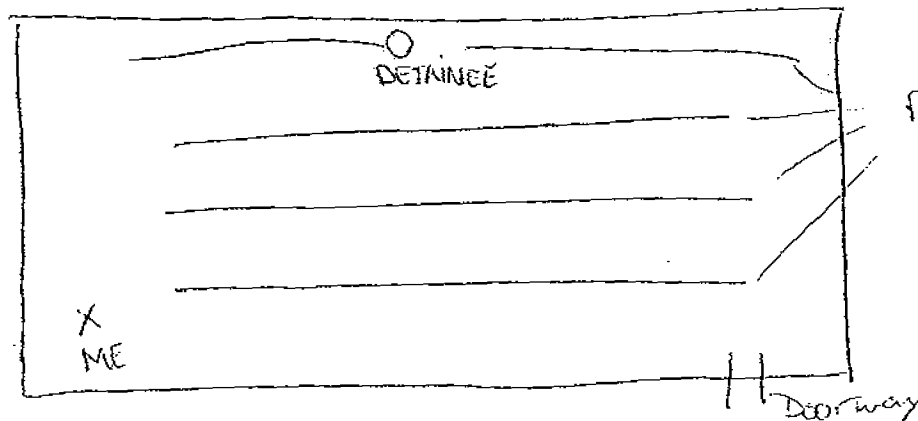
A: I went in to that room where he was taken and the black interpreter said he fell. That black interpreter was talking to the Iraqi interpreter and then they turned to me and asked me to leave. My relief came and I just left.

Q10: You were there, you saw what was going on and what people were saying and doing, what do you think happened to the guy?

A: I honestly don't know. I did not hear him fall. He may have been hit, it's possible.

Q11: Anything to add?

A: No.



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

b(6), b(3)

STATEMENT OF

TAKEN AT

ADGLORY

DATED

2003/12/27

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29<sup>th</sup> day of December, 2003 at 1/502 CP, ADGLORY

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

b(6), b(3) (1)

# 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) 2008 12 16	3. TIME 1100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS C 526 FSB Ex 6			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on 11 Dec 08 @ 0630 I was called to the Brigade Holding to evaluate a detainee. [REDACTED]

Q. What did you see when you entered the main holding room?

A. They had already moved the detainee to the medical screening area and he was sitting in a chair. I came after [REDACTED] called me down to the BHA.

Q. What medical treatment had he received when you arrived?

A. Wounds were cleaned and he was being evaluated to see if he needed sutures. [REDACTED]

Q. What was your overall assessment when you arrived?

A- Bleeding was under control and he was complaining about jaw pain.

Q. Did he tell you what happened?

A. The guards said he fell. However, the detainee pointed to his chin and said his jaw was broken. That was interesting, because it may indicate that he had his jaw broken before. [REDACTED]

Q. If he had his jaw broken before, would it break easier a second time?

A. Yes. Especially if it wasn't fixed correctly. Which, I am sure it wasn't because he had no pins or anything in place; But, I am not sure it was broken before.

Q. Is there any information you would like to add to your statement?

A. No [REDACTED]

10. EXHIBIT E	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 INDICATED.

STATEMENT OF [REDACTED]

TAKEN AT

MOSUL, IRAQ

DATED

16 DEC 03

9. STATEMENT (Continued)

NOT USED

AFFIDAVIT

I, [REDACTED], 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 INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of December, 2003 at MOSUL, IRAQ

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

10 USC 1044a

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

001240

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

b(6), b(3)

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
 PRINCIPAL: 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 HMC / 3-327 IN CP	2. DATE (YYYYMMDD) 20031224	3. TIME 1105	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] EX 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] EX 6			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

[REDACTED]

Q: IN YOUR OPINION, COULD SOMEONE BREAK THEIR JAW IF THEY FELL FACE FIRST FROM A STANDING POSITION?

A: Yes

Q: WAS THE BLEEDING FROM AN OPEN WOUND ON THE OUTSIDE OF HIS FACE OR WAS IT FROM INSIDE HIS MOUTH?

A: Inside

Q: WERE THERE ANY MARKS THAT WOULD LEAD YOU TO BELIEVE THAT THE DETAINEE WAS STRUCK WITH AN OBJECT INSTEAD OF SIMPLY FALLING?

A: There were no marks on outside of Face. No bruising. Cannot say wounds inside mouth were caused by hit from rifle scope.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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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 INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

001241

EX 6  
3.2.1.6  
STATEMENT OF [REDACTED]

TAKEN AT

AO [REDACTED]

DATED

24 Dec 03  
b(6), b(3)

9. STATEMENT (Continued)

EX 6  
3.2.1.4  
AFFIDAVIT

I, [REDACTED], 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 INDUCEMENT.

