

REPLY TO ATTENTION OF DEPARTMENT OF THE ARMY HEADQUARTERS, 4TH BATTALION, 1ST FIELD ARTILLERY 3D BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION BAGHDAD, IRAQ

6(1), 6(3)

AFZN-BB-FAB

10 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Informal 15-6 Investigation Findings

 Background information: TF 2-70 conducted a raid on or about 16 September 2003 that resulted in the capture of approximately 5 detainees. The detainees were suspected of conducting an IED attack against TF 2-70 personnel that resulted in the severe injury of K, 2/A/1-41 IN and his driver. The lieutenant sustained to the complete loss of eyesight and the use of one arm and the driver sustained the loss of eyesight to one eye. The raid suspects were questioned, and the evidence and questioning indicated that the detainees were the people involved in the attack. Avalanche Company report that some of the platoons, including 1/A/1-41, do one day on for operations and patrols, then a down day where they would do detainee movement for the task force if it is needed. The 16th of September was 1/A/1-41's down day. On 16 Sep 03, TF 2-70 notified 1/A/1-41 to move the prisoners from the 2-70 holding area to TF 1-13 for further questioning by the 3BCT MIT team. They loaded up the prisoners and moved them to TF 1-13 detention facility. The rest of the events are in question. The report from the MIT team states: The 2 ½ ton truck pulled up at the detention facility and the 1/A/1-41 personnel began unloading the detainees. At this time, the army personnel requested that two of the MIT members leave the area or look away, because these guys had severely injured two of their unit's soldiers. The members of the MIT team remained in place and watched anyway. The process was rough by pulling the prisoners of the trucks and laying them face down on the ground. All during this time, the soldiers were yelling at the prisoners who were zip cuffed and blindfolded. It is alleged that after three or four of the prisoners had been downloaded, the personnel on the ground helping to get the detainees off the truck continued to stand by the unloaded detainees on the ground, instead of returning to help with the last detainee. A soldier waited a moment for them to return before he pushed the detainee off the truck to fall to the ground from about 4 feet. He hit the ground on his side. Upon unloading, the soldiers gathered around them and continued to yell at the detainees using profanity and harsh language. The MIT team reports witnessing two of the soldiers kick two of the detainees several times in the sides. At this time, says that she approached and insisted the activity stop immediately. It did after they told her that the guys did not kill her lieutenant. She then walked over and sat down while the 1/A/1-41 personnel moved the people into the jail and filled out the paperwork. She insists that upon completion of the prisoner transfer, an NCO and LT asked a member of the MIT team what was rank and who she was with. One of the MIT security personnel replied that she was an interrogator. said they seemed concerned and made a point to make sure the detainees looked "okay." The 1-41 Infantry personnel state that none of the detainees fell from the truck and this event did not occur as stated by the MIT team whatsoever. Also, they stated that no one was kicked, but that a soldier did use his foot to continue to roll

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over a detainee that would not remain facedown. It may have appeared that he was kicking him. They did admit to using profanity and harsh language, and that they were aware of the suspects' crime and emotions were running high. Upon returning to base, reported the incident of abusive actions; this resulted in the 15-6

investigation. The conduct of the investigation and findings are provided herein.

- 2. The findings of the investigation are as follows:
 - a. Members of 1/A/1-41 IN, attached to TF 2-70, did use poor judgment and procedures during the prisoner drop-off on 16 September 2003.
 - b. There was enough evidence based on interviews, to conclude that some abusive actions did take place by no less than three personnel at the detention facility, to include:
 - i. A detainee was either pushed or allowed to fall from a 2-½ ton truck while blindfolded and zip-cuffed.
 - ii. That at least two Caucasian soldiers did kick two detainees in a violent fashion as to cause severe discomfort or temporary pain, not with the intent to cause permanent disability or damage.
 - iii. That the soldiers yelled and used excessive profanity toward the detainees throughout the operation at a time when the detainees were of little threat (blindfolded and zip-cuffed); and at a minimum, the soldiers did not
 - perform the operation with the utmost professionalism expected of our military by failing to preserve the dignity and respect for our prisoners.
 - iv. That the 1/A/1-41 soldiers were aware that their actions were questionable or wrong during the operation.
 - c. The operation's leadership was present and watched during the events, and failed to prevent it.
 - d. There were several procedural issues that could have prevented the events on 16 September 2003 from occurring at the task force level. In the future, the investigation determined the following:
 - I. It is <u>not</u> recommended to have a unit transfer detainees suspected of conducting an attack that resulted in severe injuries to U.S. Army personnel of that same unit (in this case, 2/A/1-41 received two casualties due to the attack by the detainees, and the sister platoon 1/A/1-41 was given the job of transferring those prisoners.) Due to the sensitivity of the issue, leaders should protect the soldiers from themselves and have unbiased units deal directly with the detainees in situations like this. This includes the actual raid, handling of suspects, pre-interrogation, and movement of detainees.

ii. That some of the soldiers in TF 2-70 may perceive that the chain-ofcommand is endorsing "pay-back" by allowing the units most affected by suspected detainee actions to play the greatest role in bringing those suspects to justice. The investigation does not believe this is intentional on the part of the task force chain-of-command, but that the emotionally sensitive issue with the prisoner transferring unit (1/A/1-41) may have escaped their attention. It is simply noted because the chain-of-command may want to place heavy emphasis on proper prisoner handling from the

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top-down in order to ensure that this possibility, if existing, is eradicated as quickly as possible.

- e. The investigation recommends the following actions to deal with the findings:
 - i. That **Control of** and **Control of** the counseling covering the treatment of detainees, professionalism and expectations of the command on future operations, and potential punishments under UCMJ on the events that occurred at the detention facility.
 - ii. That the command, preferably at the Brigade level with TF Commander present, covering the events of this investigation to be put in their local file.
 - iii. That all soldiers in TF 2-70 undergo retraining approved by the 3BCT command, regarding the treatment of prisoners and Law of Land Warfare. Specifically, that the command emphasizes their position condoning it without question, and establishing a strong understanding that harsh punishments will be quickly and judiciously given should anything resembling war crimes be committed in the future.
 - iv. Finally, the TF 2-70 TOC establish procedures to be approved by the 3BCT Command, to ensure that units (Company Level and below) that receive casualties in enemy attacks are placed in minimal contact with prisoners believed to have conducted those attacks.

3. The investigating officer was asked to answer or evaluate the following issues regarding this case:

- a. Investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3 BCT Detainee Holding Facility.
- b. Make findings as to the facts and circumstances of the incident and whether any TF 2-70 soldiers were abusive, used excessive force, or violated any rules of engagement.
- c. Make any recommendations as to whether disciplinary action is appropriate and if any changes to procedures or tactics are appropriate.

4. The findings to the investigation questions were determined based on the following evidence and statements (findings and justifications paired with questions a-c):

- a. The facts and circumstances are stated in the background section (paragraph 1) of this investigation, and included in the findings (paragraph 4.b.) It is believed to have occurred as stated in the finding sworn statement, and corroborated by the other three members of the MIT team.
- b. The investigation determined that it is likely that the allegations did take place as stated by the MIT team. It is believed that one detainee did fall or get pushed out of the 2-½ ton truck and fall to the ground while blindfolded and in zip-cuffs. It is believed that at a minimum two of the personnel on-site did kick the detainees in their sides as they lay facedown on the ground. Finally, it's believed that the personnel used excess profanity and harsh abusive language during the operation that degraded the detainees' dignity. The following evidence was used to determine this finding:

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i. The issue of a detainee falling from the truck: stated that when the 2-1/2 ton truck pulled up there was a lot of yelling. She wanted to see what was going on, as well as what prisoners were being dropped off so she could prep for questioning. She stepped out from the guard shack area and witnessed the events she stated from approximately 10-15 meters away. Given the close proximity to the situation, her detail in describing the events, she was in a good location to see the events she described. She stated, "I saw three detainees on the ground and a fourth being thrown out of the truck." (See Sworn Statement, 9 November). Three other MIT personnel on site reinforced this fact. Pof the MIT team, who was positioned approximately 75 meters from the rear of the-2 ½ ton truck and had a straight line view to the events stated, "he could witness men in DCUs, but not close enough to see detail of faces or ranks" (during oral dialog with investigator, 9 November) agreed with He stated, "Saw one person thrown from the back of the truck." (See sworn statement, 9 November). and 📃 stated that they were about 15 meters from the truck and did have a good view of the unloading procedures. (See sworn statements, 9 November) also stated, "Yes, saw a detainee fall out of the truck." (See sworn statement, 9 November) He admitted that he did not see the detainee thrown, but would agree that someone did fall out of the truck and hit the ground while blindfolded and zip-cuffed. (Oral dialog with investigator, 9 November) the fourth member of the MIT team stated, "No, he did not see someone fall from the truck," but that he saw them pulled roughly from the vehicle. (See sworn statement and during oral dialog with investigator, 9 November) The statement from a statement is attributed to the likely event that he only witnessed the first three detainees unloaded from the truck and was focused on the personnel who unloaded them, who were at this time with the detainees on the ground yelling at them. The MIT team lacks any reason to report any events other than as they happened, credibility and motive are in their favor. The statements taken from 1/A/1-41 are all consistent in that no personnel were dropped from the truck. (See sworn statements, 9 November) However, it is noted that 1/A/1-41 personnel have the motive to state this was the case whereas; the MIT team has no motive one way or the other. Therefore, the facts stated by the MIT team were given more credibility in this case, but cannot be proven by physical evidence beyond the report of witnesses. IDENTITY OF PERSONNEL MOST LIKELY INVOLVED: The personnel in the truck during this event could not be proven beyond doubt. stated in his statement, "He knew his guys wanted to kill these guys so he had the foresight to tell them not to get in the truck and handled it completely by himself, passing the prisoners from the truck to people on the ground. He also stated, "I was in the 2-1/2 ton truck and every one else was on the ground." (See Sworn Statement, and in oral discussion with investigator, 9 November) However, in other sworn statements of and they stated that and/ were the

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personnel in the truck downloading the prisoners. (See Sworn Statements, 9 November) If this is the case, it is likely that either **statements** or **statements** would have been most likely in the position to have pushed or dropped the detainee. Furthermore, it is noted that this decreased credibility as he stated in his statement that he had foresight to prevent abuse and allow only himself in the truck, but his soldiers stated otherwise.

ii. <u>The issue of 1/A/1-41 IN kicking detainees in custody</u>: Detainees in custody cannot be tortured or suffer any abuse at the hands of American forces, contrary, all prisoners must be protected and treated with dignity and respect as per the Law of Land Warfare, Rules of Engagement, and UCMJ Article 128 - Assault. After reviewing the facts, the investigation determined that at least two individuals on the ground, during the detainee operation kicked two detainees while they were blindfolded and zip-cuffed.

(interrogator on the MIT team) determined that from her vantage point she observed two soldiers kicking the prisoners. She said the prisoners were yelling and crying. (Oral dialog with investigator on 9 November) She also stated, "Two soldiers were kicking the detainees in the ribs." When asked if the detainees did anything to warrant the execution of force to maintain control of the situation, she stated, "Absolutely not warranted." (See sworn statement, 9 November) The facts were reinforced by all three other members of the MIT team (Control of the situation) when asked if they witnessed any

soldiers behaving aggressively toward the detainees and if yes, whether force was warranted to control the situation. All three stated they saw soldiers kicking the prisoners. (See sworn statements, 9 November) Stated that he also believed they were pushing the detainees around a lot, and it was not really justified to maintain control. (See Sworn Statement, 9 November) (See Sworn explained it was difficult for him to see because once the detainees were on the ground, the soldiers from 1/A/1-41 gathered around them, yelling at them. He further said it appeared that some may have been kicking them, but it was hard to see

through the crowd. (Stated in dialog with investigator, 9 Nov) Understanding that she was in close proximity. Was asked what actions she took to stop the situation.

