

DEPARTMENT OF THE ARMY Headquarters, 2d Armored Cavalry Regiment Unit 92401 APO AE 09322-2401



AFZX-C-CO

16 August 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

- 1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct and conduct an informal investigation into the circumstances covering the actions of the conduct and conduct an informal investigation into the circumstances covering the conduct and conduct an informal investigation into the circumstances covering the conduct and conduct
- 2. In your investigation, all witness statements will be sworn. From the evidence, you make findings as to whether negligence was involved.
- 3. Submit four copies of your findings and recommendations on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:



	For		ROCEDURE/WAI R 190-30; the proponer		DPS L	2(6)	,b(3)
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Section A. Rights				<u> </u>			
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PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- 1. WARNING Inform the suspect/accused of:
 - a. Your official position,
 - b. Nature of offensets).
 - c. The fact that he/she is a suspect/accused.
- 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."
 - Anything you say or do can be used as evidence against you in a criminal trial.
 - c. (For personnal 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 -

tFor 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?"

Iff 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 li.e., fewer than 30 days agol, 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?"

Iff the suspect/accused.says "yes," stop the questioning until he/she has a fawyer. 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 offensels) 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:

 If the supsect/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. 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)

USAPA V3.0

DATA RE	QUIRED BY THE PRIVACY ACT	
	nforcement officials with means by which informated as an additional/alternate means of identification	-
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5. NAME # FIGURE 6. SSN 7. GRADE/ST	8. ORGANIZATION OR ADDRESS	
PART (- RIGHT	S WAIVER/NON-WAIVER CERTIFICATE	
Section A. Rights		
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Before he/she asked me any questions about the offensels), however, 1. I do not have to answer any question or say anything. 2. Anything I say or do can be used as evidence against me in a crit. 3. (For personnel subject othe UCMJ I have the right to talk privat during questioning. This lawyer can be a civilian lawyer I arrange or both.	minal trial. ely to a lawyer before, during, and after questioning an	d to have a lawyer present with me
(For civilians not subject to the UCMJ). I have the right to talk pr	ivately to a lawyer before, during, and after questioning that I arrange for at my own expense, or if I cannot affi	· ·
will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, speak privately with a lawyer before answering further, even if I COMMENTS (Continue on reverse side)	with or without a lawyer present, I have a right to stop	
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EDITION OF NOV 84 IS OBSOLETE

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DA FORM 3881, NOV 89

USAPA 2.01

Personal Info Redacted IAW Sec of Def Memo 01-

PART 8 - RIGHTS WARNING PROCEDURE

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understend your rights."
 - a. "You do not have to answer my questions or say anything."
 - 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."

(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 fi.e., lewer than 30 days agol, 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?" Iff 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.

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COMMENTS (Continued)