EX 6  
3.2.1.6  
WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of December, 2003, at Mosul, Iraq.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

b(6), b(13)

## 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 Charlie Med, AO Glory	2. DATE (YYYYMMDD) 2003/12/28	3. TIME 1420	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] EX6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Q: [REDACTED]  
A: [REDACTED]
- Q1: When was the first time you had contact with [REDACTED]?  
A: About 0630-0645 hours they called me to the BHA (Brigade Holding Area). My medic responded first and came and got me. He was the first one down there and called me to see if the injured detainee needed sutures.
- Q2: What was your initial impression of the injury?  
A: Probably a mandibular fracture with lacerations inside of this mouth. No external marks, scratches, nothing. The guard told me that he had fallen and got injured from the fall.
- Q3: Did you have an interpreter with you?  
A: Yes.
- Q4: What did [REDACTED] say about his injury?  
A: At first he said that he fell, then he turned to me and said he was hit and that his jaw was broken. I don't know how he knew that.
- Q5: Who brought [REDACTED] to the 21st CSH?  
A: MI evacuated him to the CSH. They said they were going down there anyway. Wait. I just remembered that I shot his X-Rays here at 0900. Must have been more like 0630 that I first saw him. Anyway, we took him into dental up here before we released him, and packed his jaw better.
- Q6: What can you tell me about the nature and severity of the injury [REDACTED] sustained? (fall injury, likely not, any other signs of bruises, etc. that may shed some light on how it happened?)  
A: He was still walking and talking. He had an interpreter with him but I don't know what was said. His range of motion was still good, that's my point. I have no experience with jaw fractures. Would I have thought it was broken right off the bat? Probably not, but I like to be safe, and good thing because it turns out it was broken. The bleeding was acute. They still had equipment in the room like a stereo and speakers. There was also soldier stuff lying around. Stuff like fleece tops, stuff like that. Nothing big. Like I said, I have no experience with mandibular fractures so I couldn't say how it happened. I did not see anything that made me question the story.
- Q7: What about your impressions of how the cage was run? I mean, you are a medical officer, have you ever seen anything there that gave you pause?  
A: It was loud, you could hear noise coming from there at different times. But nothing that was really out there.
- Q8: Anything in retrospect that makes you think he did or did not fall?  
A: No.
- Q9: Any other injuries?  
A: No.
- Q10: Would you have had an opportunity to see him without his shirt?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT AO Glory DATED 28 Dec 03

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



STATEMENT OF

TAKEN AT

Charlie Med, AO

DATED

2003/12/27

## 9. STATEMENT (Continued)

A: No. He was fully clothed and was asking for a coat actually.

Q11: Have you ever treated any other questionable injuries down there?

A: No, nothing that I have been called for. The majority of what I see are detainees that say they are taking medication for heart problems, stomach problems, etc. The guards are usually good about taking our recommendations. Like the detainee who had diabetes. He did not have shoes so we told them to keep his feet warm and they gave him another blanket and let him stay on it and keep his feet covered. We keep their dressings changed on any cuts they may have, stuff like that.

Q12: Have there been any major changes in the SOP and the facility since this incident?

A: Oh yes, many big changes since the MPs have taken over. Quality of life items are much better for the detainees. Now they have a latrine inside for them to use, they have heat, more blankets, now I hear that they even have cots they can sleep on. We have been told in the past by some detainees that they did not eat for days. They don't eat the MREs for cultural reasons. They would rather have bread type items so we told them just give them more of the bread items. The detainees are much better off now.

Q13: Anything to add?

A: No.

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE two 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 Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of December, 2003 at Charlie Med, AO Glory

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is UDCSOPS

b(6), b(7) /

## 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 Brigade Holding Area (2nd Bn, BSA)	2. DATE (YYYYMMDD) 2003 12 14	3. TIME 2300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	EX 6	7. GRADE/STATUS [REDACTED]
8. ORGANIZATION OR ADDRESS [REDACTED] EX 6			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 ON 10 Dec 03 at 2300 hrs [REDACTED] and myself assumed duty at the BHA. The detainees we watch had been moved during the day shift to a [REDACTED] different room. The big room of the holding area was being used by another unit watching the detainees from "operation Reindeer Games". In the morning one of the 311th soldiers told us to keep our detainees loaded down and leave them alone because one of the detainees from the other room had gotten a broken jaw. At 0600 was around the time I was told by [REDACTED] to stay down in our room. I had no interaction with the guards or detainees from "operation Reindeer games".

Q. [REDACTED]  
 A. [REDACTED]  
 Q. Do you know how the detainee broke his jaw?  
 A. No [REDACTED]  
 Q. Do you have anything else to add to this statement?  
 A. No [REDACTED]

///End of Statement///

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001245

## 9. STATEMENT (Continued)

b(6), b(3)

## AFFIDAVIT

EX 6  
3.2.16

1. [REDACTED] 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.

[REDACTED]  
(Signature of Person Making Statement)

## WITNESSES:

EX 6  
3.2.16

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14<sup>th</sup> day of December, 2003, at BHA Mesa, ICOM.