> She stated, "I first approached the two soldiers that were kicking the detainees and told them to stop. They did, saying, "They didn't kill your LT!" I asked a 2LT (Control of the said, "Jess," and explained during interview) if he was in charge, he said, "yes," and explained that the prisoners shot an RPG that hit a LT. I advised him that they (the detainees) were in my charge. I also advised that prisoners will not be harmed." (See sworn statement,

dated 9 November)

sworn statement that what he remembered a member of the MIT team saying something about abuse, **1000** stated she was reporting

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2-70 AR for prisoner mistreatment." (See sworn statement, dated 22 October). **Set Statement** was inside the detention center working on paperwork at the time, and did not actually witness any improper behavior. (See Sworn Statement, 23 October) However, the fact that **Contract Contract** did talk to him about it on the day it took place reinforces her credibility. Furthermore, the two members of the MIT team stated that they witnessed

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say something to the 1/A/1-41 soldiers, but could not hear what was said. (See Sworn Statement, 9 November) did not have a direct line of sight to Pand did not witness any dialog that took place, only the back of the 2-1/2 ton truck. Also, the 2-70 detention. Istated that he did not witness abuse, but that he did see behavior that was rougher than "his style." (Stated in dialog with investigator, 9 November) Finally, the MIT team was asked to look at pictures of all the personnel from 1/A/1-41 and 2-70 present that day to determine if they could determine who was committed the abusive behavior. All four members stated they could not be certain which person committed the acts beyond doubt; however, they stated the two individuals that they believed did kick the detainees were Caucasian. (See sworn statement. 9 Nov) Lastly, the only pictures identified as people recognized for sure were and

Statement and in oral dialog with investigator, 9 November). During the interview she stated that the state was present and that he did not go into the jail to fill out paperwork until after she had come over during the events to stop it. She stated that she then walked over and sat down furning over the incident while he went inside to fill out the paperwork. Later she overheard the stated backed asked the went who the way and her rank. At his response of her being the interrogator, and that he could not tell them her rank, she stated the stated the stated that she there is said "Oh Shit" under his breath. (Said in dialog with investigator, 9 Nov 03) The TF 2-70 unit disagreed and stated something contrary to all other parties. First,

downloading operation. (See sworn statement, 9 November) They also stated that no one said anything to them regarding any issues of abuse, and it surprised them when it came up a few days to a week later. (See sworn statements, 9 November). However, in dialog with during the investigation, he stated that he foresaw the possibility of this very issue occurring and took steps to prevent it. Furthermore, he stated, "that he asked 2 PFCs in the jail to inspect the prisoners to make sure they were okay." (See Sworn statement, 9 November) The fact that he wanted an outside inspection to ensure the prisoners did not have marks or injury is disturbing because it raises the suspicion that he was protecting himself after wrongful behavior. The behavior in question likely was not aimed at causing permanent damage, but rather to intimidate and cause short-term discomfort or pain. Similarly, much of the 7 personnel interviewed shared the same specifics regarding the case to include someone saying, "You

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guys are square," when asked if the unit was done and the prisoners were okay. However, many did not remember dialog that took place or what kind of swearing or interactions occurred on the scene. It is the belief of the investigator that the unit discussed the incident prior to the investigation and determined "the one story to tell" so that everyone would be the same. It is common practice told among combat units that if a unit comes under investigation that if the unit makes sure every one is on the same page, nothing will come out of it. Again, this is simply speculation and no facts can be produced beyond the similar specifics and omissions between all seven personnel. Lastly, it is noted that the PA for TF 1-13.

was sent to inspect the detainees for abuse. He noted a scrape on a detainees shoulder injury (described as a abrasion) and a minor scalp laceration. The PA determined abuse did not occur at the jailhouse. During questioning, he said he asked the prisoners if they were abused while at the jailhouse. They said they hadn't; however, from the point of view of the prisoners, it occurred prior to them arriving. Also, they had blindfolds on during the events, which limits their ability to state facts. Finally, abuse may have occurred in minor fashion, and the prisoners answered no because it was simply viewed as rough handling and a few cheap shots. Improper handling viewed by the American Military may be a very different idea than that of an Iraqi whose experience has been the former Saddam Regime. It is interesting to note that one detainee had a minor scuffmark on his shoulder and only one prisoner is reported of falling or being pushed out of the 2-1/2 ton truck. It is likely that the small abrasion occurred during this event. Furthermore, it is likely that all kicks were not delivered to cause major injury. In fact, during discussion with he said he specifically asked if the prisoners looked okay prior to leaving that day, which leads one to believe if he had allowed abusive behavior it would have been controlled to pass jailhouse inspection and not raise did not believe the prisoners suspicion. It is noted that were abused at the jailhouse. The investigation determined that given the possibility that the kicks to the sides did not leave marks and could still have occurred. Lastly, the investigation found records through the 3BCT S-2 of the prisoners that were involved in this incident. The prisoners were referenced in sworn statement and are found under the list of 2-70's detainees from 16 SEP 03. The individuals are the following:

The record received from 3BCT S-2 shows that the individuals were released on 19 September to 2-70, except for prisoners 6515 and 6516, who were sent to the Division Interrogation Facility for further questioning. The DIF and Abu Ghurab Prison were contacted in order to find the detainees for questioning. Both facilities do not have the prisoners and further contact information was not available to contact them.

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The issue of abusive language and improper conduct toward detainees: The investigation found that all parties agreed that there was a lot of swearing and yelling toward the detainees during the unloading procedures at the TF 1-13 detention facility. (See all sworn statements, 9 November). Under UCMJ, Article 134 - Threat Communicating, the regulation states, "That the accused communicated certain language expressing a present determination or intent to wrongfully injure the person, property, or reputation of another person, presently or in the future. That the communication was known to the person, and that the communication was wrongful. Finally that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces." (UCMJ, 110. Article 134 – (Threat Communicating). Given the already rough treatment, it is the belief that the threat was communicated and enhanced by the unprofessional nature of dialog directed toward the prisoners. The detainees were all blindfolded and zip-cuffed. They did not present a threat to the ten 2-70 personnel on site. The need for further intimidation, scare tactics, or verbal abuse was unwarranted for mission accomplishment. The United States Army states on its rules of engagement card, "Conduct yourself with dignity and honor." (Rules of engagement card) The investigation believes that the verbal tactics used at the detention center violated this aspect of ROE. The fact was enhanced during spoken dialog with who stated, "Yes, common swear words were used," and spelled it capital letters on his sworn statement regarding whether it was common practice to yell at prisoners after arrest. He further stated that the prisoners were suspected of wounding men from his unit, hell yes he was swearing and yelling at them. He further stated, that was how he did business, and he was not trained for peacekeeping missions. He was here (Irag) for the war and if they wanted peacekeepers they could send him home, and replace his unit with units trained as peacekeeping! He wasn't going to change his tactics regarding swearing at detainees or using forceful tactics when handling prisoners. (Verbal dialog with investigator, 9 November).

c. Recommendations for punishment, corrective actions, and changes in procedures for future operations.

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DEPARTMENT OF THE ARMY HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION Baghdad, iraq UNIT 92940, APO AE 09324-2940

REPLY TO ATTENTION OF: 6(6), 6(2)

AFZN-BB-CO

S NOVEMBER 2003

MEMORANDUM FOR

1st Field Artillery Regiment, 3rd Brigade Combat Team, Baghdad, Iraq

SUB JECT: Appointment as Investigating Officer (Detainee Abuse, 16 Sep 03)

1. You are appointed as an investigating officer IAW AR 15-6. You will investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3rd BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.

2. Use the informal procedures of AR 15-6. At a minimum, make findings as to the facts and circumstances of the incident. Determine whether the TF 2-70 AR soldiers were abusive towards the detainees, whether they used excessive force, and whether they violated any rules of engagement.

3. You will also make any pertinent recommendations. At a minimum, you will make a recommendation as to whether any disciplinary action would be appropriate. You will also make a recommendation as to whether any changes to procedures or tactics would be appropriate.

4. You will take sworn statements from all pertinent witnesses. If you suspect anyone of violating the UCMJ, you will inform them of their Article 31 rights, using DA FM 3881, prior to questioning or taking a statement. In addition, provide them with a Privacy Act statement, prior to soliciting any personal information.

5. You may obtain legal advice from the Brigade Legal Advisor.

6. Submit your findings and recommendations on DA FM 1574 to the Brigade Legal Advisor no later than 10 November 2003.



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DEPARTMENT OF THE ARMY HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION Baghdad, Iraq UNIT 92940, APO AE 09324-2940

REPLY TO ATTENTION OF: b(6), b(3)

AFZN-BB-CO

19 September 2003

MEMORANDUM FOR

1st Field Artillery Regiment, 3rd Brigade Combat Team, Baghdad, Iraq

SUB JECT: Appointment as Investigating Officer (Detainee Abuse, 16 Sep 03)

1. You are appointed as an investigating officer IAW AR 15-6. You will investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3rd BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.

2. Use the informal procedures of AR 15-6. At a minimum, make findings as to the facts and circumstances of the incident. Determine whether the TF 2-70 AR soldiers were abusive towards the detainees, whether they used excessive force, and whether they violated any rules of engagement.

3. You will also make any pertinent recommendations. At a minimum, you will make a recommendation as to whether any disciplinary action would be appropriate. You will also make a recommendation as to whether any changes to procedures or tactics would be appropriate.

4. You will take sworn statements from all pertinent witnesses. If you suspect anyone of violating the UCMJ, you will inform them of their Article 31 rights, using DA FM 3881, prior to questioning or taking a statement. In addition, provide them with a Privacy Act statement, prior to soliciting any personal information.

5. You may obtain legal advice from the Brigade Legal Advisor.

6. Submit your findings and recommendations on DA FM 1574 to the Brigade Legal Advisor no later than 28 September 2003.



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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION FILE NUMBER DATE TIME 1740 09N0V03**IMBER** GRADE/STATUS ORG 1. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 1. State your specific location and activities during the prisoner drop-off on 16 Sep 03. 1-13 DETENTION FACILITY, GUARD SHACK, IOM AWAY FROM STON IN WHICH DETAINED WORE BROUGHT IN. 2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? N/K 3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? I SAW 3 DETAINEDS ON THE GROUND AND THE FOURTH BEING THROWN OUT of THE TEUCK. 4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.) 5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest? I DON'T REMEMBER ANY OBSCENELANGUAGE, THOUGH IT IS COMMON PRACTICE TO RAKE ONE'S VOICE AT A PRISONOR UPON ACREST. 6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what. NO, THEY NORE THED AND BLIND-FOLDED. 7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeing to the body or head, striking, or combative actions.) TWO SOULDRS WELE KICKING TWO DETAINEDS IN THE RIBS - ABSOLUTELY NOT MARRANTED 8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? I FIRST APPROACHED THE TWO SOLLIERS THAT WORE KICKING THE DETAILOES AND TOW THEM TO STOP. THEY DWD, SATING: "THEY D'ON'T KILL YOUR LT". I ASKED A ZLT IF HE WAS IN CHARGE, HE SAID YES AND ERPLANDED THAT THE PROSONARS SHOT AN RAG THAT HIT A LT. THAT PREDNERS WILL NOT BE HARMED. I ADVIGED HIM THAT THEY WOLD IN MY CHARGE . I Also ADVISED EXHIBIT INITIALS OF DE KING STATEMENT PAGES PAGE 1 OF _ CONTINUED." ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMEN DATED_ TAKEN AT_ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED PAGES.* WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE OF STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT (Continued) 9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. NO. 10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? NA 11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did, I ROMENDOR THE TWO BOLDIERS THAT WORE KICKING THE PRISONORS ARE CAUCABIAN. A SSG WAS STANDING NDARBY. SAME SSG ASKED ONE OF MY GEWRIN GUARDS (WHAT MY RANK WAS AND WHO I WAS . TOUD HIM THAT HE CAN'T TELL HIM NUY PANC, BUT THAT I WAS AN INTERPOGRATION 12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene. NO. 13. Is there anything you would like to add to the investigation at this time? FOLD ILE THAT HE WAS TOLD TO "LOOK AWAY OR GO TAKE A PISS" BY COLDIERS HANDLING PHE PRISONERS . AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 1. WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. . I FULLY UNDERSTAND THE CONTENTS ENTIRE STATEMENT MADE OM OF EACH PAGE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITH REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENC IENT. on Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: . 18 603 day of NOV administer oaths, this 3BCT FOB ORGANIZATION OR ADDRESS ture of Person Administering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEM page 2 OF 2 PAGES USAPPC V2.00