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DATA REQUIRED BY THE PRIVACY ACT AUTHORITY: Title 10, United States Code, Section 3012[9] PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your Social Security Number is voluntary. 1. LOCATION 2. DATE AME PRACON 3. THAE FILE NO. 1. AME PRACON 5. MAKE PRACON 6. ORCANY ADM OF CONNECT PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE Section A. Rights The investigator whose name appears below told me that the waiver before. A waited to question me about the following offense(s) of which I am suspected/accused: PASS. He ROE/Secretae Certafy Non-Waiver Certafy Non-Waiver Disclosure and waited to question me about the following offense(s) of which I am suspected/accused: PASS. He ROE/Secretae Certafy Non-Waiver Disclosure on that I have the following rights: 1. I do not have to answer any question as about the offense(s), however (Tellighe made it clear to me that I have the following rights: 1. I do not have to answer any questions about the offense(s) however to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be accusted to take privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. Lunderstand that this lawyer can be one that I arrange for at no expense to its dovernment or a military lawyer darsaled for me ail no expense to or both. (For civilians not subject to the UCML) 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. Lunderstand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and waite subject to the UCML) I have the right to talk privately to a lawyer before during, and after questionin
AUTHORITY: Trile 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. PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filling and retrieval. DISCLOSURE: Disclosure of your Social Security Number is voluntary. 1. LOCATION CAMP DEAGON 7. GRADENTATUS PART 1 - RIGHTS WAIVERUNON-WAIVER CERTIFICATE Section A. Rights The investigator whose name appears below told me that Technology is with the United States Army and wanted to question me about the following offense(g) of which I am suspected/accused: Pass by the ROE / Geneval Country has made it clear to me that I have the following rights: 1. Ido not have to answer any questions about the offense(s), however helpshe made it clear to me that I have the following rights: 1. Ido not have to answer any questions or say anything: 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. If or personnel subject or the UCMU 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. Indestand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4. If I am now withing 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 any weeptioning begins. 5. COMMENTS (Continue on reverse side) Section B. Waiver
5. NAME TO STAND OF A
5. NAME PRACEDOM 5. NAME PRACEDOM 7. GRADE/STATUS PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE Section A. Rights The investigator whose name eppears below told me the rights is with the United States Army and wanted to question me about the following aftersets of which I am suspected/accused: Pass he ROE/Geneus Convent and Waited Latitude Before Sake asked me any questions about the oftensets), however freshe made it clear to me that I have the following rights: 1. I do not have to answer any question or say anything. 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. For personnel subject onto UCMJ. I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4. It I am now willing to discuss the oftensets) 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. Section B. Waiver
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE Section A. Rights The investigator whose name appears below told me that he was is with the United States Army and wanted to question me about the following offense(s) of which I am suspected/accused: Possible ROE / Geneue Convention Violations Before(Rights asked me any questions about the offense(s), however helpshe made it clear to me that I have the following rights: 1. I do not have to answer any question or say anything. 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. If or personnel subject othe 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 tawver can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detrailed for me at no expense to the for civilians nor 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 tawyer will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present. I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. Section B. Waiver
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Section B. Waiver
I understand my rights as stated above. I am now willing to discuss the offensels) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.
WITNESSES (If available) 3. SAGNATURE OF
1a. (and the Type or Print)
b. ORGANIZATION OR ADDRESS AND PHRAME OF INVESTIGATOR
2a. NAME (Type or Print) 5. TYPED NAME OF INVESTIGATOR.
b. ORGANIZATION OR ADDRESS AND PHONE 6. ORGANIZATION OF INVESTIGATOR
Section C. Non-waiver
1. I do not want to give up my rights [] I want a lawyer [] I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- 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.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before task you any questions, you must understand your rights."
 - You do not have to answer my questions or say anything."
 - "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

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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?"

Iff 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 fi.e., fewer than 30 days agol, 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 offensets! 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 offensels) 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:

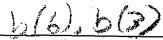
 If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspect/accused was questioned as such either without being advised of his/her rights 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)

USAP# . 1.01



RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

	ride Contra	
Q11	HORITY	۴,

Title 10, United States Code, Section 3012(g)

PRINCIPAL PURPOSE: ROUTINE USES:

To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

7.	LOCATION (10MD Document)	2. DATE //n A10603	3. TIME	4. FILE NO.
5	NAME (Last First, MI)	8. ORGANIZATION	OR ADDRESS	
4				
6.	7. GRADE/STATUS		_	1
	PART I - RIGHTS WAIVER/	NON-WAIVER CERTIF	ICATE	<u> </u>
Section	on A. Rights			
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	sted/accused: POSIALAE ROE OR CARDEUM CONVENTION	•		
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	r both.	perise to the obvenimen	to a company toward percone	a for the at hy expense to the.
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t f	For civilians not subject to the UCMJI I have the right to talk privately to a l	awyer belore, during, ar	nd after questioning and to h	ave a lawyer present with
ar.	ne during questioning. I understand that this lawyer can be one that I arrangi	e for at my own expense	e, or if I cannot afford a lawy	yer and want one, a lawyer
*	rill be appointed for me before any questioning begins.			
4. 11	I am now willing to discuss the offensels! under investigation, with or with	out a lawyer present; I h	ave a right to stop answerin	g questions at any time, or
s	peak privately with a lawyer before answering further, even if I sign the wair	ver below.		
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5. (COMMENTS (Cantinue an reverse side)			·-
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	on B. Waiver			
	rstand my rights as stated above. I am now willing to discuss the offensels! It having a lawyer present with me.	under investigation and	make a statement without t	alking to a lawyer first and
	WITNESSES (If available)	3. SIGNATURE OF	NTERVIEWEE	
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b. (ORGANIZATION OR ADDRESS AND PHONE	6. OPTANIZATION	OF HAVE STROKTUR	
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Sectio	on C. Non-waiver			
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(☐ I want a lawyer	. 🔲 I qo vot maut t	o be questioned or say anyt	hing
2. 3	SIGNATURE OF INTERVIEWEE			
ATTAC	CH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT IDA FORM	28231 SUBSEQUENTLY	EXECUTED BY THE SUSPEC	TJACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

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.
- RIGHTS Advise the suspect/accused of his/her rights as follows:
 "Before 1 ask you any questions, you must understand your rights."
 - s. "You do not have to answer my questions or say anything."
 - "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."

- ar -

(For civilians not subject to the UCMJI. 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 li.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?"

Iff 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 offensels) 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 tead 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:

 If the supsect/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. 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 Stalf 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 waive: 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)

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	RIGHTS WARNING PF For use of this form, see Af				
	DATA REQU	IRED BY TH	E PRIVACY ACT		
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, Section of To provide commanders and law enfor Your Social Security Number is used a Disclosure of your Social Security Number 19, 100 (1997).	cement offic s an addition	ial/alternate mea:		
1. LOCATION		2.	DATE	3. TIME	4. FILE NO.
Camp Drag	ap ~		6AUG03	1420	
5 NAME (Last, First, MI)		8.	ORGANIZATION	OR ADDRESS	
6. SSN	7. GRADE/STATU	ıs .			
	PALET - RIGHTS W	/AIVER/NON	-WAIVER CERTIF	CATE	· · · · · · · · · · · · · · · · · · ·
Section A. Rights					
·	e appears below told me that he she is with the she is with th		and wanted to que	stion me about the follow	ring offensets) of which I am
Before (e) sibe asked me any	questions about the offense(s), however fig			ve the following rights:	
	any question or say anything. The used as evidence against me in a crimina	al relat			
3. (For personnel subject of	the UCMJ. I have the right to talk privately to lawyer can be a civilian lawyer farrange for	to a lawyer be	to the Governmen		•
will be appointed for me 4. If I am now willing to dis	understand that this lawyer can be one that before any questioning begins. scuss the offense(s) under investigation, with sweet before answering further, even if I sign	n or without a	lawyer present, 1 h	•	
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Section B. Waiver	· · · · · · · · · · · · · · · · · · ·				
I understand my rights as sta without having a lawyer pres-		ffensets) unde	r investigation and	make a statement withou	ut talking to a lawyer first and
Wi	TNESSES (If available)	3.	SIGNATURE OF	INTERVIEWEE	
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b. ORGANIZATION OR AC	DDRESS AND PHONE	4.	SIGNATURE OF	INVESTIGATOR	
2a. NAME (Type or Print	1	5.		FINVESTIGATION	
b. ORGANIZATION OR AD	DDRESS AND PHONE	6.	ORGA ANTON	OF INVESTIGATOR	
Section C. Non-waiver					
I do not want to give u want a lawyer	ip my rights		I do not want t	o be questioned or say a	nything
2. SIGNATURE OF INTERV	VIEWEE			·	
	TIFICATE TO ANY SWORN STATEMENT TOA		SUBSEQUENTI Y	EXECUTED BY THE SUSE	PECT/ACCUSED
ATTACH THIS WAIVER CERT	INCATE TO ANY SWORM STATEMENT IDA	, OTHER 2020/			10074.701

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAFA 2.0

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

THE WAIVER

"Do you understand your rights?"