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

Ad. 136(b)(4) vcmj  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

**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 Holding case Mosul, Iraq	2. DATE (YYYYMMDD) 20030314 E.H	3. TIME 2345 E.H	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] Ex 6	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 2/44 ADA			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 I came to duty 11:00AM and about 12:30 or 1:00. we put everyone to sleep, Around 01:15 we hear that something happen, But we had our room so we did nothing but make sure our room was a sleep. I don't know what happen out side that room besides what I was told and heard [REDACTED]

Q. [REDACTED]  
 A. [REDACTED]  
 Q. What was the DTG that this incident occurred?  
 A. 03 DEC 11 E.H  
 Q. Can you identify what had happened in the other detainee room?  
 A. Some came in a say one of them Now had a broken jaw [REDACTED]  
 Q. Do you know how the detainee broke his jaw?  
 A. NO [REDACTED]  
 Q. Do you have anything else to add to this statement?  
 A. NO [REDACTED]

///End of Statement///

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED [REDACTED]

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

b(6), b(3)

2X6  
3.2.1.6

2X6  
3.2.1.6

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14<sup>th</sup> day of December, 2003 at BHA Mesut Iraq.

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

Act. 136 (b)(4) UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

b(6), b(3)

## PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM).

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 B H A	2. DATE (YYYYMMDD) JDD 14 Dec 03	3. TIME JDD 2325	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			
9. [REDACTED]			

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of Dec 10th [REDACTED] and my self were placed in a separate room then the Inf guys that were on duty. On that night roughly around six in the morning [REDACTED] came into our room and told us to go ahead and keep our guys bedded down because one of the prisoners had fell and broke his jaw in the other room. I never went into the other room during the course of that and that's all the information that I have on the events of that night.

Q. [REDACTED]  
A. [REDACTED]

Q. Do you know how the detainee broke his jaw?

A. No [REDACTED]

Q. Do you have anything else to add to this statement?

A. No [REDACTED]

///End of Statement///

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPL 0100

5. STATEMENT (Continued)

b(6), b(3)

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14<sup>th</sup> day of December, 2003 at BHA Mosul Iraq

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

Asst. 136 (b)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION [REDACTED] <i>AO Glory</i>	DATE <i>30 Dec 03</i>	TIME <i>1200</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]  
A: [REDACTED]

Q1: Where were on duty that night?

A: Far room from the end. Big room is where the infantry guys were, we were in the room on the left.

Q2: Did you or any of your unit's soldiers go into the big room?

A: No, not to my knowledge, sir.

Q3: Was your room as loud and were you doing the same things to the detainees that the infantry guys were?

A: No sir, our guys were asleep (the detainees).

Q4: When did you become aware of the broken jaw incident?

A: When [REDACTED] from MI came in and informed us someone had broken their jaw in the other room. I'm not sure what time that was.

Q5: ~~Have~~ <sup>you</sup> had briefs in the past?

A: Yes, from MI. Sometimes it read the papers some times they gave us a brief.

Q6: When was your shift?

A: 1100 at night to 1100 in the morning.

Q7: Ever hear anybody say that the big guy in the other room choked the detainees?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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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.



b(1), b(3)

STATEMENT (Continued)

A: No sir.

Q8: were any of your guys going in and out of the big room?

A: No sir.

Q9: Had you ever participated in what the infantry guys were doing?

A: Roger, sir. If you want to call it hazing that's what was done with the new guys. Rules changed a lot before. Do things are way then change it. We used to be able to make them do exercises right but we had too many fall and hurt themselves so now they just sit there. From day one now they get a blanket + sit down.

Q10: What else can you tell me about how this guy could have broken his jaw?

A: I wasn't in the room so I don't know what could have happened. I have never worked with these guys before that were in the room.

Q11: who else from your unit was on that night?

A: [redacted], who is already on [redacted], myself, and [redacted]

Q12: Anything to add?

A: No Sir.

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted]. 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.

[redacted]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of December, 192003 at

[redacted]  
ORGANIZATION OR ADDRESS

[redacted]  
(Signature of Person Administering Oath)

[redacted]  
ORGANIZATION OR ADDRESS

[redacted]  
(Typed Name of Person Administering Oath)

§7A

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPPC V2.00

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2551, E.O. 13526  
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 BHA, Mosul, Iraq	2. DATE (YYYYMMDD) 2003/12/15	3. TIME 0430	4. FILE NUMBER 016, 013
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 0530 hours on 11 DEC 03, I was sitting in the operations office at the Brigade Holding Area when one of the guards came in and told me that one of the detainees was bleeding. I walked to the main holding room where the detainee was held. [REDACTED] moved him to one of the smaller rooms to talk to him. I entered the room, looked at the detainee and saw that he was bleeding from the mouth. [REDACTED] asked him what had happened, he responded and [REDACTED] translated that he said he had fallen down. I left the room and returned to the office to call the medics. After I finished speaking with the medic, I went to the main holding area, had the guards rotate out so that I could get speak with the two guards who were in the room with the detainee. I asked both [REDACTED] and [REDACTED] what had happened, they both expressed to me that the detainee had fallen down. I went back to the office and called my chain of command to notify them of the incident. Afterwards, I went to find the guards again, but they had finished their shift and had left the facility. I sent one of the NCOs to go find them and bring them back. It took about 45 minutes to locate them and have them come back to the BHA. Once they returned, I asked the MP on duty to take sworn statements from the two guards. At some point the medic came down and examined the detainee. [REDACTED] was the medic on call. After examination, she stated that the detainee may have a broken jaw. She recommended the detainee be sent to the CSH for further medical attention. Again, I contacted my chain of command and notified them of the situation. I made arrangements for the detainee to be transported to the CSH at the Airfield, DREAR. I released the detainee to the unit responsible for transportation at about 1300 hours. [REDACTED] NOTHING FOLLOWS

END OF STATEMENT

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT BHA DATED 2003/12/15

9. STATEMENT (Continued)

NOT USED

[REDACTED]

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 [REDACTED] 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of DEC, 2003 at BHA Mosul Iraq.