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	PART I -	RIGHTS WAIVER/	ION-WAIVER CER	TIFICATE		
Section A. Rights				······································		
suspected/accused: 15-6 Before he/she asked me any 1. I do not have to answe 2. Anything I say or do ca	e appears below told me that he/sf Questioning regarding alleg questions about the offense(s), ho r any question or say anything. n be used as evidence against me	ged mistreatment t wever, he/she made it in a criminal trial.	and wanted to qu <u>include assault</u> clear to me that I hav	e the following rights:	SEP 03 appr	<u>ox 1600 hrs</u>
	othe UCMJ I have the right to talk s lawyer can be a civilian lawyer I a					
	I understand that this lawyer can b		-			
me during questioning. will be appointed for me 4. If I am now willing to di	I understand that this lawyer can be before any questioning begins. scuss the offense(s) under investig awyer before answering further, ev	pe one that I arrange for gation, with or without	a lawyer present, i h	or if I cannot afford a la	wyer and want	t one, a lawyer
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me during questioning, will be appointed for me 4. If 1 am now willing to di speak privately with a li 5. COMMENTS (Continue 5. COMM	I understånd that this lawyer can b a before any questioning begins. scuss the offense(s) under investig awyer before answering further, ev a on reverse side) ted above. I am now willing to disc me. ATNESSES (If available) t/ DDRESS AND PHONE (/	pe one that I arrange for gation, with or without ren if I sign the waiver cuss the offense(s) une	r at my own expense a lawyer present, i ho befow. der investigation and 3. 5. TYPED NAME C 5. ORGANIZATION	or if I cannot afford a la ive a right to stop answe	wyer and want	: one, a lawyer at any time, or
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REVERSE OF DA FORM 3881

ACLU-RDI 500 p.15

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USAPA V2.01

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		ORN STATEMENT AR 190-45; the proponent	agency is ODCSC	DPS
LOCATION		9 Nou 3	TIME 18:55	FILE NUMBER
LAST NAME, EIRST MANE MIDDLE N	AME	SOCIAL SECURIT	···· • • · · · · · · · · · · · · · · ·	GRADE/STATUS
AGANIZATION OR ADDRESS		<u>. 1</u>		
		•		
ł,	· · · · · · · · · · · · · · · · · · ·	, WANT TO MAR	KE THE FOLLOWIN	NG STATEMENT UNDER OATH:
1. State your specific location and a IN side vehicle about on 14 Sept. 03 pt/1x	75m from 1	prisoner drop-off on 16 H-< 5 ton truck	Sep 03.	te was open
2. Are you aware of the specific all N/A	egations of potentia	l abuse during the prison	ner drop-off oper	ration on 16 Sep 03, 1600hrs?
3. Did you participate or witness an accidentally or maliciously?	y detainee dropped	or thrown from the 2 1/	2 ton truck durin	ng the drop-off, either
Saw one person thm:	in from J	he back of d	the truck	С,
4. Can you please state, to the best 2 1/2 ton truck and their exact positi recieving the prisoners after they we N/A	ion in the operation	? (example: SGT Snuff	y was located jus	of prisoners from the st behind the 2 1/2 ton truck
5. Did you witness any obscene lan common practice to yell at prisoners Servet Seldies wave wave on the Olympic 5. Did you percieve any threat from	upon or after arres relling at f	t? Le prizoner, w fuchare just	whele 4 Killed to	the prisonary.
 Did you percieve any threat from o, please state specifically what. Did you witness any soldier partition is warranted in your opinion to a state of the second state. 	cipating in th e prise	oner drop-off operation	acting aggressive	ely towards any of the prisoner
vas it warranted in your opinion to t ody or head, striking, or combative Som - Soldiers ward	actions)	-	-	- ,
. Did you witness any dialog betwee risoner drop-off operation, if so - w	en the MIT team a that was said? んご	nd any soldiers from TF	1-13 or TF 2-70	0 during any aspect of the
XHIBIT	INITIA	S OF PERSON MAKING S	TATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN HE BOTTOM DF EACH ADDITIONAL P S "PAGE OF PAGES." WH TATEMENT WILL BE CONCLUDED ON	AGE MUST BEAR TH	IE INITIALS OF THE PERSO	ON MAKING THE S	STATEMENT AND BE INITIALED

	b(b), b(3)
STATEMENT (Continued)	
	tion NCOIC and any of the personnel dropping off prisoners? If so, please $\sim N0$,
10. Did you believe that the prisoners dropped of arrested? N/A	ff on 16 SEP 03 were guilty? If so, what do you believe they did to be
who you believe participated in the alleged abusiv believe did the alleged behavior and specifically v	ify any of the personnel by rank, facial recognition, or position at the scene we behavior or actions? If yes, please state to your best knowledge who you what you believe you witnessed them doing. If no, can you state to the best of tics of the people you believe were involved to include race, height, rank, hair fically what you believe this person did.
Tou far . boldiers in DLU's .	
12. Can you specifically recall what was said dur what was said and where it occurred at the scene.	ring the "yelling episodes" reported in the alleged event? If so, please state
Service August 5	
Sieve guiestion number 5.	
,	
13. Is there anything you would like to add to the	
······································	AFFIDAVIT
1.	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALE CONTAINING THE STATEMENT. I HAVE MADE THIS	I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE ED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT N, UNLAWFUL INFLUENCE. OB UNLAWFUL INDUCEMENT.
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this $\underline{\hat{q}}$ day of \underline{NC} , \underline{WC} , \underline{W} $\underline{7}$ at
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
	(Typed Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Typed Name of Person Administering Oath) (Authority To Administer Oaths)
ORGANIZATION OR ADDRESS	

		ARNING PROCED this form, see AR 190-30;			(6), b(3)
	. , .	DATA REQUIRED BY	THE PRIVACY ACT		1 1
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:		and law enforcement on ober is used as an addi	tional/alternate mea		may be accurately identified, facilitate filing and retrieval.
1. LOCATION	·		2. DATE 91 NOV 103	3. TIME	4. FILE NO.
5. NAME (Last, First, MI)		1	8. ORGANIZATION	OR ADDRESS	
6. SSN . 	2	CDADE/CTATUS			
······································	PART	I - RIGHTS WAIVER/N	ON-WAIVER CERTIF	ICATE	· · - ··· · · · · · · · · · · · · · · ·
Section A. Rights					
 Before he/she asked me any q I do not have to answer a Anything I say or do can I for personnel subject of during questioning. This I or both. (For civilians not subject me during questioning. I to will be appointed for me I If I am now willing to disc speak privately with a law COMMENTS (Continue of the second seco	Duestioning regarding all uestions about the offense(s), any question or say anything. be used as evidence against m he UCMJ I have the right to a awyer can be a civilian lawyer to the UCMJ I have the right understand that this lawyer ca before any questioning begins, cuss the offense(s) under inves- wyer before answering further,	eged mistreatment to however, he/she made it o ne in a criminal trial. talk privately to a lawyer b I arrange for at no expens to talk privately to a lawy n be one that I arrange for stigation, with or without a	and wanted to ques include assault on clear to me that I have to efore, during, and after se to the Government of or - er before, during, and a at my own expense, or a lawyer present, I have	the following rights: questioning and to have a military lawyer detaile fter questioning and to he if I cannot afford a lawy	a lawyer present with me of for me at no expense to me, ave a lawyer present with rer and want one, a lawyer
Section B. Waiver	d above. I am now willing to a	fiscuss the offensels) und	er investigation and mal	ke a statement without ta	alking to a lawyer first and without
having a lawyer present with n					
WIT 1a. NAME (Type or Print)	NESSES (If available)	3	SIGNATURE OF IN	TERVIEWEE	
D. ORGANIZATION OR ADD	DRESS AND PHONE		. SIGNATURE OF IN	VESTIGATOR	.
2a. NAME (Type or Print)		5	TYPED NAME OF I	NVESTIGATOR	
ORGANIZATION OR ADD	PRESS ANO PHONE	. 6.	ORGANIZATION O	FINVESTIGATOR	
Section C. Non-waiver		· • • • • • • • • • • • • • • • • • • •		-	
I do not want to give up r	ny rights		I do not want to t	e questioned or say any	thing
SIGNATURE OF INTERVIE	WEE .				
TTACH THIS WAIVER CERTIF	CATE TO ANY SWORN STAT	EMENT (DA FORM 2823	V SUBSEQUENTLY EX	CUTED BY THE SUSPEC	CT/ACCUSED
A FORM 3881, NOV	89	EDITION OF NOV 8			USAPA 2.01

DODDOA 027050

		/ARNING PROCEDURE
	·	
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 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 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 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."
	, THE V	WAIVER
(If the neces "yes, "Have (If the was r contin	you understand your rights?" e suspect/accused says "no," determine what is not understood, and if esary repeat the appropriate rights advisement. If the suspect/accused says " ask the following question.) e you ever requested a lawyer after being read your rights?" a suspect/accused says "yes," find out when and where. If the request recent <i>fi.e., fewer than 30 days ago</i> , obtain legal advice whether to nue the interrogation. If the suspect/accused says "no," or if the prior est was not recent, ask him/frer 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 IN	ISTRUCTIONS
suspe certifi waive his/he	N SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the oct/accused orally waives his/her rights but refuses to sign the waiver icate, you may proceed with the questioning. Make notations on the er certificate to the effect that he/she has stated that he/she understands ar rights, does not want a lawyer, wants to discuss the offense(s) under tigation, and refuses to sign the waiver certificate.	 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
the w shouli begin: street	AIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: in all cases valver certificate must be completed as soon as possible. Every effort d be made to complete the waiver certificate before any questioning s. If the waiver certificate cannot be completed at once, as in the case of t interrogation, completion may be temporarily postponed. Notes should be on the circumstances.	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 (should get a lawyer."), further questioning must cease
	INCRIMINATING STATEMENTS: 1. 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.	immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may no 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

REVERSE OF DA FORM 3881

ACLU-RDI 500 p.19



DODDOA 027051

USAPA V2.01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION FILE NUMBER TIME DATE 1838 DANANOZ LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION UN ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 1. State your specific location and activities during the prisoner drop-off on 16 Sep 03. clear view if the ston, standing in Lock of the flummer In 2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? 3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? yes, saw detainer fall out of truck 4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.) NIA 5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest? Yes, yelling and obscere language was used. 6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what. No 7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeing to the body or head, striking, or combative actions.) I an gressing; 2 people was kicking the prisoners to the sides. 8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? The soldiers pulled of in the 5ther and total pre and look away. **EXHIBIT** INITIALS OF PERSON MA EMENT 2-PAGES PAGE 1 OF _ CONTINUED." ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF. DATED ... TAKEN AT_ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED _ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE OF_ STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