Of 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.)

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(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 offensets) under investigation, and refuses to sign the waiver certificate.

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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.

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COMMENTS (Continued)

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		SWORN	STATEMENT		
	For use of this form,	see AR 190-	45; the proponent a	agency is ODCSOPS	
		PRIVACY A	CT STATEMENT		
AUTHORITY:	Title 10 USC Section 301; Titl				
PRINCIPAL PURPOSE:	To provide commanders and la				
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	, WANT TO MAKE T	HE FOLLOWING S	STATEMENT UNDER OATH:
Q. Please explain what happen	15 to detainess wil	en brough	t to your unit.
A. The detaining unit brings	the suspect(s) to	the CMO	C (colocated w/ our
Baltery TOC). They will Fil	llout the appele	nsion Form	as and coopen
Battery TOC). They will fill statements relating to the	e cusported asimo	. 1 =	1 out a chair
	L'action a	ijana ii	l a chain
of custody form if app	inca bir. Once H	e papern	lock is complete,
custody of the detainees a	nd evidence is t	rans terr	ed to our control.
The detainees are kept i	n a Fenced com	ent and	w/ overlead shade
4		· · · · · · · · · · · · · · · · · · ·	
and given water and Mi	KES. The evide	nce is so	ale guarded in
the Battery's TOC. Once	the detail is 1	ready to	transport the
prisoners Cusually on			
is landed as volvides a	A tour conten	1 to R	AP under the
is loaded on vehicles as	na crainsported	. 10 02	THE CONDET THE
control of an OIC. On	ce at BIAP, c	custody	is transfered
to the MPs on site.			
2. Are the documents that	I am showing	you in fac	of your current
2. Are the documents that Sop on the processing of d	letainees And +	he curren	t KOE govering

the treatment of detainers!

A. Yes.

A Not that I am aware. If children are caught under the age of 16, we hold them at our location until either their

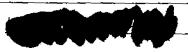
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TAKEN AT LAMP DIAGON DATED 16 AUG 03

- parents come to pick them up or an Imam or community leader comes to pick them up.
- Q. HAVE YOU EVER heArd SAY "We should just bect the fick out of them" IN relation to detainees?
- A. I have not leard him say this.
- Q. NOT EUEN IN A Joking marner?
- A. Not im my presence.
- Q. Have you heard that he told A NOO who had brought detained for processing to just "beat the fick out of them and release them
- A. I have heard him say something to the effect of just kick their asses out of the gotte and send them home." I have never hear of him instructing someone to beat a prisoner.
- Q. WAS this A directive or A joke?
- A. It was a joking manner, you could tell be didn't expect anyone to physically bick the prisoners.
- O. Have you heard any rumors of anyone traking him Seriously when he SAYS this?
- A No. The only time I have Loard of anyone striking a prisoner was in self defense, when a detaine attempted to bite a soldier while being transported.
- Di Do you have anything that you wish to Add to help clear this matter?
- A. When I have been present during the handling of detainers, they have been treated properly.

page 2 of 3**PAGES**

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STATEMENT OF TAKEN	AT CAMP ODASON DATED 16 ANS 03
9. STATEMENY (Continued)	3
	tor nistreated not has
I have not seen a prisoner bear anyone approached me about being	ng instructed to do so.
Q. Have you ever observed gestures or saying unprofessional	
A. No. I have rarely been in a	contact with while
he is handling detainers. They a	are usually in the custody of
the TOC personnel once release	ed to us.
	-
2550	DAVIT
	HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT INDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE CTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE REELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer baths, this 16+h day of August 2003 at CAMP Dra Sow TRAD
ORGANIZATION OR ADDRESS	Signature or researt Administering Oath)
	(Typed Name or Person Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
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INITIALS OF PERSON MAKING STATEMENT	PAGE 3 OF 3 PAGES

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A. INE TOOK THEM to the Buildon ELANNET AT THE ama AND HANDED THEM

Q. Why were the procedures changed the thord time you took detained to the croc

A. I gess THEY WERE Trend of Howbling the personel that we would being being then
For taking the copper were from the back of the Comp.

