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6 May 2004

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MEMORANDUM FOR [REDACTED], HHC, 3BDE, 101st ABN DIV (AASLT)

SUBJECT: Appointment Order

1. I appoint you as an investigating officer to conduct a commander's inquiry into a suspected incident of assault. On or about 29 November 2003 in the vicinity of Husaybah, Iraq, some members of 3rd Platoon, B Company, 3rd Battalion, 187th Infantry Regiment detained an Iraqi male for questioning. Shortly after detaining the Iraqi male, these soldiers took a video of themselves apparently assaulting the detainee. Sometime later, these same soldiers played the video for other members of the platoon. The chain of command has a copy of that video. [REDACTED] has already conducted a commander's inquiry into this incident. His inquiry uncovered sufficient evidence to warrant further investigation at my level.

2. Although this is not an AR15-6 investigation, you will review the guidelines in AR15-6 prior to initiating this commander's inquiry. Additionally, you will contact that Administrative Law section of the OSJA, 101st Airborne Division and Fort Campbell prior to beginning your investigation.

3. You will specifically address the following matters in your investigation:

- a. Review the video. Report on exactly what the video portrays. Positively identify each person in the video, to include the name of the detainee, if possible.
- b. Determine what occurred prior to the filming of the video. Why was the Iraqi male detained? Who detained him? Where was he detained? Was he interrogated at all prior to the filming of the video? Who conducted the interrogation? How long before the video had he been detained? How was he treated prior to the video? When was he flex-cuffed? Develop the facts as thoroughly as you can and report them to me.
- c. Determine what occurred immediately following the filming of the video. Was the detainee struck again? Where was he taken? Who took him there? Did the unit conduct any more interrogation of him? Was the detainee humiliated in any way? Again, develop the facts as thoroughly as you can and report them to me.
- d. Determine how many times the video was played for other soldiers that were not there. For example, the commander's inquiry initiated by [REDACTED] suggests that the video was played for seventy percent of third platoon "just for laughs." How was this done? Was it shown to everyone all at once? Did soldiers see the film two or three at a time? Was it shown repeatedly? Who showed it? Did anyone narrate the video? What did they say? Determine how the video was downloaded and how copies were made. Develop the facts as thoroughly as you can and report them to me.
- e. Determine when the chain of command discovered this incident and what they did to correct it.

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- f. In the course of your investigation, if you uncover any other incidents of detainee abuse or any other acts committed against this particular detainee, thoroughly investigate them and report them to me as well.
4. Begin your investigation by thoroughly analyzing the video. Once you have identified the soldiers directly involved in the incident captured on the video, understand that those particular soldiers may have been interviewed previously during [REDACTED] commander's inquiry. EX 6
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Before you speak with the soldiers directly involved, consult the Administrative Law section to make sure that those soldiers are properly advised of their rights pursuant to Article 31, UCMJ. Additionally:
 - a. Interview every member of the platoon that was at the location where the Iraqi male was detained. Thoroughly develop their statements by asking specific questions about their recollection. Include in your report an assessment of whether or not the witnesses are willing or able to recall all of the events of that day.
 - b. Interview every soldier that you believe saw the video. Thoroughly develop their statements regarding anything that was said to them by the soldiers directly involved in the apparent assault.
5. Throughout this investigation, ensure that the testimony of witnesses is properly sworn and documented on DA Form 2823 and that those you suspect of an offense are properly advised of their rights pursuant to Article 31, UCMJ. You should use DA Form 3881 to ensure compliance with this requirement.
6. I expect written findings and recommendations from you by 14 May 2004.

[REDACTED] EX 6
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DEPARTMENT OF THE ARMY
Headquarters and Headquarters Company, 187th Infantry Regiment
101st Airborne Division (Air Assault)
Fort Campbell, Kentucky 42223

AFZB-KC-HQ

10 May 2004

MEMORANDUM FOR COL [REDACTED] 3d BDE 187th
INF REGT, 101st Airborne Division (AASLT) FTCKY, 42223

SUBJECT: Commander's Inquiry

1. On Thursday 6 May 2004, I was informed by [REDACTED] XO, and [REDACTED] SJA Officer, that I was appointed the Investigating Officer to look into the possible abuse of an Iraqi detainee. The event in question took place on 29 November 2003, in Husaybah, Iraq during an operation supporting OPERATION RIFLE'S BLITZ. This was a combined operation between 3d BN 187 Infantry Regiment and the forces 3d ACR. I reviewed the previous commander's inquiry done by the Battalion, met with Admin Law representative at JAG, and met with the [REDACTED] to discuss my plan for the investigation and what I would require. Σ 6
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2. The following are the facts I was able to develop from the video and interviews:

The video is exactly 52 seconds in length. I was able to positively identify three individuals: [REDACTED], [REDACTED], and [REDACTED]. The name of the detainee was not available. No one remembered a name and there was no paperwork completed at the time of detainment. The video itself portrays [REDACTED] conducting his own version of the MTV show "JACKASS". He, [REDACTED], refers to it as "JACKASS IRAQ". It starts off with [REDACTED] using his digital camera asking the detainee and [REDACTED] to wave to the camera. He then turns the camera to himself and states "I am going to punch this guy in the stomach, this is Jackass Iraq." There is an approximate delay in the video from the audio by two to three seconds. Meaning you hear what is going on before it happens on the video itself. At this point you can see [REDACTED] walking into the area around the back side of [REDACTED] while trying to hold the camera with his left hand attempts to punch the detainee in the stomach with his right hand. As he attempts to punch, the detainee moves back and to his right avoiding any straight on hit from [REDACTED]. You can hear [REDACTED] say "Oh he moved, hold up, he's a trickster, we need a camera man." At this point [REDACTED] tries to place the camera on a tree or post and moves around for a better position. [REDACTED] slips in the mud while trying to move around to the other side of the detainee. At this point the camera is still recording and is pointing at the ground. [REDACTED] then takes possession of the camera and is recording. When the camera comes back up [REDACTED] is in the foreground with his back Σ 6
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to the camera holding the detainee and [REDACTED] on the far side of the detainee holding him. You can hear moving and shuffling going on. A voice comes across saying "hold him", then what sounds like "hold on, hold on, hold on". At this point the video comes across in front of the detainee. It shows the detainee's face and what appears to be an expression of pain as he is going down to the ground. In the right hand side of the video you can see [REDACTED] standing next to the detainee facing the opposite direction of the detainee and away from the camera. As you play the video in slow motion you can see [REDACTED] elbow comes straight down in between the detainee's shoulder blade. He is no longer paying attention to the camera and is paying attention to the soldiers approaching them. The detainee is helped back up by [REDACTED] by lifting him by the flexi cuffs on his wrists. You can see in the last few seconds of the video where there are two soldiers approaching. I could not identify these soldiers. There are other people in the area due to voices being heard in the back ground. The video doesn't show anyone that can be identified. No one could recollect who it was. At this point the detainee is being lead way by [REDACTED]. His face is noticeably distressed and looks as though he is breathing hard like he had the wind knocked out of him.

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3. The following are the facts of the detainment based upon interviews of the Platoon members:

a. The situation which led up to the video occurred in the beginning of the Platoon's mission, approximately 30 minutes when the platoon moved out looking for weapons in the area. At this point the Platoon was spread out on line searching for weapons. 2nd Squad being on the far right, 3d squad in the middle and 1st squad to the far left. [REDACTED] and [REDACTED] found an AK-47 and several rounds of ammunition in a plastic bag under a pile of barley. The detainee was approximately 100m away attending some sheep or goats. The platoon interpreter, Aziz, called him over along with the Platoon Leader, [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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The detainee was questioned about the weapons and ammunition and due to his story changing about owning or not owning the weapon and ammunition, the PL with the recommendation from the interpreter that the individual was not telling the truth, decided to detain him and bring him along till they could get him to a vehicle. Since they were no where near any roads to link up the truck designated for holding detainees he was brought along. There was also no initial detainment paper work conducted on the individual. He was flexi-cuffed by [REDACTED] and placed in his custody during the movement.

b. Several interviews all described the area as rough and broken terrain. There had been recent rainfall and caused the ground to be muddy and difficult to move across. Several people had been falling and slipping during the movement. They

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brought the detainee with them through the area. The visibility in the area ranged from 100+ meters in the open fields to less than 10 meters in the wooded areas. During this time he had fallen at least once and was helped up. He was also being slow and mumbling in Arabic the whole way as described in the interviews. If he was being slow or difficult, the flexi-cuffs would be raised and pushed forward in order to get him moving. The interpreter asked him a few more questions while they were continuing the movement but did not have any success in getting any further information from the detainee.