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

Art. 136 (b)(4) UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

# SWORN STATEMENT

For use of this form, see AR 180-45; 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.  
**OUTLINE 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 BDA / BSA	2. DATE (YYYYMMDD) 2003 12 14	3. TIME (MM) 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] Ex6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 0500L DEC 03 a guard entered my operations office to tell me a detainee fell. I went to the room to check on the detainee. Afterwards, I returned to my office to finish administrative duties. I returned with an interpreter to figure out what happened. The detainee said twice that he fell; then changed his story, saying he was hit with a box. [REDACTED]

Q: [REDACTED]  
 A: [REDACTED]  
 Q: What detainee number was he?  
 A: I do not know [REDACTED]  
 Q: How bad was the injury?  
 A: From what I saw, the lip was cut. The cut was bleeding and the detainee was able to tell us what happened. [REDACTED]  
 Q: Is there anything else you would like to add to this statement?  
 A: No [REDACTED]

11 End of Statement 14

EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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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 IF REQUIRED INDICATED

b(6), b(3)

## AFFIDAVIT

I, [REDACTED], 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 INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of December, 2003  
at BH4 ZBCI

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

APT BC (b) (6) UCMS  
(Authority To Administer Oaths)

[REDACTED]  
ORGANIZATION OR ADDRESS

[REDACTED]  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

b(6), b(3)

H

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.  
 OUTLINE 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 <b>BHA</b>	2. DATE (YYYYMMDD) <b>2003-12-15</b>	3. TIME <b>5:35</b>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

Ex 6

3.2.1.6

Ex 6

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 One Dec 11<sup>th</sup> 2003 around 5:30 am, I was at operation office  
 One of infantry guard came in and said one of the detainees  
 Ex 6 is bleeding from his face. I went to check on him. by the time  
 3.2.1.6 I got there [REDACTED] was speaking with him in arabic languages  
 he was saying that he fell down. And when I talk to him in  
 Arabic because I am the interpreter in Arabic languages and  
 I asked him what happen, He told me that he think someone  
 hit him and fell down to the floor and I stood out for second  
 and I ask him again the same question he told me  
 some punch me on my face. and I fell down on the floor.  
 I wasn't sure <sup>which is</sup> to believe. because he did told me the same think  
 he told [REDACTED] End Statment

Ex 6

3.2.1.6

10. EXHIBIT <b>B</b>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <b>2</b> PAGES
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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 INDICATED.

DA FORM 1923, JUL 72, IS OBSOLETE

STATEMENT OF

TAKEN AT

DATED

b(6), b(3)

STATEMENT (Continued)

EX6  
C3.2.1.6

EX6  
3.2.1.6

EX6  
3.2.1.6

EX6  
3.2.1.6

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.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15<sup>th</sup> day of DEC, 200 at BHA

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

10 USC 1044a

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAC

USA

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

b(6), b(3)

## 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 3/327 <sup>th</sup> CP, AO Gley	2. DATE (YYYYMMDD) 2003/12/27	3. TIME 1005	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Tell me about that night, the night the detainee got the broken jaw.

A: I came on duty around 0600 on 11 Dec 03. We were pulling 2 on 2 off. We were relieving [REDACTED] [REDACTED] when I got there they were pulling the guy out. They were carrying him. His mouth was bleeding pretty heavy. It was coming down. I don't know who the soldiers were that were carrying him. They had their tops off.

2. What were your instructions?

A: We were told we should keep them awake. We could yell at them, smoke them, we just couldn't hurt ~~them~~/hit them or bruise them.

3. Was it loud in there?

A: Just music when I walked in.

4. Anything to add?

A: That's it, sir. That's all I saw.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

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

001259



STATEMENT OF

TAKEN AT

DATE

b(1), b(3)

9. STATEMENT (Continued)

AFFIDAVIT

3.2.11  
I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE two (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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27<sup>th</sup> day of December, 2003 at

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

b(6), b(3)

## 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 3/327 <sup>th</sup> CP	2. DATE (YYYYMMDD) 2003/12/27	3. TIME 10:45	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]  
A: [REDACTED]

1. Tell me what happened.

A: Came on around 0545. This was the first night I pulled this guard detail. First thing we did was get briefed on what we were to do and how we were to avoid hurting the detainees. Then we went in and kept the detainees awake and silent.

2. Did you see the detainee who broke his jaw?

A: No, I never saw that guy. I just heard about some detainee got his jaw broken some how.

3. What else?

A: There were about 30 or 40 guys in there (detainees).

4. Who else was on guard?

A: Some of the guys from 502, mixed. There were @ 6 guys on guard. I don't know who else but I know there were 502<sup>nd</sup> guys. They stay here at the BSA also.