10. EXHIBIT	11. INET TO OF PERSON MAKING STATEMENT	PAGE 1 OF	2 PAGES
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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM TAKEN AT Carmy Dragood DATED 8/16/03 STATEMENT OF 9. STATEMENT (Continued) Q. Reference the first two times that you took destrained to the crox, Who did you turn the detainers over to? A. IT was one of the UTS that was working in the bolldage Too at the Q. Did the lieutenests follow what you think the SOP is? A. Ifter handing over the determos I don't know what they did with them. So what they did with them I get THOUGHT was right because I should all we had to do was take them to the comor were the buildog elament was located at was the SOP. AND the buildog ELAMENT handled the rest ! INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF Z PAGES USAPA V1.00

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		oaths, this 16th day of August Oragon, Bashdad, The	
2	· camp	Stagow, Bashdad, Tex	<u></u>
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of the LT's stated that well Bulldog could hold them overnight of the LT's stated that well Bulldog could hold them overnight or we could drive the deformers around, scare them a little and bet them go, we chose the drive around, so I sent my Platoon sergent and 2nd squad leader back out with the deturners while I and squad leader. The second returned to our wherehouse with my 3rd squad leader. The second time we detained on individual and handed them off the Bulldog when dealing with the locals, I was instructed to deal with them

with dignary and respect. After the investigation started with my
10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT 2

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT _____ DATED ____

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I have heard him say "We should bead the people". This commend was not said to me detainer, but in reference to all Iraqis	
Q. Did make make that comment in A joki A. My opinion is that he truly feels this way	
Address the greation above, what manner did comment "We should beat the fiele out of these people. While talking about treating looters. He has than joking exspession on his face, He was not a smork on his face	l a more serrous smrling, but had
Your Saw sop on processing detained is fairly detained you have taken obtained to the comoc on two occasions the comoc not follow the sop when super to take the detained and "best the fuck out of them." I can't speculate why the detainees were not to sop. The two times stated earlier are just present during detaining the individuals. The of why Bottdog did not have to be done, possibly.	+ handled according
did not have to be done, possibly. Nothing Follows	
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BATTLE DRILL #3

(DETAINEES)

BATTLE DRILL

- Troop notifies Bulldog X-Ray of detainees being brought to Camp Marlboro. Get the number of prisoners and what they are charged with
- Contact the SOG so that he can ensure the Bang Bus personnel are prepared to guard the chicken coup.
- Contact the OIC for the Bang Bus so that he can ensure the paperwork is filled out correctly and so that he can coordinate for an escort.
- When the Troop comes to the CMOC give them 1 apprehension form and 2 sworn statements for each detainee. Give them 1 evidence custody log for them to fill out listing the seized property. Once completed the BOC NCOIC signs the evidence custody log and gives it to the troop. The RTO types the seized property on the DA Form 1594.
- The Troop guards the detainees while in the CMOC area. Once the paperwork and any interrogation is completed the Troop transports the detainees to the chicken coup.
- Safeguard all seized property now under our control. DO NOT let anyone touch or play with any of the seized property. DO NOT let anyone take any property unless Bulldog 6 personally tells you to give it to someone.
- If there are any questions about anything to do with detainees contact the OIC for the Bang Bus or Buildog 5.