c. The incident occurred in one of the wooded areas about 45 to 60 minutes after the detainee was taken by 2d squad. The platoon had stopped in order to cut their way through a field fence. At this time it was decided by [REDACTED] to do a short film in order to have fun and relieve some of the tension that had been building up during the mission. Most of the squad had pushed out to provide security while the platoon was waiting to cut the fence and continue movement. [REDACTED] heard something about [REDACTED] making a movie but he didn't pay much attention to it and was focused on pulling security for his section. The filming of the video was done with [REDACTED], [REDACTED] and [REDACTED] in the immediate area. [REDACTED] was also not in view of the incident when it happened. Ex 6 C3.2.1.6

d. Once the video was complete the platoon moved through the fence area. Approximately 15 minutes after moving through the fence the Platoon Sergeant told [REDACTED] to take the detainee to the Bradley vehicle waiting at a link up point on the road they were adjacent to. At no time were [REDACTED] and the detainee out of sight of the rest of the squad. [REDACTED] brought the detainee to the Bradley and handed him over to [REDACTED], from the platoon, who had been detailed to guard detainees. The PL and PSG then reconfirmed that the detainee was not providing any further intelligence and was not of any further use. They called up to their commander and requested to release the detainee due to being of no further intelligence value. The decision was made to release the detainee and the PSG cut the flexi-cuffs and released the detainee. The detainee then started walking back in the direction from where he was picked up. He was not seen again and the platoon continued on the mission looking for weapons caches in the area. Ex 6 C3.2.1.6

4. The following are the facts surrounding the viewing of the video prior to it being brought to the attention of the chain of command.

- a. It was shown on both [REDACTED] Digital Camera and [REDACTED] Laptop computer.

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- b. It was never shown as a single event to the platoon. It was shown to select individuals who happen to be watching other videos and pictures on [REDACTED] Laptop computer.
- c. None of the other soldiers took it as a serious incident where [REDACTED] was actually abusing the detainee. Everyone who saw it thought it was a joke.
- d. It was shown in Husaybah, Al Asad Air Field, Tall Afar, and back at Ft Campbell prior to the command conducting an investigation.

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5. The following are the findings I have been able to determine from my investigation:

a. The first person in the chain of command to discover the video was [REDACTED] back in Iraq. Initially he thought there was no reason to report the incident to higher due to it not looking serious, he did not hear the audio portion of the video, and he verbally reprimanded [REDACTED] on the spot when he saw it. It was not until he was shown the video again in the 1SG's office around the 27th of March. At first he thought it was a different video and then realized it was the same one he saw back in AL ASAD Airbase. Once the video was in the hands of the Company Chain of Command they immediately brought it to the attention of [REDACTED] and a commander's inquiry was done at the Battalion level.

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b. During my investigation and interviews I was not able to determine or uncover any other incidents of detainee abuse or any other acts committed against this particular detainee. The platoon and squad had dealt with several other detainees during their mission time in Husaybah, Iraq. The only recommendation to be made on actions with detainees is that the initial detaining unit needs to fill out a detention form with all the available information to the circumstances and reasons of detention. This was not the procedure they had been following. According to my interviews, they would detain an individual and then put him on a vehicle which would take him back to another location to be processed. Understandably units in the field do not always have time to do paperwork on the spot or resources but in this case they could have done it. The optempo of the mission was not going at such a speed that it could not have been accomplished. The other reason for doing paper work on the spot is so when a detainee does make it back to the rear the detention center doesn't have to start paperwork from scratch and the interrogators already have some information and details of detainment in order to start questioning of the individual.

c. After the mission was over. The platoon returned to the base they had been working out of. Several interviews indicated that the video was shown that night on both [REDACTED] camera and on [REDACTED] laptop. There are

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discrepancies with statements as to who was exactly there and how many times it was shown. To the best I can determine through interviews the video was shown the night immediately after the mission, while the platoon was staying at AL ASAD airbase in route back to Tall Afar, in the sleep tents at Tall Afar, and once back at Fort Campbell in the Platoon CP and in [REDACTED]'s barracks room. The video was never shown as a specific event where people were called over to watch it specifically. The video was among several that had been taken on missions. The occasions that it was viewed were generally while reviewing other pictures and videos that had been taken on the units missions. Nine soldiers had claimed to have seen the video prior to its discovery by the chain of command and the initial investigation being conducted by the Battalion. The original investigation claimed that seventy percent of the platoon had seen the video. My investigation determined less than fifty percent actually saw it. No one could state specifically, all who had seen it back in Iraq. Many times it was shown people were passing by or stopped briefly to see what other people were watching on the laptops or cameras. Ex 6 C3.2.1.6

d. The times that it was shown people thought it was a joke and that [REDACTED] was doing something stupid. None of the soldiers took it seriously and did not believe that [REDACTED] was abusing the detainee. Everyone interviewed that had previously seen the video prior to the initial investigation thought it was a joke and did not take it seriously. [REDACTED] claims that he saw it while the platoon was in AL ASAD airbase, waiting return to Tall Afar. He watched the video once without the audio being played on it. He claims that upon seeing the video he verbally reprimanded [REDACTED] about making the video and his flawed decision in what he did. Unfortunately, no one in the interviews can remember [REDACTED] being present at any showings of the video, nor remembering any verbal reprimand of [REDACTED]. When I re-questioned [REDACTED] about being reprimanded by the platoon leader he could not remember nor could he say for sure it happened. Several people could not recall specifics of each viewing of the video clip to include exactly where, when and who was there. Ex 6 C3.2.1.6

e. The original title of the video according to [REDACTED] was "Our first Iraqi prisoner" and that was done by [REDACTED]. [REDACTED] recalls naming it as "Our Prisoner". The copy which was turned over to me for review and use in the investigation is titled "Our Prisoner (The Smash)". Neither [REDACTED] nor [REDACTED] knows how it was renamed. In order to determine the actual name you would need to find all the copies and review the dates on them to see where the name could have been changed. Since the video has changed hands several times and the laptop it was on was not in the sole possession of [REDACTED] the entire time since the video was made, it is difficult to determine how and when the name was changed. Ex 6 C3.2.1.6

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f. Several copies have been distributed due to people passing folders of pictures and videos around. Pin Drives were shared regularly between computers to share documents and files. Sharing these photos and videos was common among units while in Iraq and after. The video came to the company chain of command by this very reason. [REDACTED] the company training NCO, had down loaded several pictures to his laptop from [REDACTED] back in December 2003. Upon returning to Ft Campbell, he started to review through the folders and pictures and found the video in question. He immediately handed it over to the Company Chain of Command. As far as I can determine the video is on or was loaded on [REDACTED]'s pin drive which is located at his house in California, loaded on [REDACTED]'s desktop computer in his barracks room, [REDACTED] laptop, [REDACTED] laptop, an unidentified laptop in the platoon cp, a CD copy is in the possession of the JAG office and I have one loaded on my laptop to conduct the investigation. Ex 6 C3.2.1.6

g. There are no significant discrepancies in the interviews of how or why the individual was detained. There are no other reasons to believe that the detainee was abused or further humiliated while in US Military custody.

h. [REDACTED] mental condition or judgement can be called into question. One of the other NCOs, [REDACTED], said in an interview recalls [REDACTED] was having family troubles while in Iraq and was not sleeping at night and stayed up playing video games. He would then sleep in the day. This was during down time when they were not on missions. Since returning to Ft Campbell and the initial investigation started he has been a self referral to Mental health, claiming he could not sleep and that he felt like he was going to hurt someone. He was placed on suicide watch by his company. He was also enrolled into ADAPC. Ex 6 C3.2.1.6

i. At the end of the video when [REDACTED] hits the detainee in the back with his elbow he is no longer looking at the camera nor is he posing as though it was done for the camera. From my interview with him he was not aware that the camera was still going at the time. He claims that he slipped and bumped into the detainee and they then helped the detainee up. I cannot discern from the last portion of the video where it looks as though he is falling and knocks into the detainee. It looks as though his arm and elbow are deliberately hitting the detainee between the shoulders and knocking him to the ground. Ex 6 C3.2.1.6

j. Neither [REDACTED] nor [REDACTED] thought that anything they were doing was wrong. They were doing it as a joke and to relieve tension and boredom from the mission. The fact that this incident was done as entertainment rather than out of malicious reasons still does not change the fact that a detainee under US military custody was abused and publicly humiliated. Ex 6 C3.2.1.6

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6. Recommend that computers in the company and individual's laptops and desktops identified be reviewed for any further copies of this video and permanently deleted. This will reduce any possible spread or dispersion of the video.

7. There were three individuals I was not able to interview. Two were due to being ETS'd since returning to Ft Campbell. One was on pass over the weekend that I was conducting the interview. I do not believe that these individuals can provide anymore information relevant to this investigation. Since they were not present to the incident in question and if they saw the video prior to the investigation it doesn't change the facts as they already have been determined.