5. Any ADA guys?

A: I don't really know.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

001261

b(4), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] P DATED 27 Dec 03

9. STATEMENT (Continued)

6. What about MI guys: what were they doing?

A: They were conducting interrogations, coming in and out, making sure we were giving the detainees water - about every 20 minutes or so we didn't feed them on our shift but they did after us I think. The generator went out once so they brought us flashlights & checked on us.

7. Anything else to add?

A: Nope. That's about all we did

Exb  
3.2.1.6

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE two (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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27<sup>th</sup> day of Dec 03 at

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001262

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

6(6), 6(3) J

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 381; 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 3/327th CP, AO Glory	2. DATE (YYYYMMDD) 2003/12/27	3. TIME 1115	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was the [REDACTED] or the guard detail on the night the detainee broke his jaw. It was 10-11 December. I was not present for all the shifts. I came in on the second shift, when [REDACTED] and [REDACTED] were there. I noticed that the detainee we are talking about was gone. I first thought that he was being interrogated. When he was finally brought back to the room, we were told to leave him alone, let him lay down. I asked why, what had happened, and was told that he fell and broke his jaw.

Q: [REDACTED]  
A: [REDACTED]

Q1: What was your job as a guard, what did they tell you they wanted you and your men to do?

A: We were briefed when we first got there. We were told that our job would be to guard the prisoners and make sure they did what they were told. They were not allowed to talk to each other, they were to remain silent, and we were to distract them and keep them awake. We increased the noise level, banged on the metal doors, yelled, stuff like that. We were told in our brief that there would be no strikes with the detainees. We were not allowed to strike them, no body slapping, no kicks, and no weapons of any kind or for any reason were allowed in the room. Empty water bottles were used to tap the detainees.

Q2: What do you think could have caused the injury, in your honest opinion?

A: There were two MRK19 Ammo cans in the room. They were empty and primarily used for making noise. We would bang on them to create more of a ruckus. Anyway, I have been thinking about this and I think that maybe as he was coming down or going up during the knee bender exercise, he could have had his hands in the wrong place. As he went forward he hit the can before he could brake his fall on the floor with his cuffed hands. I did not actually see this happen, I didn't see the incident at all. I am just speculating as to what could have caused it based on what was in the room at the time.

Q3: Were you ever briefed by M1 on what had happened or told what the facts were? Did they ever tell you or the guards what to say?

A: The next thing that happened about this was that we were brought together and told that the detainee with the broken jaw got to the 21 CSH and told them that he was beaten. We were told he was telling a lie but that we had to be careful because some heat might be coming and we did not need to send the wrong signals. We were told to keep PT to a minimum in order to prevent anyone from doubting us. They guy that told us that was short and bald. He told us to keep the detainees off the walls and make them stand and sit only. We were also told to drop the noise level because anyone near by could hear a lot of the ruckus and to them it might sound strange. Basically we further narrowed our ROE and the brief for conduct.

Q4: Anything else?

A: The ammo cans just make more sense. Also, I know that some of the guards were from the 502nd, and some of the ADA guys just flowed in and out.

[REDACTED]

10. EXHIBIT [REDACTED]	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT AO Glory DATED 27 Dec 03.

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

001263

b(6), b(3)

Ex 6  
3.2.1.6

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] AD Glory DATED 2003/12/27

9. STATEMENT (Continued)

[Large area crossed out with a large X]

Ex 6  
3.2.1.4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27<sup>th</sup> day of December, 2003 at 3/327<sup>th</sup> CP, AD Glory

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

Ex 6  
3.2.1.4

INITIALS OF PERSON MAKING STATEMENT: [REDACTED] PAGE 2 OF 2 PAGES

Ex 6  
3.2.1.6

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

b(6), b(3)

## 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 1/502nd CP, AO Glory	2. DATE (YYYYMMDD) 2003/12/29	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] EX 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]  
A: [REDACTED]

Q1: [REDACTED], I want to ask you about the night that Operation Reindeer Games brought in lots of detainees to the BHA. Did you work that night?  
A: I worked 0700 to 1100.

Q2: So you were the shift immediately after the shift when the detainee broke his jaw?  
A: Yes.

Q3: When you came on were you first briefed about your duties? Do you remember signing this paper?  
A: This was my first time ever doing this shift and it was my only time. When I got there I just went in and sort of blended in with the other guards and did what they were doing. At some point after I had been in there for a while a short white guy came and pulled us out and told us to sign this paper to cover ourselves. I never got a brief until then, after I had been on shift for a while. They told us there was going to be an investigation and we had to fill out these reports.

Q4: Can you tell me about the scene, what was going on, was there any rough stuff while you were in there?  
A: When I came on shift some soldiers that had been there had lost their voices from yelling. The detainees had bags over their heads and on the bags was written what they supposed to have done. Things like IED, stuff like that. You know, you supposed to treat these guys with respect and they got these protections but they are out setting IEDs and shooting at us, it angered a few guys, there was a lot of frustration with that. You know? I think they kind of set it up to be like this, putting infantry guys in with the detainees that were out on the street shooting at them, you know, some guys are going to get rough. I saw some guys hitting the detainees in the head with water bottles that still had some water in them.