DRAGOONS RULES OF ENGAGEMENT

References:

CENTCOM Order 1003V V Corps FRAGO 1AD FRAGO 18A

- 1. Situation:
- a. GENERAL POLICY: Commanders may use all necessary means available and take all appropriate action in self-defense of their units and in defense of other U.S. and coalition forces.
- (1) Effective date: The ROE in this annex are effective immediately and will remain in effect, until rescinded.
- (2) Collateral damage: Military operations will be conducted to ensure that incidental injury to civilians and collateral damage to civilian property is minimized.
- b. Enemy forces; Iraqi military and paramilitary forces loyal to the former regime are declared hostile. They may be engaged on site.
- 2. Self-defense American commanders and personnel have an inherent right to self-defense. Nothing in these rules of engagement negates a commander's obligation to take all necessary and appropriate action to protect his unit and those entrusted to his care. All U.S. personnel may exercise the inherent right of self-defense.
- a. U.S. forces may use force, up to and including deadly force, as necessary to protect U.S. forces from civilians who demonstrate a hostile act or hostile intent.
- (1) Hostile act: a hostile act is an attack or other use of force against U.S. forces, allies, or persons under the protection of U.S. forces.
- (2) Hostile intent: a threat of imminent attack against U.S. forces, allied forces, or persons under the protection of U.S. forces.
- b. If civilians pose a threat to U.S. forces, use graduated force, up to and including deadly force, as necessary to protect U.S. forces. Against civilians, U.S. forces should use the minimal amount of force necessary to protect themselves and other U.S. forces. U.S troops may use any of the following techniques, as necessary, to protect themselves from harm by civilians:
 - (1) Provide verbal warnings. The word, "Kiff!" means halt or stop in Arabic.
- (2) Provide a show of force. Show a weapon and demonstrate an intent to use it. Call for reinforcements, as necessary.
 - (3) Use non-deadly force. Physically restrain or detain the civilians.
 - (4) Fire a warning shot. (Warning shots are not allowed to prevent looting).
 - (5) Use deadly force.

- 3. Protection of civilians U.S. troops may use necessary force, including deadly force, to protect civilians from violent crimes, such as murder, rape, or armed robbery.
- 4. Protected persons, property, and places: U.S. forces may use necessary force, including deadly force to protect any of the following specially protected persons, places, or property:
 - a. All U.S. citizens;
 - b. Prisoners of war or detainees under U.S. control;
- c. Coalition forces and their mission-essential equipment and supplies;
- d. Specified non-governmental organizations, including the International Red Cross/Red Crescent, and UN relief agencies;
- e. Public and private banks and financial institutions;
- f. Courthouses and buildings housing vital government records;
- g. Weapons of mass destruction or WMD manufacturing or storage facilities;
- h. Public utilities or facilities, including those that generate, distribute, or transport electricity, petroleum, or water for public use;
- i. Civilian mass transit facilities;
- j. Waste facilities;
- k. Hospitals or other public health facilities; and
- I. Agricultural processing, storage, or distribution facilities producing food for civilian consumption.
- 5. Protection of other private property:
- a. U.S. forces may use graduated force, not including deadly force, to protect all other private property. Commanders may take any of the following actions to prevent looting or damage to private property:
 - Detention of persons who are suspected of looting;
 - (2) Establishment of off-limits areas:
 - (3) Establishment of checkpoints to control traffic flow;
 - (4) Establishment of curfews with approval of CG, 1AD; and
 - (5) The temporary confiscation of property used to commit looting.