8. I recommend that [REDACTED] be taken against [REDACTED] for his actions of misconduct against a US detainee. I recommend [REDACTED] against [REDACTED] and [REDACTED] for assisting in the misconduct of the detainee.

b(5)-3
deliberative
process

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[REDACTED]

[REDACTED] EX 6
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Interview questions

Incident

What was your mission: CLEARING AREA

What was the mentality of the soldiers like: GOOD SPIRITS

How many other detainees had you dealt with that day: NO

What had been the previous detainee actions like:

30-40 TOTAL IN HUTS

When did you detain the individual in question:

EARLY MORNING EARLY MISSION

Why was he detained (circumstances): STORIES NOT RIGHT

Resisting? NO

Who initially detained him:

DON T REMEMBER

Was he interrogated at all prior to the film or after:

Who interrogated him: [REDACTED], INTERP

Was any paperwork filled out on him being detained: NO

Did he speak any English:

NO

How long before the video had he been detained:

NOT STANDARD TO TAKE DETAINEES - TOOK UNTIL THEY COULD
HAD TO PULL THEM ALONG LINK UP w/ VENT

TOOK HIM AWAY - TO SEE IF THEY COULD GET
MORE INFO UPON REACHING LCP. RELEASED HIM

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How was his treatment prior to and after the video:

MILITARY BY CUFFS PULLING AROUND

When was he flexicuffed: AFTER DETAINMENT

Who did it

What happened after the video:

Who else was in the immediate area:

Was he stuck again:

Where was he taken:

MET UP W/ TRUCKS & BRADLEY

Who took him there:

[REDACTED]

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Was there any additional interrogation done:

NONE DONE

Was the detainee humiliated in any other way:

NOT TO HIS KNOWLEDGE

Did anyone say anything to stop it:

Why was he released and how:

NO INTEL VALUE

To your knowledge has there been any other incidents of mistreatment of detainees:

NO

001548

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 FTCKY	2. DATE (YYYYMMDD) 2004-05-07	3. TIME 2213	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] Ex 4 C3.2.1.6			

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

On or about ^{November 13} ~~December~~ 29, 2003 my platoon was charged with clearing the area north of Husaybah. Approximately 30 minutes after we had begun clearing these fields, members of 2nd sqd. found 1 AK-47 and approximately 200 7.62 rounds in a pile of brush. We detained the sheep herder who was approximately 100 yds. away from the AK-47 and began questioning him with an interpreter. I determined, with the aid of the interpreter, that the detainee's story was incongruous and because of this decided to detain the subject for further questioning. He was placed into handcuffs and moved with the platoon until we were able to drop him off with the vehicles. His treatment was normal. We released him after the vehicles arrived at the link-up point. No further questioning occurred and no paperwork was filed. Ex 4 C3.2.1.6

Approximately 7 days later, I witnessed the video on [REDACTED] computer in Al-Asad the night before we were to return to Tall Afar. Upon witnessing the video, I verbally reprimanded [REDACTED] calling into question his flawed decision making to video himself on a mission. I left it at that. As I saw the video minus the audio portion, I saw no reason to report the incident to higher command.

The second time that I witnessed the video was back at FTCKY in my ISG's office. This time I was able to hear the audio. Initially I thought it was a different video because the audio portion made the video more serious in nature. My company commander informed me that he was going to inform his command about the video. [REDACTED]

NOTHING FOLLOWS

10. EXHIBIT Ex 4 C3.2.1.6	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.

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STATEMENT OF

TAKEN AT

22 13

DATED

07 MAY 04

9. STATEMENT (Continued)

EX 6
C3.2.1.6

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE [REDACTED] 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 7 day of MAY, 04 at HQ 3rd BN 187 INF

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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Video

When and How many times was the video shown to the platoon:

SAW IT IN HQS AL ASAD AIR BASE
GUYS HUDDLED AROUND COMPUTER MIX OF GUYS FROM PLATOON
SITTING ON CHAIRS

Who was there and who was not:

Was it shown repeatedly:

Who showed it:

ON [REDACTED] COMPUTER

Did anyone narrate the video:

What did they say:

LT (NO AUDIO WHEN SEEN)

WHAT IS THIS, THIS IS IRRESPONSIBLE

Was the showing of the video selective to certain individuals.

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

GUYS STOPPED TALKING WHEN PL STARTED TALKING
TO [REDACTED]

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

DID NOT - FELT THAT IT DID NOT NEED
HIGHER INVOLVEMENT (NO AUDIO)

REPRIMANDED ON SPOT TO [REDACTED]

ACLU-RDP 496 p.15
NO OTHER ACTION

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Why didn't you report it:

REPORTED AFTER SITTING IN ISG/CDL OFFICE
THAT HE HAD SEEN VIDEO

Who in the chain of command had knowledge of this incident:

NO ONE ELSE

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

CO CDR TOOK IT TO BC

Has this incident been discussed to anyone outside of the unit to your knowledge: NO

Why was the video deleted off the computer:
When?

NO OFFICIAL POSSESSION SHOWN

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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION HQ 3 rd BN 187 INF	2. DATE (YYYYMMDD) 20040507	3. TIME 2124	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4	[REDACTED]
8. ORGANIZATION OR ADDRESS [REDACTED]			
9. [REDACTED]			

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

During the Husabagh mission, at no time did I witness any prisoner (detainee) abuse. I also did not see the video clip until I was back in the states. It was shown to me by my chain of command.

When the platoon detained the Iraqi person, I had [REDACTED] escort the individual. After bringing the prisoner along for a ways, I decided to have [REDACTED] place the individual on the tank that was following the Platoon movement. Later, I called my [REDACTED] and discussed with him about letting the detainee go. We saw no reason to keep him any longer and determined that he was not a threat. We then notified the company commander [REDACTED]. After discussing the issue with him, we let the detainee go.

nothing follows

Ex 6
C3.2.1.6

10. EXHIBIT	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 MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

EX 6
CS.2.1.6

[REDACTED]

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 _____ day of _____, 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

PAGE OF PAGES

[REDACTED]

Ex 6
C3.2.1.6 b(6), b(3)

Interview questions

Incident

What was your mission: AREA CLEARING

What was the mentality of the soldiers like: DECENT / GOOD SPIRITS

How many other detainees had you dealt with that day:

What had been the previous detainee actions like: DEALT WITH SEVERAL / A LOT
DETAINEES DURING HUSABA MISSION
TRAINED IN DEALING WITH DETAINEES

When did you detain the individual in question:

AFTER

Why was he detained (circumstances): LYING, CHANGED STORIES
Resisting? NO. TAKEN TO SEE IF HE WOULD TALK
GIVE STRAIGHT STORY

DIDN'T GIVE MUCH INFO

Who initially detained him:

[REDACTED] (PL) INTERP, [REDACTED] [REDACTED] IN AREA

Was he interrogated at all prior to the film or after:

Who interrogated him: SOME AT INITIAL

Was any paperwork filled out on him being detained:

NO

Did he speak any English:

NO

How long before the video had he been detained:

1.1.1.1.1.1

b(6), b(3)

How was his treatment prior to and after the video:

When was he flexicuffed:
Who did it

What happened after the video:

Who else was in the immediate area:

Was he stuck again:

Where was he taken:

DSC TAD [REDACTED] TO TAKE HIM TO VEHICLE

Who took him there:

EXL, C3.2.1.6

Was there any additional interrogation done:

Was the detainee humiliated in any other way:

Did anyone say anything to stop it:

Why was he released and how:

CALLED BTL 6 & ASKED TO RELEASE (405 E OF
NO INTEL VALUE

To your knowledge has there been any other incidents of mistreatment of detainees:

NO

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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 HQ 3 rd BN 187 INF	2. DATE 7 MAY 04	3. TIME 1316	4. FILE NO.
5. NAME (Last, First, Middle) [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 HHC 3rd BDE
101st ABN DIV and wanted to question me about the following offense(s) of which I am suspected/accused: ABUSE OF IRAQI DETAINEE

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 [REDACTED] Ex 6 C3.2.1.6
1a. NAME (Type or Print)		4. SIGNATURE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE
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

2. SIGNATURE OF INTERVIEWEE

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

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. *DL* *dl*

1. LOCATION <i>HQ 3RD BN 3-18-7</i>	2. DATE (YYYYMMDD) <i>20040507</i>	3. TIME <i>1400</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	EX C3.2.1.6	7. GRADE/STATUS [REDACTED]
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