Q5: What about denying them food or water?  
A: I went to an NCO and told him that these guys were hungry. They were acting hungry. It was morning, like around normal breakfast time. He said something like, "oh yeah, I guess we should feed these guys something."

Q6: Anything to add?  
A: No, just that you know, I tell it like it is. They were setting it up for trouble by putting infantry guys in there with the detainees and they know by reading the bag on their head what they did.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001265

b1(6), b1(3)

STATEMENT OF [REDACTED] TAKEN AT 1502 CP, AO Glory DATED 2003/12/29

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (two) 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29<sup>th</sup> day of December, 2003 at [REDACTED], AO Glory

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)  
SJA  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

PAGE 2 OF 2 PAGES

001266

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

b(6), b(3)

## 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 1/502nd CP	2. DATE (YYYYMMDD) 2003/12/29	3. TIME 1030	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have worked as a guard at the BHA/Mi cage several times prior to the night that the detainees were brought in for Operation Reindeer Games, and I was working that night/morning as well. I was working a 4 hour shift. When I came on it was after the detainee got his jaw broke. They were harassing the hell out of the detainees when I came on. That is pretty much what we always did. When I got there, I was told that a guy got his jaw broken a little earlier. There was an E-7 there, and a CPT and maybe another officer. They read us a brief that was a couple of pages long about what we can and can't do to the detainees. This was the first time they ever did this brief. Never before when I did this detail did they brief us. They told me that if anyone asked I had read the brief, had gotten it, and had signed it. Always before they just told us to smoke the detainees but to not physically harm them unless they were trying to escape.

I was half way through my shift when they brought the guy with the broken jaw back in to the detainee room. They told us to leave him alone and just let him sit there. I just left him alone.

Q: [REDACTED]  
A: [REDACTED]

Q1: Have you ever seen anyone rough up a detainee, either that night or any other time?  
A: Yes. One guy tried to run once. They grabbed him, hog tied him, you know, with his hands behind him and connected to his feet, and then kept grinding their knees into his back and neck. Once a detainee spit at a female soldier and he got it too. They threw him down and kept grinding their knees into his neck and back.

Q2: Did you actually see this?  
A: Yes. It was mostly the [REDACTED] who did this. With one of those guys he said to the guy while he was grinding his knee into him, that if had the same job he had a few years ago he would have shot you by now. [REDACTED] then yelled at him in Arabic and go the guy pretty scared. Sometimes when [REDACTED] was yelling at them in Arabic the detainees would get so scared they would piss themselves. He would take a bull-horn and put it just a few inches from their face and put it on the jingle bell sound that is programed in to the horn. It was really loud.

Q3: Anything else? Ever see any other stuff like that, or other things they did to the detainees that struck you as over the line?  
A: Yes. The guys that roamed in and out of the room would punch the detainees in the ribs and knee them in the legs, just sort of as they walked by. They poured cold water on them regularly, and they would blow smoke up into the bag on their heads. They would also hit them with water bottles that were half full of water. They would grab the detainees and throw them up against the walls, both in the large room and in the interrogation rooms. Once I noticed broken plastic chairs in the interrogation room. They were smashed to pieces. I don't know how they got broken but I have seen them throwing the detainees around. A lot of times when they were taking a detainee out of the room they would slam him up against the metal door on the way out. It was a steel, hadji-made door.

Q4: Did they do this hard?  
A: It looked pretty painful to me. I mean some of these guys had their hands cuffed behind them and they just went face first into the door. Once, too, there was an older guy that they needed to take out and put on life support. They took him up to the medics and put him on nitro.

Q5: Do the medics help out the detainees regularly?  
A: Once before the MPs took over, a guy gashed his toe. He was barefoot and he gashed open his toe. We called the medic and

10. EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
-------------	---	-----------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

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



STATEMENT OF [REDACTED] TAKEN AT [REDACTED] AO [REDACTED] DATED 2003/12/29

## 9. STATEMENT (Continued)

he said there was nothing he could do. He just told me to try to not get blood on me.

Q6: What about feeding them. Did you ever experience a time when a detainee went without food for an extended period of time?

A: We had always been told to feed them just crackers and water. Rarely did they allow us to give them a main meal from the MRE. We would just rat-fuck them for the crackers and give that to them.

Q7: And water?

A: We were told because of the PT to give them water every 15-20 minutes. We would take one bottle around and give them a few sips.

Q8: Talk to me about the injury to the guy with the broken jaw. Was anything said or did anyone tell you what had happened?

A: I heard from the guys talking about it that morning that a big, [REDACTED] a black guy, had just cold-cocked the detainee. I was told by some MI guy...

Q9: You don't know who he was?

A: Like I said, they did not have names on their tops.

Q10: What did he look like?

A: He was an NCO, had dirty blonde hair, about 6 foot, medium build....he said, "I don't know what happened. I'm not going to ask, but for all we know he fell down and hit the ground."

Q11: Who told you the big [REDACTED] cold-cocked the detainee?

A: I heard it from the guards that were there when I came on. I don't know who they are because they did not have their top shirts on or their name tapes were covered. The big guy that supposedly cold-cocked him, came back in on the later part of my shift. He seemed very aggressive toward the detainees.

Q12: Did he come back in to work guard?

A: No.

Q13: Anything to add?