	· · · · · · · · · · · · · · · · · · ·
STATEMENT (Continued) 9. Did you witness any dialog between the detention NCOIC state what was said to the best of your knowledge.	and any of the personnel dropping off prisoners? If so, please
NO	
10. Did you believe that the prisoners dropped off on 16 SEF arrested?	903 were guilty? If so, what do you believe they did to be
AIM .	· · ·
who you believe participated in the alleged abusive behavior of believe did the alleged behavior and specifically what you bel	e personnel by rank, facial recognition, or position at the scene or actions? If yes, please state to your best knowledge who you ieve you witnessed them doing. If no, can you state to the best of cople you believe were involved to include race, height, rank, hair you believe this person did.
Identified SSG and 2LT as be	ing present, but NOT recessorily participation
or publicht during the examples So	- Hen 2 talking to the and
prison NLOIC.	
12. Can you specifically recall what was said during the "yel what was said and where it occurred at the scene.	ling episodes" reported in the alleged event? If so, please state
<i>6</i> 4	
13. Is there anything you would like to add to the investigatio	on at this time?
V_{lo}	
ATE	IDAVIT
1,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE ECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>A</u> day of <u>NOS</u> , <u>19</u> <u>2005</u> at
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Typed Name of Person Administering Oath) (Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT	PAGE 2 OF Z- PAGES

USAPPC V2.00

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· · —	RIGHTS WARN For use of this for			WAIVER CE		TE b	(1)	, b()
	DAT	A REQUIRED BY	THE	PRIVACY ACT		<u> </u>	<u> </u>	6 3
PRINCIPAL PURPOSE: T ROUTINE USES: Y	itle 10, United States Code, o provide commanders and la our Social Security Number i lisclosure of your Social Secu	aw enforcement is used as an ad	offici ditiona	il/alternate mean				
1. LOCATION			2. e	DATE NOU 03	3. TIM	536	4.	FILE NO.
5. NAME_(Last, First, MI)			8.	ORGANIZATION C	R ADDRES	;	· · · · · ·	- <u> </u>
6. SSN	7. GRAD	DEISTATUS						
	PART I - RI	GHTS WAIVER/	NON-	WAIVER CERTIF	ICATE	· · · · · ·		
Section A. Rights								
3. (For personnel subject othe	estioning regarding alleged stions about the offense(s), howe question or say anything. used as evidence against me in a UCMJ 1 have the right to talk pr	mistreatment wer, he/she made a criminal trial. rivately to a lawyer	<u> </u>	nd wanted to quest lude assault on to me that I have t e, during, and atter	detainees he following questioning	on 16 SEP rights: and to have a	103 appr	ox 1600 hrs
or both. (For civilians not subject to me during questioning. I und will be appointed for me bef 4. If I am now willing to discus	the UCMJI I have the right to tak the UCMJI I have the right to tak lerstand that this lawyer can be ore any questioning begins. Is the offense(s) under investigation of before answering further, even	ik privately to a lav ne that I arrange f ion, with or withou	- or - vyer be for at n nt a law	fore, during, and at ay own expense, or yer present, I have	ter question if I cannot a	ing and to hav Ifford a lawye	ve a lawye r and want	r present with t one, a lawyer
5. COMMENTS (Continue on	reverse side)						· · ·	•
Section 8. Waiver	· · · · · · · · · · · · · · · · · · ·	. <u> </u>						
I understand my rights as stated a having a lawyer present with me.	above, I am now willing to discus	ss the offense(s) u	nder im	vestigation and mak	ie a stateme	nt without fal	king to a li	avayer first and withou
WITNE	SSES (If available)		3.	SIGNATURE OF IN	TERVIEWEE			
1a. NAME (Type or Print)		-						
b. ORGANIZATION OR ADDR	ess and phone		4.	SIGNATURE OF IN	VESTIGATO	R		
2a. NAME (Type or Print)	· · · · · · · · · · · · · · · · · · ·		5.	TYPED NAME OF I	NVESTIGAT	OR		
b. ORGANIZATION OR ADDRI	ESS AND PHONE		6.	ORGANIZATION O	F INVESTIG	ATOR		
Section C. Non-waiver	<u> </u>			<u> </u>			·	
1. I do not want to give up my	rights	- <u>-</u>	Ľ	I do not want to I	pe questione	d or say anyt	hing	
2. SIGNATURE OF INTERVIEW	Ϋ́ΕΕ		-					
ATTACH THIS WAIVER CERTIFIC.	ATE TO ANY SWORN STATEME	NT (DA FORM 20	3 <i>23)</i> S	UBSEQUENTLY EXI	CUTED BY	THE SUSPEC	T/ACCUSE	
DA FORM 3881, NOV 8	39	EDITION OF NO	/ 84 15	OBSOLETE	d01	64 0		USAPA 2.0

PART IL - 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. 	can be a civilian you arrange for at no expense to the Government or a military tawyer 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				
 2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before if ask you any questions, you must understand your rights." a. "You do not have to answer my questions br say anything." b. "Anything you say or do can be used as evidence against you in a criminal triat." 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 	 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>(i.e., fewer than 30 days ago)</i> , 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 olfense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" <i>(If the suspect/accused says "no," stop the interview and</i> <i>have him/her read and sign the non-waiver section of the waiver certificate on</i> <i>the other side of this form. If the suspect/accused says "yes," have him/her read</i> <i>and sign the waiver section of the waiver certificate on the other side of this</i> <i>form.]</i>				
SPECIAL IN	ISTRUCTIONS				
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.	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.				
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	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.				
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.	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 counse! (for example, "Maybe I should get a lawyer."), further questioning must cease				
PRIOR INCRIMINATING STATEMENTS: 1. 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.	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."}

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COMMENTS (Continued)

REVERSE OF DA FORM 3881

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION TIME FILE NUMBER DATE 9 NOV 1825 SOCIAL SECURITY NUMBER GRADE/STATUS DLE NAME LAST NAME ORGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: E. . 1. State your specific location and activities during the prisoner drop-off on 16 Sep 03. I was at the Rear of TA my truck less then 15 m from the five-ten they as ret 2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? 3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? they whe pulled from the back of the truck NČ 4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.) 5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest? yes they were yelling obscerify's is motherfucher, dischales. 6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what. No they will kindfolded & zipcotfield 7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeing to the body or head, striking, or combative actions.) dy or head, striking, or companye actions., Yes, they then' them to the grade then one soldier kicked a detained in the side they were also showing around too much 8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? came out and sind sime words I could not hear EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF _2 PAGES __ DATED__ ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF __ _ TAKEN AT_ _ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE_ OF STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

N/ ()

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

NÕ

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

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13. Is there anything you would like to add to the investigation at this time?

NO AFFIDAVIT Ł , 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) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this _____ day of _____, 492003 3BCT FUB ORGANIZATION OR ADDRESS gnature of Person Administering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT ZOF 2_ PAGES PAGE

USAPPC V2.00

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· · · · · · · · · · · · · · · · · · ·		CEDURE/WAIVER CERTIFICATE 10-30; the proponent agency is ODCSOPS 6(6), 6(3)
	DATA REQUIRE	D BY THE PRIVACY ACT
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:		nent officials with means by which information may be accurately identified, a additional/alternate means of identification to facilitate filing and retrieval.
1. LOCATION	· · · · · · · · · · · · · · · · · · ·	2. DATE 3. TIME 4. FILE NO. 1 DON 03 1822
5. NAME <u>(Last, First, Mi)</u>		8. ORGANIZATION OR ADDRESS
6. SSN	7. GRADE/STATUS	
	PART I - RIGHTS WAIN	/ER/NON-WAIVER CERTIFICATE
Section A. Rights		
suspected/accused: 15-6 C		and wanted to question me about the following offense(s) of which i am ent to include assault on detainees on 16 SEP 03 approx 1600 hrs
 f do not have to answer Anything I say or do can (For personnel subject of 		
me during questioning. I t will be appointed for me i . If I am now willing to disc	understand that this lawyer can be one that I arran before any questioning begins.	a lawyer before, during, and after questioning and to have a lawyer present with age for at my own expense, or if I cannot afford a lawyer and want one, a lawyer thout a lawyer present, i have a right to stop answering questions at any time, or aiver below.
COMMENTS (Continue)	on teverse side)	· · · · ·
ection B. Waiver		· · · · · · · · · · · · · · · · · · ·
understand my rights as state aving a lawyer present with n		s) under investigation and make a statement without talking to a lawyer first and without
wa	INESSES (If available)	3. SIGNATURE OF THE COMPANY OF THE
a. NAME (Type or Print)		
ORGANIZATION OR ADD	DRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
a. NAME (Type or Print)	·	5. TYPED NAME OF INVESTIGATOR
ORGANIZATION OR ADD	DRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR
ection C. Non-waiver		
<u> </u>		
I do not want to give up i	my lights	I do not want to be questioned or say anything
		I do not want to be questioned or say anything

PART II - RIGHT	S WARNING PROCEDURE			
THE WARNING				
 WARNING - Inform the suspect/accused of: a. Your official position. b. Nature of offense(s). 	can be a civilian you arrange for at no expense to the Government or a military fawyer detailed for you at no expense to you, or both."			
c. The fact that he/she is a suspect/accused.	(For civilians not subject to the UCMJ) You have the right to talk privately to a			
 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 fawyer present with you during questioning. This lawyer 	 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 oflense(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 			
there a reaction present with you doning doesnothing. This lawyer	answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.			
· · · · · · · · · · · · · · · · · · ·	IE 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.)	"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.)			
"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>(i.e., fewer than 30 days ago)</i> , 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.)	"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?" <i>(If the suspect/accused says "no," stop the interview and</i> <i>have him/her read and sign the non-waiver section of the waiver certificate on</i> <i>the other side of this form, If the suspect/accused says "yes," have him/her read</i> <i>and sign the waiver section of the waiver certificate on the other side of this</i> <i>form,)</i>			
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.	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.			
IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort	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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such statements do not obligate him/her to answer further questions.