EX 6
3216

DURING THE INTERVIEW WITH [REDACTED] THE FOLLOWING WAS DISCUSSED THE DETAINEE IN QUESTION. OUR MISSION WAS TO SUPPORT THE 3 AR IN THE CITY OF HUNAYHAN TO CAPTURE HVT AND KID THE CITY OF HUNAYHAN. WHILE THE SQUAD WAS MOVING IN-LINE IN A WIDE OPEN AREA LOOKING FOR LAVERS, [REDACTED] AND [REDACTED] POINTED OUT A LARGE DASH PICK-UP. THE AR-15S AND SEVERAL ROUNDS OF AMMO. WHEN A LARGE DASH PICK-UP CALLED ME TO THE AREA AND I THEN CALLED THE PL AND PSC. THE PL BROUGHT OVER THE SQUAD INTERVIEW (PL PSC MYSELF. CH. GAINES) SEEN AN AR-15 GAT HUNTER APPROX 100 METERS AWAY THE INTERVIEWER (PL) ASKED ABOUT THE WEAPONS IN QUESTION. THE INTERVIEWER ASKED HIM QUESTIONS ABOUT THE WEAPONS. AT FIRST THE DETAINEE SAID THE WEAPONS WERE NOT HIS AND THEN LATER CHANGED HIS MIND AFTER THE INTERVIEWER SAID HE WOULD GO TO JAIL. THE PL WANTED HIM SEARCHED AND FLEXCUFFED. [REDACTED] DID THAT. WE BROUGHT THE DETAINEE WITH US (SQUAD). AT THAT TIME I DID NOT WITNESS ANY MISTREATMENT. THE SQUAD DID NOT DO ANY PAPERWORK UP ON THE DETAINEE. THE PL, PSC INTERVIEWER AND 2d SGT WERE IN THE IMMEDIATE AREA I DID NOT KNOW ANY VIDEO WAS TAKEN OF THE DETAINEE IN QUESTION. THE DETAINEE WAS NOT MISTREATED OR COMPLICATED IN ANY WAY THAT I WITNESSED. THE DETAINEE WAS IN THE SQUAD FOR APPROX 15 MINUTES TO 1 HOUR AFTER THAT TIME THE PL AND INTERVIEWER ASKED HIM A COUPLE MORE QUESTIONS AND PL RELEASED THE DETAINEE. [REDACTED] CUT THE FLEXCUFFS OFF AT THAT TIME.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> 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 [REDACTED] DATED 7 MAY 04

EX 6 C3.2.1.4

9. STATEMENT (Continued)

I DID NOT HAVE ANY KNOWLEDGE OF THE VIDEO UNTIL I RETURNED TO FORT CAMPBELL. UNTIL TWO WEEKS AGO, I WAS INFORMED BY PSG TO SEE THE BC ABOUT THE INCIDENT. THE BC ASKED ME QUESTIONS ABOUT THE ALLEGED ABUSE OF A DETAINEE. I TOLD HIM I HAD NO KNOWLEDGE OF MISTREATMENT AND VIDEO OF A DETAINEE.

Q: [REDACTED]: SINCE THE INCIDENT HAS BEEN BROUGHT TO THE ATTENTION OF BN LEADERSHIP WHAT DISCUSSIONS WHO HAS BEEN TALKING ABOUT THE INCIDENT IN THE SQUAD OR PFT? EX 6 C3.2.1.4

A: [REDACTED], IN GENERAL, NO SPECIFICS IN OPEN DISCUSSION AMONG THE PLATOON. OVERHEARING THAT HE DID NOT USE A CLOSED FIST ON THE DETAINEE AND WAS ONLY A JOKE. [REDACTED] NOTHING FOLLOWS

INITIALS OF PERSON [REDACTED] STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

DATED

7 MAY 04

9. STATEMENT (Continued)

Air

EX 6
C3, 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 [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 REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR [REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 2004 at HQ 3rd BN 187 INF

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

████████████████████
DAVE AT THE LOCATION
EX 6, C3.2.1.6

b(6), b(3)

Interview questions

Incident

What was your mission: RESFEE ORDER TO CITY & SUPPORT 3 ACR

What was the mentality of the soldiers like: COMBAT WHICH FOLLOWED INTO SUPPORT 10 DAYS RUNNING AS EVERY DAY PATROLS EACH DAY SOME STRESS & TIRED EQUAL ACROSS

How many other detainees had you dealt with that day:

NONE THAT DAY

What had been the previous detainee actions like:

NO INITIAL HAD 8 DETAINEES ~~3~~ 3 TO 4 DAY PRIOR

NONE AFTER 29TH

SEARCH, FLEECED A MOVE TO COORDINATED FORT PAPERWORK

When did you detain the individual in question:

NOT AWARE OF DETAINING IN AREA OF CACITE

DID NOT FIND CNT TILL RETURN TO FT CAMPBELL ABOUT INCIDENT

Why was he detained (circumstances): HAD SOME GOATS IN IMMEDIATE AREA WALKING WITH THEM

AMMO & WEAPONS CACITE FOUND

PL INTERP & BE TALKED WITH HIM WHILE SGT COVERED AREA

Who initially detained him:

CAUSED OVER BY INTERP AFTER CACITE FOUND

EX 6
C3.2.1.6 (LT) IN AREA AS WELL
DID INITIAL DETAINING AFTER TALKING W/ INTERP

Was he interrogated at all prior to the film or after:

YES INTERP ASKED HIM ABOUT WEAPONS & AMMO FIRST DENIED THEN CHANGED MIND AFTER INTERP SAID SOMETHING TO HIM AND SAID IT WAS HIS & IT WAS FOR PROTECTION

Who interrogated him:

PL, INTERP

Was any paperwork filled out on him being detained:

NOT ON SITE NOT AWARE OF AT ALL

Did he speak any English:

DIDN'T SPEAK ANY ENGLISH

How long before the video had he been detained:

1/2 HR 45 MIN

DETAINED & BROUGHT ALONG WITH SOLDAD

INTERP ASSIGNED TO PLATOON STAYED W/ PL OR PSG

45 MIN TO 1 HR TO DETAINEE TIME
DETAINEE HAD MIL STYLE BOOTS ON

b(6), b(3)

How was his treatment prior to and after the video:

DID NOT SEE ANY MISTREATMENT

When was he flexicuffed: AFTER HE CHANGED HIS MIND ABOUT
Who did it [REDACTED] CARRYING WPNS
[REDACTED] HAD HIM AT THAT TIME

What happened after the video:

WALKED WITH SQUAD FOR AWHILE & WFS
RELEASED BY PL

Who else was in the immediate area:

PL, PSG, INTERP, & SQUAD,

Was he stuck again:

Where was he taken:

Who took him there:

Was there any additional interrogation done:

PL INTERP & PSG CONTINUED TO ASK HIM QUESTIONS
WHILE MOVEMENT

Was the detainee humiliated in any other way:

DID NOT SEE

Did anyone say anything to stop it:

Why was he released and how:

RELEASED BY PL UNCLIPPED HIM & HE WALKED
BACK TOWARD AREA HE WAS DETAINED

To your knowledge has there been any other incidents of mistreatment of detainees:

NOT THAT HE IS AWARE OF

001362

NOT AWARE OF EXISTANCE UNTIL BACK AT
CAMPBELL

Video WAS NOT PRESENT FOR ANY SHOWINGS OF
When and How many times was the video shown to the platoon: VIDEO

Who was there and who was not:

Was it shown repeatedly:

Who showed it:

Did anyone narrate the video:

What did they say:

~~Was the showing of the video selective to certain individuals~~

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

b(6), b(3)

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

PL INFORMED [REDACTED] DISCUSSED CHARGES
ENL, C3.2.1.4

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge: UNSURE

Why was the video deleted off the computer:
When?

CALL PL → XO WHEN NEEDED ASSISTANCE
OR DETAINEE PICK UP
GIVE GRID TO BRING DETAINEE
DROP OF DETAINEE TO XO/PL & MOVE OUT
CONTINUE MISSION

VIDEO ID

INTERVIEWED BY BC BUT NOT INVESTIGATING OFFICER

RECOGNIZE DETAIN E

b(6), b(3)

██████████ & ██████████ INITIALLY FOUND CACKE
EX 6 2 AKS & AMMO IN SEALED PLASTIC BAG
C3.2.1.6 UNDER CACKE BRUSH FILE

100M AWAY W/ 5-6 GOATS

██████████ WAS WITH THEM AT TIME

INITIALLY DIDN'T KNOW SPECIFICS OF INCIDENT
UPON SHOWING HIM VIDEO HE RECOGNIZED DETAINEE
& GAVE DESCRIPTION AND DETAILS OF WHAT HE KNEW

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

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 Headquarters 3 rd BATTALION 87 INFANTRY	2. DATE 07 May 04	3. TIME 1922	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] EX 6 C3.2.1.6	8. ORGANIZATION OR ADDRESS [REDACTED] Fort Campbell KY 42223		
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 HHC 3rd BDE
101ST ABN DIV and wanted to question me about the following offense(s) of which I am
 suspected/accused: INCIDENT INVOLVING POSSIBLE MISTREATMENT OF DETAINEE

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] EX 6 C3.2.1.6
1a. NAME (Type or Print) i		4. SIGNATURE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 ST ABN DIV
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

2. 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

001366

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	2. DATE (YYYYMMDD) 2004 05 09	3. TIME ^{am} 2015	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 C3.2.1.6			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

"I understand that you have been interviewed previously about the incident of an alleged assault of an Iraqi detainee near Husaybah, Iraq. I have been appointed to conduct a separate and independent investigation of the alleged assault. I am not using your prior statement as a basis for my questions of you today. Do you understand that? Do you have any questions at all about your Article 31 rights that we just addressed on the DA 3881?"