A: [REDACTED] was really aggressive and physical with the detainees. He was rough with them. That's it.

## AFFIDAVIT

I, [REDACTED], 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 [REDACTED] THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

## WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of December, 2003 at [REDACTED] AO Glory

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

SJA

(Authority To Administer Oaths)

INITIALS OF [REDACTED]

PAGE 2 OF 2 PAGES

MEMORANDUM FOR RECORD:

b(6), b(3)

On 22 December 2003, I was informed by my company (108<sup>th</sup> MP Co ABN) that I was going to be assigned the BHA (Brigade Holding Area) as the [REDACTED] I came out the following day to do an analysis of the BHA and gave the recommendations to my company OPS CELL. Some of the recommendations from my analysis were giving the guard force class on how to handle detainees, adequate lighting, alternate means of communications, Force Protections measures, numbering system of detainees, evidence custodian procedures and ensure that Military Intelligence and Military Police were on the same operational procedures. Since taking over all of the above changes have been made with the exception of force protections measure, which are currently being work on. Guards are being given classes on detainees procedures, an OE-254 has been set of for alternate means of communication, lighting has been put in each room and the court yard of the facility, a tracking system that is universal to MI and the MP's has been set-up and the evidence custodian room is slowly but, surely coming along. I as the [REDACTED] of the facility oversee all operational procedures from ensuring that detainees have clean blankets to ensuring they are out-processed. I have a Sergeant of the Guard and two additional MP's to assist MI with searches, transporting detainees to the DCCP (Division Central Collection Point) and processing paper work. Overall, the BHA is coming along very well. MI, MP's and the guard force (ADA) have an outstanding working relationship and each element understands their role in working at the BHA. If there are any further questions contact me at dsu [REDACTED]

Exp C3.2.1.6

[REDACTED]

Ex 6 C 3.2.1.6

b(6), b(3)

ACLU-RDI 494 p.107

DODDOA 026684

b(6), b(3)

0672575

FOR OFFICIAL USE ONLY

SPC

11-12-03

[REDACTED]

SPC

[REDACTED]

11-12-03

[REDACTED] Ex6 [REDACTED]

Ex6

b(6), b(3)

C3.2.1.6

b(6), b(3)

N

23  
10 December 2003  
1043 hours  
2<sup>nd</sup> BCT Cage, 311<sup>th</sup> MI

[REDACTED]

Date of the incident has been said to be 10 December 03, but maybe early on 11 Dec 03, around 0430-0530 hours.

[REDACTED] was detained incident to Operation Reindeer Games- 70 plus people in all -there were already 40 detainees prior to arrival of the ORG detainees at @ 0500hours on the 10<sup>th</sup> Dec.

-the 40 were segregated into a different holding room to make room for the ORG detainees

-ADA guards (who have the guard regularly) were guarding the previous 40

-the 70 were being guarded by [REDACTED] and [REDACTED] of [REDACTED]

[REDACTED] told me several times that the ADA guards were not involved. He almost over-emphasized this. Suspicious.

The detainees were brought inside the compound and lined up. They had silk pillowcases placed over their heads and were flex-cuffed, "hands behind them". They are then brought into the intake room and questioned re: the intake form (exhibit).

[REDACTED] and [REDACTED] said that a medic gives them a pre-screening to determine if they are suffering from anything and if they have any injuries. This is not what has been represented to me by [REDACTED] CoCommander and by [REDACTED]

[REDACTED] briefed all the guards prior to their shift and got them to sign the MOI (exhibit) [REDACTED] and [REDACTED] signed

[REDACTED] told me that [REDACTED] informed him of [REDACTED] jaw first thing in the morning, not when it happened (sometime around 1000ish)

At that time [REDACTED] got sworn statements and sent [REDACTED] to the 21<sup>st</sup> CSH where they determined he needed to go to 28<sup>th</sup> CSH in Baghdad for help.

[REDACTED]-C company, 526<sup>th</sup> looked at [REDACTED] first

[REDACTED] looked him over and took him to the CSH

[REDACTED] had only had his initial screening. His bio-information was taken and the intake form filled out- he had been in the compound about 24 hours when the incident occurred.

QUESTION: HOW LONG BEFORE DETAINEES ARE INTEROGATED FROM THE TIME OF THEIR ARRIVAL? As soon as we can get to them

001273

b(6) b(3)

23 Dec 03  
1130 hours

Ex 6  
C3.2.1.6

[REDACTED]

[REDACTED] says that because there were so many detainees, they had to wait outside longer for intake

Any remarks about whether [REDACTED] was cooperating would be noted on the intake form  
-he said that they do put the detainees through corrective training like if they keep pushing the blind folds up they make them do squat benders or PT (later I heard someone say something about flutter kicks which [REDACTED] and [REDACTED] did not offer)

Ex 6  
C3.2.1.6

[REDACTED] said they were mostly flex-cuffed in front

-said they are given a Target number and it tells who he came in with

-they had 4 teams working that night-2 person teams doing intake-I spoke with [REDACTED]

[REDACTED] who did the intake of [REDACTED] and he does not remember much about it.