COMMENTS (Continued)

USAPA V2.01

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example, do not make such comments as "If you didn't do anything wrong, you

shouldn't need an attorney."}

ACLU-RDI 500 p.27

REVERSE OF DA FORM 3881

		13	(6), b(3)
	SWORN STATEMENT see AR 190-45; the propone	nt agency is ODCSC)PS
LOCATION FTCR 2-70 AR	DATE	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME	9 NOV 03 SOCIAL SECURI		GRADE/STATUS
ONDANIZATION OR ADDRESS			
		· · · · ·	1
1. William B Murphy	, WANT TO M/	AKE THE FOLLOWIN	IG STATEMENT UNDER OATH:
1. State your specific location and activities during I was located at the free	the prisoner drop-off on 1	6 Sep 03.	use has the
truch			
2. Are you aware of the specific allegations of poter	·		ration on 16 Sep 03, 1600hrs?
yes, about 1 week after	•		
3. Did you participate or witness any detainee dropp accidentally or maliciously?	ped or thrown from the 2	1/2 ton truck durin	ng the drop-off, either
No. I d.d not physic	elly see them	all unlosed	I from truck
4. Can you please state, to the best of your memory 2 1/2 ton truck and their exact position in the opeation recieving the prisoners after they were unloaded and	on? (example: SGT Snuf	fy was located just	of prisoners from the behind the 2 1/2 ton truck
	unloading the	-	
	J	1	
5. Did you witness any obscene language or unprof common practice to yell at prisoners upon or after a tryed to remove his blind fdd Centrol though	essional language directed rrest? V and Van V and Van V gelled	t at the prisoners, err Sweet st, It was	if so - what was it? Is it if so - prisener at anything out of
6. Did you percieve any threat from the detainees the so, please state specifically what. They were the ground,	hat would warrant aggress frying to get	ive action to main Go over	tain control of the situation? If $\omega \tau \rho + f \phi \sigma \sigma$
7. Did you witness any soldier participating in the p was it warranted in your opinion to maintain control body or head, striking, or combative actions.) Sold inorder to ful the inductor.	of the situation? (example irrs pit there the on the ground	le: kicking to the s bot in thr of:	lides of the body, kneeing to the back of furre
B YOU KNOW OF ANY ACTION THAT FOR PLACE TH 8. Did you witness any dialog between the MIT team prisoner drop-off operation, if so - what was said? T everything was a to and we way	I talk to There's	AS KICKING 22 Ai TF 1-13 or TF 2-74 Nors to me	0 during any aspect of the he Suce
EXHIBIT	TIALS OF PERSON MAKING	STATEMENT	PAGE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR AS "PAGE OF PAGES." WHEN ADDITIONAL	R THE INITIALS OF THE PER	E BACK OF PAGE 1	STATEMENT AND BE INITIALED
A FORM 2823, JUL 72 SUPERSEDES DA F	ORM 2823, 1 JAN 68, WH		USAPPC V2.00

ACLU-RDI 500 p.28

I

STATEMENT (Continued) 9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. in populati 10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? We were told thry were arrested for and emitted to Setting IED that hit it Morent and 2Lt pit leader by 2-70 AR Biolding arra 11. Is there anything you would like to add to the investigation at this time? Yes. If our actions weer in gurstion why did they not address me immediately. Boundy did actual raid to detain him, The soldiers who were injusted due to the ICO were than the attached to Bounty AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 🔔 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME, THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. Pute of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this 9 day of 1000 . 19 2013 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 2 OF Z PAGES PAGE USAPPC V2.00

001647

	RIGHTS WARNING PROC For use of this form, see AR 19			1	11) 11/2	>
· · · · · · · · · · · · · · · · · · ·			IE PRIVACY ACT		(10) (10)	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, Section 301 To provide commanders and law enforcem Your Social Security Number is used as an Disclosure of your Social Security Number	ent off additic	nal/alternate mean	-	-	
1. LOCATION	·	2.	DATE	3. TIME (の)ユ.	4. FILE NO.	
5. NAME (Last, First, MI,		8.	ORGANIZATION	* ····		
6. Son	7 GRADE/STATUS	•				
	PART I - RIGHTS WAIV	ER/NO1	-WAIVER CERTIF			_
Section A. Rights						
suspected/accused: 15-6 (appears below told me that he/she is with the Unit Questioning regarding alleged mistreatme questions about the offense(s), however, he/she ma	nt to i	and wanted to quest nclude assault on	detainees on 16 S	wing offense(s) Of which	AD tam hrs
 I do not have to answer Anything I say or do can (For personnel subject of 	any question or say anything. be used as evidence against me in a criminal trial. <i>the UCMJ</i> I have the right to talk privately to a lav lawyer can be a civilian lawyer I arrange for at no e	vyer bef	ore, during, and after to the Government or	questioning and to hav		
me during questioning. I will be appointed for me If I am now willing to dis	to the UCMJI (have the right to talk privately to a understand that this lawyer can be one that I arran before any questioning begins, cuss the offense(s) under investigation, with or wit wyer before answering further, even if (sign the wa	ge for at hout a la	my own expense, or wyer present, I have	if I cannot afford a law	vyer and want one, a lav	wyer
ection B. Waiver	·					
	ed above. I am now willing to discuss the offense(s) under	nvestigation and mak	e a statement without	talking to a lawyer first	and with
W	INESSES <i>(If available)</i>	3.	SIGNATURE OF IN	TERVIEWEE		
a. NAME (Type or Print)	f					
ORGANIZATION OR AD	DRESS AND PHONE	4.	SIGNATURE OF IN	VESTIGATOR		
a. NAME (Type or Print)	· · · · · · · · · · · · · · · · · · ·	5.	TYPED NAME OF I	NVESTIGATOR		
OFIGANIZATION OR ADI	DRESS AND PHONE	6.	ORGANIZATION O	FINVESTIGATOR		
ection C. Non-waiver	······································					
I do not want to give up	my rights		I do not want to b	e questioned or say an	aything	
SIGNATURE OF INTERVI	EWEE					
TACH THIS WAIVER CERTIF	CATE TO ANY SWORN STATEMENT (DA FORM	2823/	SUBSEQUENTLY EXE	CUTED BY THE SUSPI	ECT/ACCUSED	
FORM 3881, NO	/ 89 EDITION OF N	IOV 84	S OBSOLETE		_	USAPA 1

PART II - RIGHTS V	WARNING PROCEDURE			
THE	NARNING			
	• •			
 WARNING - Inform the suspect/accused of: a. Your official position. b. Nature of offense(s). 	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."			
c. The fact that he/she is a suspect/accused.	(For civilians not subject to the UCMJ) You have the right to talk privately to			
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:	lawyer before, during, and after questioning and to have a lawyer present with			
"Before I ask you any questions, you must understand your rights."	you during questioning. This lawyer can be one you arrange for at your own			
a. "You do not have to answer my questions or say anything."	expense, or if you cannot afford a tawyer and want one, a lawyer will be			
b. Anything you say or do can be used as evidence against you in a	appointed for you before any questioning begins."			
criminal trial."	d. "If you are now willing to discuss the offense(s) under investigation,			
c. (For personnel subject to the UCMJ) "You have the right to talk	with or without a lawyer present, you have a right to stop answering			
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before			
have a lawyer present with you during questioning. This lawyer	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?*	"Do you want a lawyor at this time?"			
If the suspect/accused says "no," determine what is not understood, and if	To you want a lawyer at this time?" (If the suspect/accused says "yes," stop the questioning until he/she has a			
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'yes," ask the following question.)	awyer. In the suspectrationsed says no, ask infinite the tokowing decision,			
	"At this time, are you willing to discuss the offense(s) under investigation and			
'Have you ever requested a lawyer alter being read your rights?"	make a statement without talking to a lawyer and without having a lawyer			
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was recent (i.e., lewer than 30 days ago), obtain legal advice whether to	have him/her read and sign the non-waiver section of the waiver certificate on			
continue the interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her re-			
equest was not recent, ask him/her the following question.)	and sign the waiver section of the waiver certificate on the other side of this			
	form.)			
SDECIAL IN	ISTRUCTIONS			
VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised			
uspect/accused orally waives his/her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first			
ertificate, you may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff			
valver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper			
is/her rights, does not want a lawyer, wants to discuss the offense(s) under	rights advisal.			
ivestigation, and refuses to sign the waiver certificate.				
	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised			
WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	accordingly should be noted in the comment section on the waiver			
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hould be made to complete the waiver certificate before any questioning				
egins. If the waiver certificate cannot be completed at once, as in the case of	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR			
treet interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the			
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	example, "Maybe I should get a lawyer."), further questioning must cease			
RIOR INCRIMINATING STATEMENTS:	immediately. At that point, you may question the suspect/accused only			
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	example, do not make such comments as "Il you didn't do anything wrong, you			
such statements do not obligate him/her to answer further questions.	shouldn't need an attorney."}			
such statements do not obligate him/her to answer further questions.	1			
such statements do not obligate him/her to answer further questions.				
such statements do not obligate him/her to answer further questions.				
	<u></u>			

REVERSE OF DA FORM 3881



ACLU-RDI 500 p.31

USAPA V2.01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE TIME FILE NUMBER FTCP 1045 GINDU 03 SOCIAL SECURITY NUMBER LAST NAME, FIRST NAME_MIDDLE NAME GRADE/STATUS ORGANIZATION OF ADDRESS. , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 1. State your specific location and activities during the prisoner drop-off on 16 Sep 03. TC of it ton Truck - Back of Diece During Dome load 2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? yes 3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? The Octained was lifted from the truck to the ground 4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the opeation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.) $T_{\rm trues}$ in $T_{\rm true} = 2^{1}/2$ Downloading Prisoners, everyour else was on the ground. 5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it?, is it common practice to yell at prisoners upon or after arrest? yes, common swear words. 6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If They were being uncooperative, not wanting to get off so, please state specifically what. of the Trock. One soldier Did not want to star Down 7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the investor? was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeing to the body or head, striking, or combative actions.) MO. 8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? Detainees. I personally asked 2 PFC: In The sail to inspect the prinowers to make sure They were OK. They responded " You suys are square ? EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF _ PAGES _ CONTINUED.* _ DATED_ ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _ _ TAKEN AT_ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED _ PAGES." WHEN AODITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE_ _OF_ STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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9. Did you witess any dialog between the determine NCOIC and any of the personnel dropping off prisoners? If so, please, Ser O * 10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? 11. Is there anything you would like to add to the investigation at this time? 12. Moone at any Time T mistreeted Or Agy seed. The Art Team needs To STOP G Cins So Sensation, and lat us Op our Sob or They Lea do ST Then select? 14. Is there anything you would like to add to the investigation at this time? 15. Arrow at any Time T mistreeted Or Agy seed. The Art Team needs To STOP G Cins So Sensation, and lat us Op our Sob or They Lea do ST Then select? 14. Is there anything you would like to add to the investigation at this time? 15. Arrow at any Time T mistreeted Or Agy seed. The Art Team needs To STOP G Cins So Sensation, and lat us Op our Sob or They Lea do ST Then select? 14. Met The StateMent To They Have Indo Ends StateMent Fried WithOut Hope or Reserve to the Art Ment Mode This StateMent Fried WithOut Hope or Reserve to the Reserve to the Art Ment Met Hous the Art Ment Ment House the Art Ment Met House the Art Met Met Ho	·	
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		B PROCEDURE/WAIVER C	1	3(6), 6(3)
	DATA RE	EQUIRED BY THE PRIVACY AC	τ	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, Sect To provide commanders and law e Your Social Security Number is us Disclosure of your Social Security	enforcement officials with means ed as an additional/alternate me	•	
1. LOCATION FTC	ρ ·	2. DATE GNIJOJ	3. TIME	4. FILE NO.
5. NAME (Last. First MI		8. ORGANIZATION		
6. SSN	7. GRADE/ST	ATUS		
	PART I - RIGHT	S WAIVER/NON-WAIVER CERT	IFICATE	
Section A. Rights		·	•_ T	· · · · · · · · · · · · · · · · · · ·
suspected/accused: 15-6 (Before he/she asked me any o	appears below told me that he/she is with Questioning regarding alleged mis questions about the offense(s), however, h any question or say anything.	and wanted to que	on detainees on 16 SE	ing offense(s) of which I am P 03 approx 1600 hrs
3. (For personnel subject of	be used as evidence against me in a crim the UCMJ 1 have the right to talk privatel lawyer can be a civilian lawyer 1 arrange f	ly to a lawyer before, during, and alte		
me during questioning. I will be appointed for me 4. If I am now willing to dis	to the UCMJI I have the right to talk priv understand that this lawyer can be one th before any questioning begins. cuss the offense(s) under investigation, w wyer before answering further, even if I si	at I arrange for at my own expanse, with or without a lawyer present, I hav	or if I cannot afford a law	yer and want one, a lawyer
i. COMMENTS (Continue	on reverse side)			
Section B. Waiver				·····
understand my rights as state aving a fawyer present with r	ed above. I am now willing to discuss the me.	offense(s) under investigation and m	ake a statement without t	alking to a lawyer first and without
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ORGANIZATION OR AD	DRESS AND PHONE	4 SIGNATURE OF	INVESTIGATOR	,
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ORGANIZATION OR AD	DRESS AND PHONE	6. ORGANIZATION	OF INVESTIGATOR	
ection C. Non-waiver				
. I do not want to give up L Ewant a lawyer	my rights	🗋 🗌 do not want to	be questioned or say any	thing
SIGNATURE OF INTERVI	ÉWEE			
A FORM 3881, NOV	FICATE TO ANY SWORN STATEMENT &	DA FORM 2823/ SUBSEQUENTLY E	Xecuted by the suspe	CT/ACCUSED USAPA 2.01