ON THIS DAY we and my platoon went on a mission IN husaybah and on our way we found a man with a hidden weapon so we detained him and when we were walking we were held up at a fence and to ease the tension we made a movie of our prisoner and in the movie I said this is Jackass Iraq I going to punch this guy but I missed and he moved the [REDACTED] and the camera came a little and started to film when I tried to throw the jug I fell and he fell then we went back and in the bag I transferred the movie ~~for~~ to my pin drive straight from the camera and watched it once and that was the last time I saw it and at this time other person from my platoon saw it I know this was a stupid idea but I thought I was keeping the moral up and if anyone was not ~~was~~ apologize. and there was no distribution of this tape.

EX 6
C3.2.1.6

Nothing else follows.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF [REDACTED] PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED 2004 05 09

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 2015 DATED 05/09/2004

9. STATEMENT (Continued)

EN 6
C3.2.1.6

Nothing else follows

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 7 day of MAY 04 at HQ 3d IBN 187 714 1045

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS [REDACTED] PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

[REDACTED] EN6
C3.2.1.4

b(6), b(3)

Interview questions

Incident

What was your mission: LOOKING FOR LANDMINES & WEAPONS CACHES

What was the mentality of the soldiers like: PISSED OFF AT WALKING, MEDIOCRE SPIRITS "KEEPING OURSELVES ENTERTAINED"

How many other detainees had you dealt with that day: NO

What had been the previous detainee actions like: SEVERAL OTHER DETAINEES IN MISIONS @ HUSABA, DIDN'T HAVE TAGS OR DOCS WITH THEM BROUGHT TO TRUCKS WAITING & TURNED OVER

When did you detain the individual in question:

MID-DAY WALKED WITH THEM FOR FORTY MINUTES

Why was he detained (circumstances):

Resisting? NO

Who initially detained him:

[REDACTED] EN6, C3.2.1.4

Was he interrogated at all prior to the film or after:

TALKED WITH HIM SHORTLY THEN BROUGHT ALONG TO CONTINUE MISSION EX6 C3.2.1.4

Who interrogated him:

[REDACTED] (INTER), PL OR JSG?

Was any paperwork filled out on him being detained:

TOOK ALONG WITH THEM CAUSE NO MEANS TO GET THEM OUT

Did he speak any English:

NO

How long before the video had he been detained:

30 MIN WAITING TO BREACH CUT FENCE

TELL/RT MOVED AND I SLIPPED & DROPPED INTO HIM
[REDACTED] WAS CALLED AFTER, WASN'T AWARE CAMERA STILL RECORDING
FELL FORWARD FIRST

b(6), b(3)

How was his treatment prior to and after the video:

TELL A FEW TIMES IN MIND A TERRIBLE
HURT HIMSELF FEW TIMES WHILE WALKING

When was he flexicuffed: AFTER TALKED WITH HIM
Who did it [REDACTED]

What happened after the video: MOVED OVER FENCE
SEARCHED FIELD MOVED DETAINEE TO BRADLEY (HUMAN)
[REDACTED] & XO DROPPED OFF & KEPT ON WALKING ON
MISSION. DECIDED TO LET HIM GO

Who else was in the immediate area:

HARRIS, GAINES, RIVERA, SQUAD IN AREA
WAITING AROUND TO GET OVER FENCE

Was he struck again:

Where was he taken:

RELEASED

Who took him there:

[REDACTED]

EX 6 C3.2.1.6

Was there any additional interrogation done:

NOT KNOWN TALKED w/ INTERF WHILE WALKING

Was the detainee humiliated in any other way:

NO

Did anyone say anything to stop it:

NO ONE IN IMMEDIATE AREA TO STOP IT

Why was he released and how:

To your knowledge has there been any other incidents of mistreatment of
detainees:

MADE IT TO BE JOKE, FELT IT WAS FUNNY REUSE
SPIRITS OF SQUAD

LOCATION AT THIS TIME UNKNOWN
DIDN'T KNOW WHO PUT IT ON COMPUTER b(6), b(3)
CLAIMED TO HAVE MOVED RIGHT TO PIN DRIVE

Video

When and How many times was the video shown to the platoon:

THE NIGHT AFTER MISSION ON [REDACTED] LAPTOP
ONCE OR TWICE

ENL, C3.2.1.4

Who was there and who was not:
"LET A PEOPLE SAY IT" IN AMONGST PLATOON @
HUSABAH 1

Was it shown repeatedly:

WAS NOT DISTRO'D TO ANYONE OR SHOWN

Who showed it:

Did anyone narrate the video:

What did they say: LAUGH SAYING IT WAS STUPID
COMMENTING ON HOW HE MISSED

Was the showing of the video selective to certain individuals:

Was the video shown to anyone outside the platoon: NOT AWARE OF

What the demeanor or attitude when the video was being shown:

LAUGHED ABOUT IT CALLED IT STUPID

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke: JOKE NO ONE TOOK
SERIOUSLY OR SAID ANYTHING WRONG ABOUT IT

To your knowledge who has copies of the video:

When did you report it to the chain of command:

FIRST NAME

"OUR PRISONER"

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

DONE AS JEE TO RELIEVE TENSION
NO INTENT TO CAUSE HARM

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.

b(6), b(3)

1. LOCATION HHC 3 BDE 187 INF	2. DATE 7 May 04	3. TIME 17:45	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] EXL C3.2.1.6	8. ORGANIZATION OR ADDRESS [REDACTED] Desert Storm Ave Fort Campbell Ky 42223		
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 HHC 3 BDE
101ST ABN DIV and wanted to question me about the following offense(s) of which I am
 suspected/accused: INCIDENT INVOLVING POSSIBLE MISTREATMENT TO DETAINEE

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] EXL C3.2.1.6
1a. NAME (Type or Print) [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	5. TYPED NAME OF INVESTIGATOR [REDACTED]	
2a. NAME (Type or Print) [REDACTED]	6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 ST ABN DIV	
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		

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

2. 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

001373

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 HO 3BDE 3/187 TINE	2. DATE (YYYYMMDD) 2004 05 07 SRC	3. TIME 1342 SRC	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] C3.2.1.6	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] INF. Fort Campbell KY 42223			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 "I understand that you have been interviewed previously about the incident of an alleged assault of an Iraqi detainee near Husaybah, Iraq. I have been appointed to conduct a separate and independent investigation of the alleged assault. I am not using your prior statement as a basis for my questions of you today. Do you understand that? Do you have any questions at all about your Article 31 rights that we just addressed on the DA 3881?"

EW 3.2.1.6

On the 29 Nov 03 3rd PLT Bco 3/187 conducted A mission outside of Husaybah we were searching the area for weapons and came upon A pit that seemed to be empty and found An AK and ammo in A plastic Bag. close By A Man was seated and we called Him over To us and the man was His. He started to lie and change His story so we searched Him and cuffed Him and continued the mission. about 40-45 mins. later the PLT was held up by A fence and needed to be Breasted. During That Time we Made A video clip Title "Our first Iraqi Prisoner" [REDACTED] as A joke for laughs and pretended to hit Him in the stomach [REDACTED] in the mud and Bumps the [REDACTED] and myself. After that I walked Him to the Bradley crew and turned Him over to them. we continued the mission and later that Night down we Downloaded the file to my laptop and viewed IT. The Profile That saw it laughed and That was IT. We watched it in the sleep area on our cots I didnt know the video had gotten to other Profile I didnt show people outside the guys that wanted to see it. I Deleted the file of the video to make more room on my drive and IT wasnt A Big Deal to me. everyone took it as A joke and laughed about IT SRC

Nothing else follows

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 BE INDICATED.

STATEMENT OF

TAKEN AT

8711 DATED 7 May 04 S24

9. STATEMENT (Continued)

EN 6
C3.2.1.6,

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 S24 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.