- (6) Deadly force is only a morized to stop looting against the per in s and property designated in paragraph 4.
- b. U.S. forces are prohibited from looting or taking war trophies.
- c. Troop commanders may authorize soldiers to seize civilian property in emergency situations. Commanders must provide a receipt to the rightful owners of the property.
- d. Commanders are not allowed to spend locally seized money for any purpose.
- 6. Checkpoint ROE: U.S. forces are allowed to stop and search all persons and vehicles for weapons and other contraband. U.S. forces may use the following measures to control movement at checkpoints.
- a. Restrict the flow of traffic with vehicles and other obstacles;
- b. Shout, "Kiff!"
- c. If a vehicle refuses to stop, U.S. soldiers may fire warning shots, fire to disable the vehicle or shoot to kill, as necessary, to protect the safety of U.S. forces.
- 7. Detaining civilians: U.S. forces are authorized to detain civilians for any of the following reasons:
 - a. Possession of any of the following items:
 - (1) A firearm without a valid weapons card;
 - (2) Explosives;
 - (3) Bayonets or military style knives;
 - (4) Equipment for making explosives or firearms;
 - (5) Maps with locations of U.S. base camps, routes, or other operational information;
 - (6) Photographs of U.S. areas or operations;
 - (7) U.S. or coalition forces paperwork, equipment, or uniforms;
- (8) U.S. or coalition identification, U.S. or coalition passports, multiple IDs, passports from more than one country;
 - (9) Illegal drugs or drug paraphernalia,
 - (10) Stolen power lines; or
 - (11) More than eight feet of thin rope, wire, or similar material.
- b. If the person has committed a crime; or

- c. The person possesses suspected intelligence information.
- 8. Treatment of detainees.
 - a. Processing of detainees. For persons detained for looting or other violations of public order, note the circumstances and basis of detention on the capture card accompanying the detainee to the collection point. Information on the basis and circumstances of detention, and contact information (name and phone number) of a detaining unit POC must be provided with each detainee along with sworn statements (DA Form 2823) from two witnesses. This information is essential in order to continue to hold detainees and to successfully prosecute persons who are detained for crimes. Record and safeguard all property seized with the detainee.
 - b. U.S. forces will not abuse or mistreat any detainees. Maltreatment is any act that is designed to cause physical or mental anguish without cause. Maltreatment includes:
 - (1) Physical abuse: torture, hitting, butt-stroking;
 - (2) Demeaning acts: spitting, stripping detainees of their clothes; and
 - (3) Theft of private property.
 - c. U.S. forces are not authorized to take private property, money, or personal papers from any detainees, except:
 - (1) Evidence of crimes;
 - (2) Weapons, drugs, or other contraband;
 - (3) Property with intelligence value; or ...
 - (4) Property taken for safekeeping.
 - 9. Weaponry:
 - a. Ammunition: All ammunition issued by the United States government to United States forces complies with the law of war. Soldiers may use cal. .50 machine guns against personnel or equipment.
 - b. Mines: Except as stated below, the use of mines requires approval by the Secretary of Defense.
 - (1) The Division Commander may authorize the use of command-detonated (Claymore) mines.
 - (2) The CENTCOM Commander may authorize the use of self-destructing or self-deactivating mines.
 - c. Riot Control Agents (RCAs): U.S. forces may not use riot control agents (CS gas, mace, pepper spray, etc.) for offensive operations. Riot control agents may only be used in the following situations:

- (1) To protect U.S. and coalition forces or persons and places under the protection of U.S. forces from civil disturbances (riots);
 - (2) To control rioting enemy prisoners of war;
 - (3) To rescue friendly forces from enemy control; and
 - (4) When the enemy uses civilians for cover.
- d. Indirect fires and Close Air Support Only observed fires are authorized for offensive operations. Positive identification is required.
- 10. Hostile forces U.S. personnel may engage hostile forces (Iraqi paramilitary and military forces loyal to the former regime) subject to the following limitations:
- a. Positive identification is required prior to engaging any target. Positive identification is a reasonable certainty that the target is a legitimate military target.
- b. U.S. forces will not engage anyone who is out of the battle due to sickness or wounds.
- c. U.S. forces will not fire at anyone who has surrendered or is attempting to surrender.
- d. Protected places: Cultural and historic buildings, nonmilitary buildings, civilian population centers, mosques and other religious places, hospitals, and buildings displaying the red cross or red crescent are protected places. Protected places will not be attacked, unless the enemy is using them for military purposes.