PART II - RIGHTS	WARNING PROCEDURE
ТНЕ	WARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). 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." "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." (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 alrange 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 certilicate."
THE	U 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 vas recent <i>(i.e., fewer than 30 days ago),</i> obtain legal advice whether to ontinue the interrogation. If the suspect/accused says "no," or if the prior equest 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.}
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the uspect/accused orally waives his/her rights but refuses to sign the waiver artificate, you may proceed with the questioning. Make notations on the	 STRUCTIONS 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 Statf
aiver certificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the waiver certificate.	Judge Advocate should be contacted for assistance in dratting the proper rights advisal.
WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort tould be made to complete the waiver certificate before any questioning	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.
ingins. If the waiver certificate cannot be completed at once, as in the case of reet interrogation, completion may be temporarily postponed. Notes should be opt on the circumstances.	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
NOR INCRIMINATING STATEMENTS: 1. 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.	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.")
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DODDOA 027067

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		, WANT TO MA	KE THE FOLLOWS	NG STATEMEN	UNDER OATH:
1. State your specific location and activ	vities during the	prisoner drop-off on 1	6 Sep 03. ∓ i.	sas the -	fruck
2. Are you aware of the specific allegat $\sqrt{r!}$ I was a ware	ions of potentia	abuse during the prise	oner drop-off ope	ration on 16 S	ep 03, 1600hrs
b. Did you participate or witness any denoted by the set of the s	etainee dropped	or thrown from the 2 1	1/2 ton truck duri	ng the drop-of	f, either
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L. Can you please state, to the best of y 1/2 ton truck and their exact position ecleving the prisoners after they were n work underday. The prisoners from 2 then myself	in the opeation? unloaded and co	e (example: SGT Snuff onsolidating them on the	y was located jus	t behind the 2	1/2 ton truck
		Marris to Priver	s to their loca	tion in let	` +
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STATEMENT (Continued) 9. Did you witness any dialog between the state what was said to the best of your know	detention NCOIC and any of the personnel dropping off prisoners? If so, please redge. No
10. Did you believe that the prisoners drop	ped off on 16 SEP 03 were guilty? If so, what do you believe they did to be
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From a driver that was In	my company
11. Is there anything you would like to add	to the investigation at this time? $N_{\mathcal{G}}$
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t civilians not subject	to the UCM.II The	ve the right to talk		-	d after questioning and to	have a lawyer present with		
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DRITY:	Title 10, United	d States Code, S	Section 3012(g)					
		DATA	REQUIRED BY	THE PRIVACY AG	CT	-75 ^{CD} /		
		For use of this form	n, see AR 190-30;	the proponent agenc	y is ODCSOPS	61,63)		
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Now willing to discuss the offense(s) under investigation, with or without ak privately with a lawyer before answering further, even if 1 sign the waiver <td>For use of this form, see AR 190-30; the proponent agence DATA REQUIRED BY THE PRIVACY AC DATA REQUIRED BY THE PRIVACY AC DATA REQUIRED BY THE PRIVACY AC PAIL PURPOSE: To provide commanders and law enforcement officials with mear NE USES: Your Social Security Number is used as an additional/alternate mean Disclosure of your Social Security Number is voluntary. OPATION C. DATE OPATION PART 1 - RIGHTS WAIVER/NON-WAIVER CER A Rights stigator whose name appears below told me that he/she is with the United States Army and wanted to queasito</td><td>PAL PURPOSE: To provide commanders and law enforcement officials with means by which information NE USES: Your Social Security Number is used as an additional/alternate means of identification to DSURE: Disclosure of your Social Security Number is voluntary. Disclosure of your Social Security Number is voluntary. Deation 2. DATE 3. TIME ME (Last, First, MI) 2. DATE 1// #// AME (Last, First, MI) 8. ORGANIZATION OR ADDRESS 1// #// PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE 1 1// #// 1A. Rights 1 1 1// #// stigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following rights: not have to answer any question or say anything. not have to answer any question or say anything. not have to answer any question as anything. rthing I say or do can be used as evidence against me in a criminal trial. or - or - ord/accused: 10 10/2/M/ 1 have the right to talk privately to a lawyer before, during, and after questioning and to having questioning. This lawyer can be a civilian lawyer 1 arrange for at mo expense to the Government or a military lawyer detai oth. or - ord - civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning an</td></td></td>	<td>For use of this form, see AR 190-30; DATA REQUIRED BY DATI PURPOSE: To provide commanders and law enforcement of the USES: Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your A. A. Rights 7. GRADE/STATUS PART I - RIGHTS WAIVER/N A. Rights Stigator whose name appears below told me that he/she is with the United S Not have to answer any question or say anything. ring l say or do can be used as evidence against me in a criminal trial. Personnel subject othe UCMJ 1 have the right to talk privately to a lawyer ing questioning. This lawyer can be a civilian lawyer 1 arrange for at no expension. rewillans not subject to the UCMJ 1 have the right to talk privately to a lawyer for a mo expension. Now willing to discuss the offense(s) under investigation, with or without ak privately with a lawyer before answering further, even if 1 sign the waiver <td>For use of this form, see AR 190-30; the proponent agence DATA REQUIRED BY THE PRIVACY AC DATA REQUIRED BY THE PRIVACY AC DATA REQUIRED BY THE PRIVACY AC PAIL PURPOSE: To provide commanders and law enforcement officials with mear NE USES: Your Social Security Number is used as an additional/alternate mean Disclosure of your Social Security Number is voluntary. OPATION C. DATE OPATION PART 1 - RIGHTS WAIVER/NON-WAIVER CER A Rights stigator whose name appears below told me that he/she is with the United States Army and wanted to queasito</td><td>PAL PURPOSE: To provide commanders and law enforcement officials with means by which information NE USES: Your Social Security Number is used as an additional/alternate means of identification to DSURE: Disclosure of your Social Security Number is voluntary. Disclosure of your Social Security Number is voluntary. Deation 2. DATE 3. TIME ME (Last, First, MI) 2. DATE 1// #// AME (Last, First, MI) 8. ORGANIZATION OR ADDRESS 1// #// PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE 1 1// #// 1A. Rights 1 1 1// #// stigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following rights: not have to answer any question or say anything. not have to answer any question or say anything. not have to answer any question as anything. rthing I say or do can be used as evidence against me in a criminal trial. or - or - ord/accused: 10 10/2/M/ 1 have the right to talk privately to a lawyer before, during, and after questioning and to having questioning. This lawyer can be a civilian lawyer 1 arrange for at mo expense to the Government or a military lawyer detai oth. or - ord - civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning an</td></td>		For use of this form, see AR 190-30; DATA REQUIRED BY DATI PURPOSE: To provide commanders and law enforcement of the USES: Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your Social Security Number is used as an add DSURE: Disclosure of your Social Security Number is vertex of the USES; Your A. A. Rights 7. 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Disclosure of your Social Security Number is voluntary. Deation 2. DATE 3. TIME ME (Last, First, MI) 2. DATE 1// #// AME (Last, First, MI) 8. ORGANIZATION OR ADDRESS 1// #// PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE 1 1// #// 1A. Rights 1 1 1// #// stigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following rights: not have to answer any question or say anything. not have to answer any question or say anything. not have to answer any question as anything. rthing I say or do can be used as evidence against me in a criminal trial. or - or - ord/accused: 10 10/2/M/ 1 have the right to talk privately to a lawyer before, during, and after questioning and to having questioning. This lawyer can be a civilian lawyer 1 arrange for at mo expense to the Government or a military lawyer detai oth. or - ord - civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning an</td>	For use of this form, see AR 190-30; the proponent agence DATA REQUIRED BY THE PRIVACY AC DATA REQUIRED BY THE PRIVACY AC DATA REQUIRED BY THE PRIVACY AC PAIL PURPOSE: To provide commanders and law enforcement officials with mear NE USES: Your Social Security Number is used as an additional/alternate mean Disclosure of your Social Security Number is voluntary. OPATION C. 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Rights 1 1 1// #// stigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following rights: not have to answer any question or say anything. not have to answer any question or say anything. not have to answer any question as anything. rthing I say or do can be used as evidence against me in a criminal trial. or - or - ord/accused: 10 10/2/M/ 1 have the right to talk privately to a lawyer before, during, and after questioning and to having questioning. This lawyer can be a civilian lawyer 1 arrange for at mo expense to the Government or a military lawyer detai oth. or - ord - civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning an

 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 "Do you understand your rights?" "Do you understand your rights?" "Yes," ask the following question.] "Have you ever requested a lawyer after being read your rights?" "Have you ever requested a lawyer after being read your rights?" "Have you ever requested a lawyer after being read your rights?" "Have you ever requested a lawyer after being read your rights?" "Have you ever requested a lawyer after being read your rights?" "At this time, a statem present with you when and where. If the prior request was not recent, ask him/her the following question.] "At this time, and sign the with the other side of and sign the with the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.] SPECIAL INSTRUCTIONS 	A you arrange for at no expense to the Government or a military for you at no expense to you, or both." - or - t subject to the UCMJ! You have the right to talk privately to a during, and after questioning and to have a lawyer present with the this inning. This lawyer can be one you alrange for at your own ou cannot afford a lawyer and want one, a lawyer will be bu before any questioning begins." If are now willing to discuss the offense(s) under investigation, if without a lawyer present, you have a right to stop answering ons at any time, or speak privately with a lawyer before fring further, even if you sign a waiver certificate." e suspect/accused fully understands his/her rights. lawyer at this time?" coused says "yes," stop the questioning until he/she has a spect/accused says "no," ask him/her the following question.) e you willing to discuss the offense(s) under investigation and nt without talking to a lawyer and without having a lawyer the suspect/accused says "no," stop the interview and of and sign the non-waiver section of the waiver certificate on "this form. If the suspect/accused says "yes," have him/her reac iver section of the waiver certificate on the other side of this
THE WAIVER "Do you understand your rights?" "If the suspect/accused says "no," determine what is not understood, and if mecessary 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?" "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>(i.e., fewer than 30 days ago)</i> , 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.) 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 of his/her rights but refuses to sign the waiver	lawyer at this time?" ccused says "yes," stop the questioning until he/she has a spect/accused says "no," ask him/her the following question.) e you willing to discuss the offense(s) under investigation and nt without talking to a lawyer and without having a lawyer in" (If the suspect/accused says "no," stop the interview and and sign the non-waiver section of the waiver certificate on " this form. If the suspect/accused says "yes," have him/her read
"Do you understand your rights?" "Do you understand your rights?" "If the suspect/accused says "no," determine what is not understood, and if mecessary 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>(i.e., fewer than 30 days ago)</i> , 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.) 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 of his/her rights for rights but refuses to sign the waiver	ccused says "yes," stop the questioning until he/she has a spect/accused says "no," ask him/her the following question.) e you willing to discuss the offense(s) under investigation and nt without talking to a lawyer and without having a lawyer in" (If the suspect/accused says "no," stop the interview and and and sign the non-waiver section of the waiver certificate on " this form. If the suspect/accused says "yes," have him/her read
VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspending state of his/her rights but refuses to sign the waiver 2. If the suspending state of his/her rights but refuses to sign the waiver	
suspect/accused orally waives his/her rights but refuses to sign the waiver of his/her rights	· · · · · · · · · · · · · · · · · · ·
his/her rights, does not want a lawyer, wants to discuss the offense(s) under nvestigation, and refuses to sign the waiver certificate. F WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases he 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 interrogation, the example, "Mayl immediately. At 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that be utilized to dis- be u	2 applies, the fact that the suspect/accused was advised ingly should be noted in the comment section on the waiver ate and initialed by the suspect/accused. /ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR RING THE INTERROGATION PROCESS: If during the suspect displays indecision about requesting counsel (for a 1 should get a lawyer.*), further questioning must cease that point, you may question the suspect/accused only her he or she desires to waive counsel. The questioning may no courage a suspect/accused from exercising his/her tights. (For make such comments as "If you didn't do anything wrong, you