EN 6
C3.2.1.6

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY 04 at HQ 3rd BN 187 INF

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

EX6
C3.2.1.4

W/TH FOUND UNDER PAPER PILE
NOT WOOD PILE 1 AK & SEVERAL BOMBS
(150 RDS)

b(6), b(3)

Interview questions

Incident

What was your mission: LOOKING FOR WPNS & HVTs

What was the mentality of the soldiers like: TIRED BUT CONTINUED TO DO JOB

How many other detainees had you dealt with that day: NO

What had been the previous detainee actions like: HAD SEEN SEVERAL & TALKED
SEVERAL OTHER PEOPLE DETAINED
DID NOT FILL OUT ANY PAPER WORK ANOTHER GROUP SOLDIERS DETAIN
TO DEAL W/ DETAINEES

When did you detain the individual in question:
AFTER FINDING AK & RDS

Why was he detained (circumstances): HE STATED AMMO WAS HIS &
Resisting? NO HE PUT ME THERE BECAUSE HE DIDN'T WANT
IT TAKEN BY US FORCES
CHANGED MIND AFTER OR BEFORE? NOT SURE
WHAT STORY WAS FIRST

Who initially detained him:

EX6
C3.2.1.4

[REDACTED] PL, INTERP, [REDACTED]
QUESTIONED HIM DECIDED HE HAD INFO DETAINED HIM
SERIAL & FLEXCOFF (SPREAD BACK OUT CONTINUED MISSION)
20-30 MINUTES INTO MISSION

Was he interrogated at all prior to the film or after:

YES BY PL [REDACTED] & INTERP
INTERP WHILE WALKING

EX6
C3.2.1.4

Who interrogated him: [REDACTED] & [REDACTED] (INTERP)
WHILE WALKING

Was any paperwork filled out on him being detained:

NONE

Did he speak any English:

NO

How long before the video had he been detained:

45 MIN, SHORTLY AFTER 10 MIN
- AFTER BREACHING FENCE TURNED OVER TO BRADLEY CREW
KIM GREGG - GUARD @ BRADLEY
Sgt. ASHMAN PRESENT AS WELL

HAD DETAINEE TALK 1 HR

b(6), b(3)

How was his treatment prior to and after the video:

PULLED WRISTS UP BY FLEXY CUFFS TO WAVE HIM
QUICKER HE FELL CROSSING OVER DITCH HELPED UP & KEPT
WAVING

When was he flexicuffed:

Who did it [REDACTED]

What happened after the video:

VIDEO WAS TAKEN WAITING TO CROSS THE FENCE
AFTER HE WAS TAKEN TO BRIDLEY

Who else was in the immediate area:

DOESN'T REMEMBER [REDACTED] [REDACTED] [REDACTED]

15-20 m TO R.

Was he stuck again:

NO

Where was he taken:

TO BRAD

Who took him there:

Was there any additional interrogation done:

NOT AWARE

Was the detainee humiliated in any other way: DOESN'T THINK SO

Did anyone say anything to stop it:

Why was he released and how: DOESN'T KNOW

To your knowledge has there been any other incidents of mistreatment of
detainees: NO

EX4-C3.2.1.4

[REDACTED] SLIPPED DUMPED INTO GUY IN MUD ALSO INTO [REDACTED]

JUST SCREWING AROUND, SOMETHING TO DO FUNNY
[REDACTED] SWUNG WIDE & [REDACTED] PULLED HIM BACK
DIDN'T OCCUR TO BE INAPPROPRIATE AT TIME
ACLU-RDI 496 p.41 [REDACTED] BEATING HIM UP

001377

MAJORITY OF FLT SAW IT b(6), b(3)
Video PL MAY HAVE AS WELL AS PSC
When and How many times was the video shown to the platoon:
AFTER MISSION THAT NIGHT IN BAY WHERE THEY WERE STAY
SHOWN ON LAPTOP [REDACTED]
4 TO 5 TIMES TOTAL WAS SHOWN ON LAPTOP
Who was there and who was not:
RANDOM PEOPLE IN SQUAD & FLT

Was it shown repeatedly: NO

Who showed it: ANYONE WHO HAD CONTROL OF COMPUTER

Did anyone narrate the video:

What did they say: LAUGHED ABOUT IT WASN'T ANY BIG DEAL

Was the showing of the video selective to certain individuals: NO

Was the video shown to anyone outside the platoon: DOESN'T KNOW

What the demeanor or attitude when the video was being shown: NO OFFENSE TAKEN BY ANYONE

What was the feelings of the group toward the video: DONE FOR FUN AS JOKE

Were people laughing about it: YES

Did they take it seriously or as a joke: JOKE

To your knowledge who has copies of the video: NO ELSE
DOESN'T KNOW HOW IT WAS OFF HIS COMPUTER

When did you report it to the chain of command:

b(6), b(3)

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge: NO

Why was the video deleted off the computer: TAKEN UP SPACE DIDN'T WANT ANYMORE
When? JAN

EXP
C3.2.1.6

[REDACTED] LABELLED THE VIDEO

"OUR FIRST IRAQI PRISONER" FIRST LABEL

OUR PRISONER (THE SWATH) DOESN'T KNOW WHO LABELLED IT

CLIPPING AROUND

ADMITS IT WAS NOT A SMART IDEA
NOW LOOKING BACK

AFTER SEEING VIDEO & ME POINTING OUT WHERE IT
LOOKS LIKE [REDACTED] HIT HIM HE WILLING TO
SAY THAT HE DIDN'T

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

b(6), b(3)

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 HHC 3 rd BDE 3/15/16	2. DATE 7-MAR-04	3. TIME 15:35	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS [REDACTED]		
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 HHC 3rd BDE
101ST ABN DIV ASLT and wanted to question me about the following offense(s) of which I am
 suspected/accused: INCIDENT INVOLVING POSSIBLE MISFEASANCE TO EXHIBIT

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] EXP C3.2.1.6
a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE

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

2. SIGNATURE OF INTERVIEWEE

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

001380

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION HQ 345 13210	2. DATE (YYYYMMDD) 7/MAY/1944	3. TIME 17.33	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] EX 6 3.2.1.6	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS [REDACTED]			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 IN NOV 29 03 A PRODUCTION WAS TAKEN UNDER CAPTIVITY (CAUSE HE
 HAD A COUPLE OF MESSAGES AND AN AIR-217. HE WAS FIGHTING
 [REDACTED] AT MOSCOW IRAN. I WAS LIKE DOING
 ABOUT SO I COULDN'T SEE WHO IT WAS UNTIL AFTER
 WE GOT DOWN AND [REDACTED] NEEDED ACADEMIC
 SO I WENT OUT THERE AND FILM FOR A BIT. I COULDN'T
 SEE THE DETAINEE BEING ABOUT IN PERFECT
 [REDACTED] REMEMBER WHEN THE VIDEO
 WAS SHOWN. I SAW A GROUP OF PEOPLE AROUND US CAN'T REMEMBER
 WHO OR WHERE I THINK IT WAS AT THE BASE WHERE WE WERE
 OR IT HADN'T HAD BEEN TOLD FOR I'M PRETTY SURE NOT
 COMPLETELY THAT [REDACTED] ALMOST THE AGE 8-10 HAD SAID BUT I CAN'T
 ASSURE THAT.

THE DETAINEE WAS FROM THERE MOVED TO A BRADY
 THAT WAS THE LAST TIME I SAW IT. BUT BEFORE THAT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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.

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 7 MAY 64

9. STATEMENT (Continued)

I DON'T THINK HE WAS ABUSE, BUT WHEN I WAS THERE
HE DIDN'T GET HIT OR ANYTHING I REMEMBER [REDACTED] TROWS
ON SOMETHING AND FALLING ON THE PRISONER.

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATED 24 JUL 04

9. STATEMENT (Continued)

Exb
C3.2.1.6

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 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.

Exb
C3.2.1.6

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 04 at [REDACTED]

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 3 OF 3 PAGES

IN. MADDY
AUG 27 FALL

EX4
C3.2.1.4 b(6), b(3) (S-135)

Interview questions

Incident

What was your mission: OPERATION "STEP ON A LAND MINE"
LOOKING FOR WPNs CACITES

EX4
C3.2.1.4

What was the mentality of the soldiers like: MOTIVATED TIRED LOTS OF PATTERNS
[REDACTED] WAS HIS TEAM LEADER ALSO
FOUND LANDMINES BECAME NERVOUS
How many other detainees had you dealt with that day:
NO OTHERS

What had been the previous detainee actions like:
DETAINED SEVERAL PEOPLE AT BEGINNING OF MISSION IN HIAB
MORE THAN HE COULD REMEMBER. ARREST SEARCH FLEX CUFF
SEPARATE & MOVE

When did you detain the individual in question:
DID AUG 27 DURING OF SECURITY WITH HARKIS TIME
AFTER ARREST & AMMO FOUND
HE WAS IN GENERAL AREA

Why was he detained (circumstances):
Resisting? NO NUMBERING IN ARABIC (DID NOT UNDERSTAND)

EX4
C3.2.1.4

Who initially detained him:
[REDACTED] & [REDACTED]
HAD CONTROL OF HIM ENTIRE TIME