(Nov 12<sup>th</sup> was the week that the compound went full time, keeping the detainees there)

[REDACTED] was not a primary target; The primary target was [REDACTED]

[REDACTED]

[REDACTED] said some MPs were there that night from 108<sup>th</sup> (again, not what was represented to me by [REDACTED] from 10<sup>8th</sup> and [REDACTED]) he said that it was just the 108<sup>th</sup> and not 65<sup>th</sup> that night

[REDACTED] was the translator the night of the incident. He said that someone told him that one of the detainees was bleeding (he said this matter of fact, sort of like it is almost common that he gets told when one detainee is messed up

-he was the first person to speak to [REDACTED] in Arabic

-he says that [REDACTED] told him he was punched, then he said that he thought he was hit with an object, then he told him he fell

[REDACTED] says that [REDACTED] was in the interrogation room when he went to talk to him (was he there already?)

[REDACTED] says that [REDACTED] was talking normal and he told him if his jaw was broken he would not be able to talk but [REDACTED] told him he could feel it was broken

-he said that [REDACTED] hands were cuffed in front

-said a [REDACTED] went in to talk Arabic to [REDACTED] and he was told by [REDACTED] that he fell

-when I asked [REDACTED] if he had an opinion as to what happened he hesitated and said not convincingly that he thought he probably fell, but he did not have a strong conviction about it

Ex 6  
C3.2.1.6

ISSUE: NOT CLEAR IF [REDACTED] OR [REDACTED] SAW [REDACTED] FIRST

Ex 6  
C3.2.1.6

There was heavy metal music playing loud in the detainee room

Answer: [REDACTED]

001274

b(6), b(3)

Exb  
C3.2.1.6  
Interview with [REDACTED]  
1300 hours, 22 December 2003

[REDACTED] is the company [REDACTED] MP Comapany, who falls under 503<sup>rd</sup>  
She put two SGTs in charge of the cage project:

1. [REDACTED]
2. [REDACTED]

Both of these SGTs operated the cage in Kandahar

Problems she saw when the MPs arrived

1. Evidence: Sitting around, undocumented, not properly accounted for, chain of custody was not properly kept - They dedicated a room to evidence and are getting it up to speed.
2. CPA Forms- not properly completed, bad hand-offs from the infantry guys. Just not getting done and therefore accountability was affected.
3. Security- not enough guards and it was weak. ADA had the security detail, MI was just hanging out in their rooms

She did note that MI did have good control over the prisoners- they were quiet, disciplined, standing without gagging.

When the MPs showed up they had something of a hands-off approach. They were just interested in looking at the facility and the procedures to see what needed to be done. They were not investigating or doing much other than assessing and preparing a plan of action.

Now, there is a Dr. who comes around 1200 hours most every day and is available for the prisoners. MI has a good relationship now with FSB for medic support so if needs be they could possible get to a medic there but clearly the ideal would be for a Dr. to be present every day 24/7.

With a Dr. present, there could be prescreening done on the detainees to document what ailments and lacerations and bruises they come in with for better confirmation of what goes on when they are in custody.

Facility and SOP Changes by 108<sup>th</sup> MPCo:

- Exb  
C3.2.1.6
1. Better lighting is going in right now. Big flood-lights that shine down on the courtyard. ([REDACTED] bought the flood lights with his own money)
  2. They are creating a temporary holding area for holding detainees prior to in-processing. They can see a medic at this point. That would be ideal.

001275



b(6), b(3)

3. Previously they had no latrines inside the compound. They had three shitters outside. They had to walk all the way outside and now they are putting two inside (one for IZ and one for US)

4. They previously had a 5K generator, now they have a 60K going in. It is from HHC, 1/502<sup>nd</sup>

5. Contractor is up and working as we spoke. He is controlled by the S-4, [REDACTED]

No decision has been made re: heat b/c of cost and recent riot at the Trans jail involving heating wires, etc.

6. 108<sup>th</sup> is implementing a Guard Mount- a brief on ROE, shift reviews, etc. each shift will get briefed at the onset and each guard will sign a statement of the brief.

Exp  
C3.2.1.6

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

## SECTION I - APPOINTMENT

Appointed by Major General David (Petraeus) Comumander, 101st Airborne Division (Air Assault)  
(Appointing authority)

on 9 Dec 03 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at N/A at N/A  
(Place) (Time)  
on N/A (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

N/A

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

N/A

The (investigating officer) (board) finished gathering/hearing evidence at N/A on N/A  
(Time) (Date)  
and completed findings and recommendations at N/A on N/A  
(Time) (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO <sup>1</sup>	NA <sup>2</sup>
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	X		
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: <sup>1</sup> Explain all negative answers on an attached sheet.

<sup>2</sup> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		X	
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	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)?	X		
	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?			X
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
	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?			
	c. Does each letter of notification indicate —			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) 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?			
	(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?			
	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 <input type="checkbox"/> )			
	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)?			
12	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?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	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?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	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)?			
15	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)?			

FOOTNOTES: 1/ Explain all negative answers in an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:  
SEE MFR

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:  
SEE MFR

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

SEE MFR

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (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)

(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 corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)~~

DAVID H. PETRAEUS  
MAJOR GENERAL, USA  
Commanding

JAN 04 2003