REVERSE OF DA FORM 3881

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DODDOA 027071

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USAPA V2.01

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SWORN For use of this form, see AR 190	STATEMENT	rency is ODCSOPS	· · ·
LOCATION	DATE	TIME	FILE NUMBER
LAST NAME EIRST NAME MIDDLE NAME	SOCIAL SECURITY	NUMBER	GRADE/STATUS
ORGANIZATION OR ADDRESS	<u>I. </u>		I
l,	, WANT TO MAKE	THE FOLLOWING ST	ATEMENT UNDER OATH:
1. State your specific location and activities during the prisor Viding in flue Homners / from the Stan	er drop-off on 16S Con Sol, f-	ep 03. tens Pris	oneers 10ft.
2. Are you aware of the specific allegations of potential abuse	e during the prisone	r drop-off operation	a on 16 Sep 03, 1600hrs?
3. Did you participate or witness any detainee dropped or thr accidentally or maliciously? NO	own from the 2 1/2	ton truck during the	e drop-off, either
4. Can you please state, to the best of your memory, who on 2 1/2 ton truck and their exact position in the opeation? (example recieving the prisoners after they were unloaded and consolid Cart recult	mple: SGT Snuffy w	vas located just behi	isoners from the ind the 2 1/2 ton truck
5. Did you witness any obscene language or unprofessional le common practice to yell at prisoners upon or after arrest?	anguage directed at ¶∂	the prisoners, if so	- what was it? Is it
6. Did you percieve any threat from the detainces that would so, please state specifically what. MO	warrant aggressive	action to maintain o	control of the situation? If
7. Did you witness any soldier participating in the prisoner d was it warranted in your opinion to maintain control of the sit body or head, striking, or combative actions.) No	rop-off operation ac uation? (example: l	ting aggressively to cicking to the sides	wards any of the prisoners, of the body, kneeing to the
8. Did you witness any dialog between the MIT team and any prisoner drop-off operation, if so - what was said? NO	y soldiers from TF 1	-13 or TF 2-70 dur	ing any aspect of the
EXHIBIT	MAKING ST		SE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEM. THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INIT AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES A STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF AN	IALS OF THE PERSON RE UTILIZED, THE BA	MAKING THE STAT	
DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823	3, 1 JAN 68, WHICH	WILL BE USED.	USAPPC V2.00

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STATEMENT (Continued)	5161,0127
9. Did you witness any dialog between the detention NCOI	C and any of the personnel dropping off prisoners? If so, please
tate what was said to the best of your knowledge.	
N Ŷ	
1	
A Did you believe that the price and found off - 16 SI	2D 02 men with 9. If an article to some holison that is the
rrested?	EP 03 were guilty? If so, what do you believe they did to be
irrested? IF distant even know	
1. Is there anything you would like to add to the investigat	tion at this time?
	No
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Al	FFIDAVIT
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I,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RECTIONS AND HAVE INITIAL TO DO TOM OF EACT PAGE IT FREELY WITHOUT FUL INFLUENCE Subscribed and sworn to before me, a person authorized by law administer oaths, this <u>C1</u> day of <u>N50</u> , <u>10</u> <u>C2</u>
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I, HICH BEGINS ON PAGE 1 AND ENDS ON PAGE I FULL WHE. THE STATEMENT IS TRUE. I HAVE INITIALED ALL COF ONTAINING THE STATEMENT. I HAVE MADE THIS STATEMEN IREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWF	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RECTIONS AND HAVE INITIAL TO DO TOM OF EACT PAGE IT FREELY WITHOUT FUL INFLUENCE Subscribed and sworn to before me, a person authorized by law administer oaths, this <u>C1</u> day of <u>N50</u> , <u>10</u> <u>C2</u>
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I,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RRECTIONS AND HAVE INITIAL TO SO THAT OF EAST PAGE IT FREELY WITHOUT FUL INFLUENCE Subscribed and sworn to before me, a person authorized by law administer oaths, this <u>C1</u> day of <u>NBC</u> , 10 (20) at
I,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RRECTIONS AND HAVE INITIAL CONTENTS OF THE ENTIRE STATEMENT MADE IN FREELY WITHOUT FUL INFLUENCE Subscribed and sworn to before me, a person authorized by law administer oaths, this <u>C1</u> day of <u>N5></u> , 10 <u>C2</u> at
I,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RRECTIONS AND HAVE INITIAL TO THE ENTIRE STATEMENT MADE IN FREELY WITHOUT FUL INFLUENCE Subscribed and sworn to before me, a person authorized by law administer oaths, this <u>C1</u> day of <u>N55</u> , <u>10</u> <u>(av)</u> at

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· DATA RE	QUIRED BY THE PRIVACY ACT
•	nforcement officials with means by which information may be accurately identifie ad as an additional/alternate means of identification to facilitate filing and retrieval
1. LOCATION	2. DATE 3. TIME 4. FILE NO. 9 Nor 03 122
5. NAME (Last. First. All) 6. ESM. Z. CRADE(ST.	8. OPCANIZATION OR ADDRESS
PART I - RIGHTS	S WAIVER/NON-WAIVER CERTIFICATE
Section A. Rights	(T
 Before he/she asked me any questions about the offense(s), however, he 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 crime 3. (For personnel subject othe UCMJ 1 have the right to talk private) 	and wanted to question me about the following offense(s) of which 1 am treatment to include assault on detainees on 16 SEP 03 approx 1600 hrs he/she made it clear to me that I have the following rights:
	at 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.	with or without a lawyer present, I have a right to stop answering questions at any time, or
 will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, we speak privately with a lawyer before answering further, even if I signature. 5. COMMENTS (Continue on reverse side) 	with or without a lawyer present, I have a right to stop answering questions at any time, or gn the waiver below.
 will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, we speak privately with a lawyer before answering further, even if I significant to the speak privately with a lawyer before answering further. 5. COMMENTS (Continue on reverse side) 5. Section B. Waiver 1 understand my rights as stated above. I am now willing to discuss the 	with or without a lawyer present, I have a right to stop answering questions at any time, or gn the waiver below.
 will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, we speak privately with a lawyer before answering further, even if I signal. 5. COMMENTS (Continue on reverse side) Section B. Waiver 1 understand my rights as stated above. I am now willing to discuss the fraving a lawyer present with me. 	vith or without a lawyer present, I have a right to stop enswering questions at any time, or gn the waiver below.
 will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, we speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer before answering further, even if I signified to the speak privately with a lawyer present with me. WiTNESSES (If available) 	vith or without a lawyer present, I have a right to stop enswering questions at any time, or gn the waiver below.
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DODDOA 027074

	WARNING PROCEDURE
	A A MNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). 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." "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." (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.
Тне	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>(i.e., lewer than 30 days ago)</i> , obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior equest 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 otfense(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 rea and sign the waiver section of the waiver certificate on the other side of this form.)
SPECIAL IN	ISTRUCTIONS
 WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the uspect/accused orally waives his/her rights but refuses to sign the waiver ertificate, you may proceed with the questioning. Make notations on the vaiver certificate to the effect that he/she has stated that he/she understands is/her rights, does not want a lawyer, wants to discuss the offense(s) under trestigation, and refuses to sign the waiver certificate. WAIVER CERTIFICATE CANNOT 8E COMPLETED IMMEDIATELY: In all cases he waiver certificate must be completed as soon as possible. Every effort hould be made to complete the waiver certificate before any questioning egins. If the waiver certificate cannot be completed at once, as in the case of treet interrogation, completion may be temporarily postponed. Notes should be ept on the circumstances. RIOR 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. 	 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 coursel (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.")
OMMENTS (Continued)	<u> </u>
CHARLEST C TAVARABED	

REVERSE OF DA FORM 3881



ACLU-RDI 500 p.43

USAPA V2.01

	· · · · ·	SWORN STATEM	NT		
	For use of this form, s	see AR 190-45; the pro	onent agencγ is C		
LOCATION		DATE MADO	b3 TIME	FILE NUN	ABER
LAST NAME, EIRST NAME MID	DIEMAME	SOCIALOF		GRADE/S	TATUS
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		, WANT T	O MAKE THE FOL	LOWING STATEMENT	UNDER OATH:
1. State your specific location	and activities during, e went cu	the prisoner drop-off SMOLLeVo	on 16 Sep 03. Cigur f		
2. Are you aware of the specim $\mathbb{C}^{\mathbb{C}}$	fic allegations of pote	ntial abuse during the	prisoner drop-of	ff operation on 16 Se	ep 03, 1600hrs?
3. Did you participate or with accidentally or maliciously?	ess any detainee drop $\searrow \widehat{U}$	ped or thrown from t	the 2 1/2 ton truck	during the drop-off	f, either
<i>i</i>					
4. Can you please state, to the 2 1/2 ton truck and their exact recieving the prisoners after the prisoner	position in the opeati	ion? (example: SGT d consolidating them	Snuffy was locate on the ground)	ed just behind the 2	1/2 ton truck
pte	tay Sulehe	atso exch	escord +	heprisone	rsin,
5. Did you witness any obscer common practice to yell at prise ΛD	ne language or unpro soners upon or after a	fessional language dir arrest?	ected at the priso	ners, if so - what wa	as it? Is it
6. Did you percieve any threa so, please state specifically when $N^{1/2}$	t from the detainees t at.	hat would warrant ag	gressive action to	o maintain control of	f the situation?
7. Did you witness any soldie: was it warranted in your opinic body or head, striking, or com	on to maintain control	prisoner drop-off ope l of the situation? (e)	ration acting agg ample: kicking to	ressively towards an o the sides of the bo	y of the prisone: dy, kneeing to the
 Did you witness any dialog prisoner drop-off operation, if 					
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ЕХНІВІТ	IN	ITIALS OF PERSON MA	KING STATEMEN	PAGE 1 OF	PAGES
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STATEMENT (Construct) 9. Did you where sard dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. NO 10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? 11. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? 12. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? 13. Is there anything you would like to add to the investigation at this time? 14. State anything you would like to add to the investigation at this time? 14. State anything you would like to add to the investigation at this time? 14. MARE READ OF HAVE HAD READ TO ME THIS STATEMENT MADE 14. BERMON OF PAGE 1 AND ENDS ON PAGE IFULLY UNDERSTAND THE CONTENTS OF THE ENTITIES THE MADE THAD READ. 14. MARE READ OF HAVE HAD READ. OF REVENTING OF EACH PAGE SONTAINING THE STATEMENT MADE 14. MARE READ OF POINSHMENT. AND WITHOUT COERCIONS AND HAVE MADE READ FOR MENT AND WITHOUT HOURS OF REVENT ON OF EACH PAGE SONTAINING THE STATEMENT AND WITHOUT COERCIONS AND HAVE MADE THAD THE OF REVENT AND WERE TO POINSHMENT. AND WITHOUT COERCION, UNK AWENU NEW TO SOUTAWAY OF REVENT ON OF EACH PAGE SONTAINING THE STATEMENT AND WITHOUT COERCION, UNK AWENU NEW TO SUBJECTION OF REVENT AND WITHOUT COERCION, UNK AWENU NEW TO SUBJECTION OF REVENT AND WITHOUT HOURS OF REVENT ADD WITHOUT HORE OF REVENT ADD WITHOUT HORE OF REVENT ADD WIT		b/6), b(3)
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HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT HAVE THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE ONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT HREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFORMATION OF ADDRESS		
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE		
DRGANIZATION OR ADDRESS (Signature of Person Administering Oath) (Typed Name of Person Administering Oath) DRGANIZATION OR ADDRESS (Authority To Administer Oaths) ITTIALS OF PERSON MAKING STATEMENT	BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED AL CONTAINING THE STATEMENT, I HAVE MADE THIS STAT	L CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE TEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT ILAWFUL IN TOTAL AND LICEMENT. Total And Sworn to before me, a person authorized by law to
(Typed Name of Person Administering Oath) DRGANIZATION OR ADDRESS (Authority To Administer Oaths) ITIALS OF PERSON MAKING STATEMENT		at
IRGANIZATION OR ADDRESS (Authority To Administer Oaths)	ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
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	DRGANIZATION OR ADDRESS	(Authority To Administer Oaths)
	ITIALS OF PERSON MAKING STATEMENT	PAGE OF PAGES