Was he interrogated at all prior to the film or after:
INTER AFTER DETAINED

Who interrogated him: NOT SURE

Was any paperwork filled out on him being detained:
NOT AWARE

Did he speak any English:
NO

How long before the video had he been detained:
ALMOST AT END OF VIDEO IS WHEN IT HAPPENED

DETAINED 2 1/2 HOURS BROUGHT TO BRADLEY

THAT IS ITS FUNNY

b(6), b(3)

(MADE SLAPPING MOTION)

EX 6
C3.2.1.6

How was his treatment prior to and after the video:

PUSHED HIM WHEN HE KEPT TALKING
HOLDING HIM BY FLEXY CUFFS
HAD IN TELL HIM TO BE QUIET

PULL ALONG

When was he flexicuffed:

Who did it DOESN'T KNOW

What happened after the video:

EX 6
C3.2.1.6
AFTER OF VIDEO WATCHED AS VIDEO TAKEN
TOOK CAMERA FROM [REDACTED] AND DID VIDEO
MOVED BACK TO HIS AREA

Who else was in the immediate area:

Was he stuck again:

NOT AWARE OF

Where was he taken:

TOOK TO BRIDGES AFTER CROSSING BRIDGE

Who took him there:

EX 6
C3.2.1.6
Was there any additional interrogation done:

NOT AWARE OF

Was the detainee humiliated in any other way:

NOT AWARE OF

Did anyone say anything to stop it:

NO

Why was he released and how:

To your knowledge has there been any other incidents of mistreatment of detainees:

CHAINS PEOPLE AROUND BUT CAN'T REMEMBER

TRIPPED KNOCKED DOWN DOWN

DETAINEE

EX 6
C3.2.1.6

SHOWN ON LAPTOP (C. HUSABA) TO PLT

b(6), b(3)

~~WITH PLT~~
MAJORITY OF PLT & EVERYONE IN SQ D

Video

When and How many times was the video shown to the platoon:

IN HUSABA ON CAMERA
ON LAPTOP [REDACTED] IN TALL AREA IN LIVING TENT

EXH
C3.2.1.4

Who was there and who was not:

SHOWN TO PEOPLE ON LAPTOP

Was it shown repeatedly:

Who showed it:

Did anyone narrate the video:

What did they say:

LAUGHING

Was the showing of the video selective to certain individuals:

NO GENERAL VIEW

Was the video shown to anyone outside the platoon:

LET'S SEE-
SURE

SAW IT

LT SAW IT? CAN'T REMEMBER

What the demeanor or attitude when the video was being shown:

THOUGHT OF AS JOKE

What was the feelings of the group toward the video:

Were people laughing about it:

YES

Did they take it seriously or as a joke: JOKE

To your knowledge who has copies of the video:

When did you report it to the chain of command:

DIDN'T

EXH
C3.2.1.4

Why didn't you report it:

THOUGHT IT WAS A JOKE

Who in the chain of command had knowledge of this incident:

BELIEVES LT SAW IT

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:

When?

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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b(6), b(3)

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1. LOCATION HHC 3 rd BDE 3-187 INF	2. DATE 7 May 84	3. TIME 1503	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	EX 6 C3.2.1.6	

PART I: RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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101st ABN DIV and wanted to question me about the following offense(s) of which I am
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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) [REDACTED]		EX 6 C3.2.1.6
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		4. SIGNATURE OF INV [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. TITLE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 st ABN DIV

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION HHC 3.17.72	2. DATE (YYYYMMDD) 3.17.72	3. TIME 1500	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:

ON 24 NOV 72 WE WERE ON A M.I. IN THE BOYD AREA
 THE MISSION WAS TO SEARCH THE AREA FOR EVIDENCE OF
 WEAPONS. AFTER FINDING THE MISSION I SEARCHED
 A PILE OF STUFF AND FOUND 100 2 AK47'S AND
 2 COULD BE HUNDREDS ROUNDS IN A BAG. WE WERE WORKING
 WITH JAWA A MAN STANDING BY. HE SAID THE STUFF HERE IS
 AFTER A BEEP THE MISSION HE SAID THE STUFF HERE IS
 HE WAS INTERVIEWED ON THE 17TH AND 18TH AND HE SAID
 THROUGH THE MISSION HE WAS HIDING FROM THE MISSION
 TELLS WOULD NOT CONFESSE TO HIM. HE WALKED WITH THE GUARD
 THROUGH THE MISSION. I DID NOT SEE HIM DOING ANYTHING
 MAKING A MISTAKE WITH A GUN. I DID NOT SEE A BOMB MADE
 BECAUSE I WAS WHIPPING IN FRONT OF ME SO I DID NOT GET A
 OFFERED TO GIVE SOME EVIDENCE. WE WALKED UNTIL WE
 GOT TO A ROAD THEN STOPPED. HE WAS PLACED INSIDE
 OF A BRADLEY THAT WAS PARKED DOWN THE STREET
 BY [REDACTED] AND LEFT INSIDE WITH FLE. KOLNICK.
 HE WAS IN THERE FOR ABOUT 15-30 MINUTES AND WAS RELEASED
 AS WE WERE WALKING TO A WAY HE WALKED DOWN THE ROAD
 AWAY FROM US AND THAT IS THE LAST I SAW OF HIM.

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

EX 6 C3.2.1.6

b(6), b(3)

STATEMENT OF

TAKEN AT

DATED

20040507 R11

9. STATEMENT (Continued)

The video was shown about 10-12 times. I was shown in it from the 4th of May. I was in the front (our squad and other squad and other) and I saw it and a lot of the rest of the platoon but I saw it. It was shown on Sgt. Hain's ~~computer~~ ~~computer~~ computer and Cpl. Galt's laptop. It was shown in a very, laughing way. Everyone thought that I was funny. No one was really disgusted with it. I didn't really have that much thought about it. I thought it was sort of funny. I thought that the platoon was even a bit better in the video. We had a lot of prisoners before, and I was a bit worried about it. I was a bit worried about it.

EX 6 C3.2.1.6

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 04 at HQ 30-157 INF REG

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

EX 6 C3.2.1.6

(Typed Name of Person Administering Oath)

INVESTIGATIVE OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Ex4
C3.2.1.4

b(6), b(3)

PUSHED OUT TO PROVIDE SECURITY
AFTER DETAINMENT

Interview questions

Incident

What was your mission: LOOKING FOR CACHES, ON LINE MOVING
THROUGH AREA. CLEAR TOWN OF WPNS, HVTX RAIDS ON TOWN

What was the mentality of the soldiers like: NERVOUS ABOUT GOING DUE TO
CURRENT SITUATION. NORMAL DAY OF OPERATIONS

How many other detainees had you dealt with that day:

DOES NOT RECALL 1 OR 2 WAYBE

What had been the previous detainee actions like:

SEARCH FIRST FLEX CUFF SEPARATE FROM OTHERS LOAD ON VEHICLE
NOT AWARE OF PAPER WORK ON SITE

When did you detain the individual in question:

INTERP CALLED OVER INDIVIDUAL WHEN THE SQUAD ID'D HIM
IN VICINITY WITH SHEEP

Why was he detained (circumstances):

Resisting? [REDACTED] FOUND WPNS FOR 2 AKS 10 BOXES OF AK B
UNDER STACK OF WOOD IN BAG NOT RUSTY
SAID WPNS WERE NOT HIS & THEN CHANGED HIS MIND
NERVOUS & SEEMED SCARED DID NOT RESIST

Who initially detained him:

[REDACTED] CAME OVER, INTERP

Was he interrogated at all prior to the film or after:

2 HRS DETAINED, PLACED IN BRADLEY (30 AK) WHICH WAS
CORNER OF DIRT ROAD

[REDACTED] TOOK HIM TO BRADLEY WATCHED BY [REDACTED]

Who interrogated him: INTERP [REDACTED]

Was any paperwork filled out on him being detained:

NOT AWARE OF

Did he speak any English:

NOT AWARE OF

How long before the video had he been detained:

Ex4
C3.2.1.4

Ex6
C3.2.1.6

WALKED WITH SGD FOR MISSION DURATION -> PLACED IN BRADLEY.

PICKED UP AT BEGINNING OF MISSION
RELEASED AFTER 2 HOURS

b(6), b(3)

How was his treatment prior to and after the video:

WALKED HIM W/ SGT INTER BY INTERP
NOT AWARE OF ANY BAD TREATMENT

When was he flexicuffed: AFTER ADMITTING WPNS WERE HIS
Who did it: [REDACTED]

What happened after the video:

Who else was in the immediate area:

PLT SPREAD OUT 200M SPREAD OUT ON LINE
COULDN'T SEE EVERYONE WHILE IN WORD LINE

Was he stuck again:

DID NOT SEE HIM GET HIT WAS NOT PAYING
ATTENTION TO DETAINEE

Where was he taken:

TO BRADLEY ON DIRT ROAD

Who took him there:

[REDACTED]

Was there any additional interrogation done:

HIDING WPNS CAUSE HE DIDN'T WANT US TO FIND THEM
BELONGED TO HIM AND WANTED TO KEEP THEM
OVER HEARD INTERP TELLING [REDACTED] OR LT

Was the detainee humiliated in any other way:

DIDN'T SEE ABUSE SAID HE WAS FALLING DOWN
DUE TO MUD & TERRAIN BEING UNEVEN & HOLES

Did anyone say anything to stop it:

Why was he released and how:

WAS NOT LONG AFTER 15 TO 30 MINS OF BEING PLACED
IN BRADLEY HE WAS RELEASED

To your knowledge has there been any other incidents of mistreatment of detainees:

NOT AWARE OF ANY MISTREATMENT

TALKED WITH HIM INITIALLY BUT NOT MUCH

PVT IN 2 TENTS
2 SQD PER TENT

WPNS SQD & 2ND
1 & 3RD

b(6), b(3)

Video

When and How many times was the video shown to the platoon:

SAW WHEN THE UNIT RETURNED TO CAMP AFTER
SHOWN COUPLE OF TIMES IN TENT WHERE THEY SLEPT

Who was there and who was not:

EX6
C3.2.1.4 MOST OF PEOPLE IN PLATOON HAD SEEN [REDACTED] NOT PRESENT
OTHER PVT. THINKS BUT NOT SURE OF PL OR PSC. (LIVED IN OTHER TENTS)

Was it shown repeatedly:

MORE THAN ONCE
SHOWN ON CAMERA & ON LAPTOP (CAP GAMES)

Who showed it: [REDACTED] ON HIS DIGITAL CAMERA W/ SOUND

Did anyone narrate the video: NOT AWARE

What did they say: ASKED PEOPLE IF THEY WANTED TO SEE
CLIP OF MISSION

Was the showing of the video selective to certain individuals
WHOEVER WAS AROUND OR INTERESTED

Was the video shown to anyone outside the platoon:
NOT TO HIS KNOWLEDGE

What the demeanor or attitude when the video was being shown:
NO BEASTING OR BRAVADO

What was the feelings of the group toward the video:
LAUGHED IT OFF, NO CONCERN

Were people laughing about it:
SOME THOUGHT IT WAS FUNNY

Did they take it seriously or as a joke:
TAKEN AS JOKE THOUGHT IT WAS FUNNY
NO ONE OBJECTED

To your knowledge who has copies of the video:
NO KNOWLEDGE

When did you report it to the chain of command:

b(6), b(3)

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

SOME PEOPLE THINK IT IS MESSED UP
BEING AN INVESTIGATION NOTHING REALLY HAPPENED

2255 HRS

ADMITS ~~VIDEO~~ VIDEO WAS ON HIS COMPUTER

EX 6
3.2.1.6 DOESN'T RECALL SHOWING TO [REDACTED] COULD
HAVE BEEN DRANK GOT IT FROM [REDACTED] or [REDACTED]
DOESN'T REMEMBER WHICH

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION DLDC Ft Rumphell Ky	2. DATE (YYYYMMDD) 03 May 04	3. TIME 1229 hr	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 am aware of the Situation involving a video and [REDACTED]
I have not seen the video but am aware that one exist
Due to the information put out by [REDACTED] called
myself [REDACTED] into his office. At that time we were
told that there was one issue involving Soldier audio and
something that happened to a captive in USHBA. Since that
time other issues have occurred with [REDACTED], He was
taken in to Mental Health, had been placed under
suicide watch, and presently is in F.D.A.P. Other
than the explanation given to me by [REDACTED] about
the tape I have no knowledge and have not yet seen
the video. Nothing follows.

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.

EXH, C3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED]

TAKEN AT

PLDC

DATED

18 MAY 2008

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 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 18 day of MAY 08 at PLDC FIC KY 42228

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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 rd Barrack class room	2. DATE (YYYYMMDD) 2004 05 07	3. TIME 21:25	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:			

Ex 6
C3.2.1.6
I saw the video in the month of March or April in the 3rd Barrack barracks. I was in [REDACTED] room. We were messing around with some instruments and he flipped through pictures on his computer. One of the pictures/videos was the one with the prisoner in Huseba. I didn't have any reaction to it. It was just another video to me. People in our platoon acting silly (ie. the glasses [REDACTED] were that kind out). [REDACTED] and myself were the only ones there in his room. To my knowledge [REDACTED] is the only one with the video. This was the first and only time I saw/heard about the video (= did hear about it today).

Nothing more follows

Ex 6
C3.2.1.6

10. EXHIBIT	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.		

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

STATEMENT OF

TAKEN AT

21140

DATED

2004 05

9. STATEMENT (Continued)

Ex 6
C3.2.1.4

AFFIDAVIT

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

Ex 6
C3.2.1.6

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 2004 at Hix 303W 197TH RD

[REDACTED]
(Signature of Person Administering Oath)

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

PAGE 2 OF 2 PAGES

Ex 6
C3.2.1.6

b(6), b(3)

EARLY APRIL

Video

When and How many times was the video shown to the platoon:

1ST TIME SAW VIDEO MONTH AGO IN BARRACKS
[REDACTED] DESKTOP IN HIS ROOM

ONLY
TIME

Who was there and who was not:

Was it shown repeatedly: NO

Who showed it: [REDACTED]

Did anyone narrate the video: NO, SHOWING VIDEOS FROM IRAQ

What did they say: NOTHING

Was the showing of the video selective to certain individuals?

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown: DIDN'T GIVE
IT ANY REAL CONSIDERATION

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION 3rd BATTALION CLASSROOM	2. DATE (YYYYMMDD) TIME 1004/05/07 2125	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]
8. ORGANIZATION OR ADDRESS [REDACTED] INF		
9. [REDACTED]		

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

I saw the video sometime in April in the B-3rd PII CP. There was a number of people in there. I recall myself [REDACTED] and possibly [REDACTED] but there might have been more people in there at the time. I don't recall who was showing the pictures but when the pictures were being showed and everybody started to scream and then when the video clip was shown most people just laughed. Most people didn't think much of it.

Nothing Follows

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 12 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.

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

46
1.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Battleground DATED 07 MAY 04

9. STATEMENT (Continued)

346
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 7 day of MAY, 2004 at HO 303N 187 INF

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b(6), b(7)

Video

When and How many times was the video shown to the platoon:

SAW IT BACK AT FT CAMPBELL IN CP (PLT) DUNSTARS
AFTER BLACK LEAVE COMPANYER STAYS IN THERE ALL TI

Who was there and who was not:

[REDACTED], [REDACTED], & SEVERAL OTHER

Was it shown repeatedly: JUST ONE TIME

Who showed it: DON'T KNOW

REVIEWING ALL PICTURES FROM IRAC

Did anyone narrate the video: NO

What did they say: LAUGHED

Was the showing of the video selective to certain individuals NO

Was the video shown to anyone outside the platoon: NOT AWARE OF

What the demeanor or attitude when the video was being shown: LAUGHED IT OFF

What was the feelings of the group toward the video:

Were people laughing about it: YES

Did they take it seriously or as a joke: SOMETHING STUPID

To your knowledge who has copies of the video: POSSIBLE

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

POSSIBLY ON PIN DRIVE.

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).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20040507	3. TIME 2245	4. FILE NUMBER
5. LAST NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] IN BN, Ft. Campbell KY 42223			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Sometime after re-deploying to Tall Area Airfield, I did see parts of the video in question in our tent. It was on a laptop computer. I don't recall the dates or times, but I saw it several times in parts while walking around. I don't recall seeing it back in the USA, but I have seen so many pictures and such so many time & places, that I am not sure of exact dates & places.
 Nothing follows

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

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16
13.2

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED May 07 2004

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

[Large area crossed out with a large X]

[REDACTED]

AFFIDAVIT

16
3.2.1.6

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 18 & 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 7 day of MAY, 04 at HQ 3rd I&N 187th

ORGANIZATION OR ADDRESS

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

x6
216

1. LOCATION Bn HQ 3/197	2. DATE (YYYYMMDD) 2004 05 07 PM	3. TIME 2240	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:

That on the date of 7 May 04 was the first time that I was sent under from
operation with the 216. At no other time had I seen him under fire.

[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.

Video

When and How many times was the video shown to the platoon:

DIDN'T SEE VIDEO UNTIL CHAIN OF COMMAND
SHOWED HIM

Who was there and who was not:

Was it shown repeatedly:

Who showed it: BY ISG

Did anyone narrate the video:

What did they say:

~~Was the showing of the video selective to certain individuals~~

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

COC WANTED TO DEAL W/ RIGHT AWAY

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

SEEN AS QUITE SERIOUS

POOR JUDGEMENT

(BELIEVES)
NO MALICIOUS INTENT BY SOLDIERS