	RIGHTS WARNING PROC For use of this form, see AR 190			
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	DATA REQUIRED Title 10, United States Code, Section 3012 To provide commanders and law enforceme Your Social Security Number is used as an Disclosure of your Social Security Number i	ent officials with means additional/alternate mea	by which information	
1. LOCATION	· · · · · · · · · · · · · · · · · · ·	2. DATE	3. TIME	4. FILE NO.
5. <u>NAME "</u>		8. ORGANIZATION	I OR ADDRESS	
SSN	7. CRADE/STATUS			
	PART I - RIGHTS WAIVE	I R/NON-WAIVER CERT		<u> </u>
Section A. Rights		· · ·	• •	
 suspected/accused: 15-6 f Before he/she asked me any 1 do not have to answer 2. Anything I say or do car 3. (For personnel subject of during questioning. This or both. (For civilians not subject me during questioning. I will be appointed for me 4. If I am now willing to dis 	a appears below told me that he/she is with the Unite Questioning regarding alleged mistreatmen questions about the offense(s), however, he/she mad any question or say anything. In be used as evidence against me in a criminal trial. <i>The UCMJ</i> I have the right to talk privately to a law lawyer can be a civilian lawyer I arrange for at no ex- tro the UCMJJ I have the right to talk privately to a understand that this lawyer can be one that I arrang before any questioning begins. scuss the offense(s) under investigation, with or with wyer before answering further, even if I sign the wa	and wanted to que <u>at to include assault o</u> de it clear to me that I have yer before, during, and afte spense to the Government - or - lawyer before, during, and re for at my own expense, hout a lawyer present, I have	n detainces on 16 S a the following rights: er questioning and to hav or a military lawyer detai after questioning and to or if I cannot afford a lay	re a lawyer present with me lied for me at no expense to me, have a lawyer present with wyer and want one, a lawyer
Section B. Waiver		<u> </u>	· · · · · · · · · · · · · · · · · · ·	
	ted above. I am now willing to discuss the offense(s) me.	under investigation and m	ake a statement without	talking to a lawyer first and without
	ITNESSES (If available)			
1a. NAME (Type or Print	9			
b. ORGANIZATION OR AL	DRESS ANO PHONE	4. SIGNATURE OF	INVESTIGATOR	
2a. NAME (Type or Print	y	5. TYPED NAME OF	- INVESTIGATOR	
b. ORGANIZATION OR AD	DRESS AND PHONE	6. ORGANIZATION	OF INVESTIGATOR	
Section C. Non-waiver				
1. I do not want to give up	ο mγ rights	I do not want to	be questioned or say a	nything
2. SIGNATURE OF INTERV	NEWEE			
ATTACH THIS WAIVER CERT	FICATE TO ANY SWORN STATEMENT (DA FORM	2823/ SUBSEQUENTLY E	XECUTED BY THE SUSP	PECT/ACCUSED
DA FORM 3881, NO	V 89 EDITION OF N	OV 84 IS OBSOLETE		USAPA 2.01

	WARNING PROCEDURE
THE V	WARNING
 WARNING - Inform the suspect/accused of: a. Your official position. b. Nature of offense(s). 	can be a civilian you arrange for at no expanse to the Government or a military fawyer detailed for you at no expense to you, or both." - or -
 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 	 (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 arlange 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."
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>li.e., fewer than 30 days agol</i> , 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?" <i>(If the suspect/accused says "no," stop the interview and</i> <i>have him/her read and sign the non-waiver section of the waiver certificate on</i> <i>the other side of this form. If the suspect/accused says "yes," have him/her read</i> <i>and sign the waiver section of the waiver certificate on the other side of this</i> <i>form.)</i>
SPECIAL IN	STRUCTIONS
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 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 advisel. NOTE: IF 1 or 2 applies, the fact that the suspect/accused was advised
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.	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
PRIOR INCRIMINATING STATEMENTS: 1. 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.	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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REVERSE OF DA FORM 3881	001665

) hle SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION TIME FILE NUMBER DATE 920103 GRADE/STATLIC ORGANIZATION OR ADDR WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 1. State your specific location and activities during the prisoner drop-off on 16 Sep 03. in back of Deuce helped unlode prisioners Guard 2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? AU3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? $\lambda^{(l)}$ 4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the opeation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.) helped unlocal prisioners 5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest? Λ' 6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what. NE 7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeing to the body or head, striking, or combative actions.) ΛÛ 8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? $\Lambda' O$ EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF CONTINUED." ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT_ DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE. _ OF__ _ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER CDPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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STATEMENT (Continued)	
state what was said to the best of your knowledge	tion NCOIC and any of the personnel dropping off prisoners? If so, please
	Oic chocked the pristorers hie said
XON GWYS ATH Spurate' 10. Did you believe that the prisoners dropped of	ff on 16 SEP 03 were guilty? If so, what do you believe they did to be
arrested?	
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11. Is there anything you would like to add to the	e investigation at this time?
NO	
	AFFIDAVIT
1.	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
	ED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this $\underline{-7}$ day of $\underline{-4.74}$
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
	(Typed Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
NITIALS OF PERSON MAKING STATEMENT	PAGE 2 OF 2 PAGES
	USAPPC V2.00

ACLU-RDI 500 p.49

DODDOA 027081

	For use of this form, a	G PROCEDURE/WAIVER CERTIFICATE see AR 190-30; the proponent agency is ODCSOPS REQUIRED BY THE PRIVACY ACT), 6(3)
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	•	ction 3012(g) enforcement officials with means by which information sed as an additional/alternate means of identification to	may be accurately identified
LOCATION			4: FILE NO.
5. NAME (Last, First, M	у	8. ORGANIZATION OR ADDRESS	I
5. SSN	. GRADE/S	STATUS	
	PART I - RIGHT	TS WAIVER/NON-WAIVER CERTIFICATE	
Section A. Rights) I	
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he investigator whose name	a appears below told me that he/she is wi		, IAD
uspected/accused: 15-6	Questioning regarding alleged mi	and wanted to question me about the follow istreatment to include assault on detainees on 16 S	EP 03 approx 1600 hrs
lefore he/she asked me any	questions about the offense(s), however,	, he/she made it clear to me that I have the following rights:	
	any question or say anything. The used as evidence against me in a crit	invinal trial.	
• • •	-	inanal trial. tely to a lawyer before, during, and after questioning and to hav	e a lawyer present with me
	lawyer can be a civilian lawyer I arrange	for at no expense to the Government or a military lawyer detail	led for me at no expense to me,
or both.		- 0(-	
(For civilians not subject	t to the UCMJI. I have the right to talk pr	rivately to a lawyer before, during, and after questioning and to	have a lawyer present with
	•	that I arrange for at my own expense, or if I cannot afford a law	vyer and want one, a lawyer
••	before any questioning begins.	with or without a lawyer present, I have a right to Stop answer	ion questions at any time, or
	wyer before answering further, even if 1		and depositions of any arrest at
COMMENTS (Continue	on reverse side/		
Section B. Waiver			
understand my rights as stat aving a lawyer present with		ne offense(s) under investigation and make a statement without	talking to a lawyer first and wit
W	ITNESSES (If available)	3.	
a. NAME <i>(Type or Prim</i>	1	/ /	
ORGANIZATION OR AL		4. CSIGNATURE OF INVESTIGATOR	· · · · · · · · · · · · · · · · · · ·
ORGANIZATION OR AL	JUNESS KNO FROME		
a. NAME (Type or Print		5. TYPED NAME OF INVESTIGATOR	
. ORGANIZATION OR AL	DORESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	
-			
ection C. Non-waiver			
I do not want to give up	o my rights	I do not want to be questioned or say a	nything
. SIGNATURE OF INTERV	VIEWEE	· · · · · · · · · · · · · · · · · · ·	
TTACH THIS WAIVER CERT	IFICATE TO ANY SWORN STATEMENT	IDA FORM 2823 SUBSEQUENTLY EXECUTED BY THE SUSP	ECT/ACCUSED
A FORM 3881, NO	V 89 ED	DITION OF NOV 84 IS OBSOLETE	USAPA
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PART II - RIGHTS I	WARNING PROCEDURE
THE	WARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). 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." "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." (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 - <i>(For civilians not subject to the UCM/)</i> You have the right to talk privately to a lawyer before, during, and alter 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.
"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	WAIVER "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.)
"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>(i.e., fewer than 30 days ago)</i> , 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.}	"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?" <i>fif the suspect/accused says "no," stop the interview and</i> <i>have him/her read and sign the non-waiver section of the waiver certificate on</i> <i>the other side of this form. If the suspect/accused says "yes," have him/her read</i> <i>and sign the waiver section of the waiver certificate on the other side of this</i> <i>form.]</i>
SPECIAL IN	STRUCTIONS
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 supsect/accused has made spontaneous incriminating statements	 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 guestioning may not
1. 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.	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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	SWORN STATEMEN		• • • • • • • • • • • • • • • • • • • •
	m, see AR 190-45; the propo		
LOCATION	DATE 9 Nov 03	LIME LOSY	FILE NUMBER
LAST NAME EIRST NAME MIDDLE NAME	SOCIAL SECL		GRADE/STATUS
OF CANALATION OF ADDRESS			
	······································	·····	
	, WANT TO	MAKE THE FOLLOWI	NG STATEMENT UNDER OATH:
1. State your specific location and activities dur. Inside Jail Filling out pap	ing the prisoner drop-off or er a work	16 Sep 03.	· · · · · · · · · · · · · · · · · · ·
2. Are you aware of the specific allegations of p No cloce of incident with	otential abuse during the p BNXO Calls me	risoner drop-off ope	ration on 16 Sep 03, 1600hrs? to puestion me
3. Did you participate or witness any detainee d accidentally or maliciously? No cl drd		2 1/2 ton truck duri	ng the drop-off, either
4. Can you please state, to the best of your mer 2 1/2 ton truck and their exact position in the op recieving the prisoners after they were unloaded N/c	eation? (example: SGT Sn	uffy was located jus	of prisoners from the t behind the 2 1/2 ton truck
5. Did you witness any obscene language or un common practice to yell at prisoners upon or after	professional language direc er arrest? いっ	ted at the prisoners,	if so - what was it? Is it
6. Did you percieve any threat from the detaine so, please state specifically what. N_{\odot}	es that would warrant aggre	essive action to main	ntain control of the situation? If
7. Did you witness any soldier participating in t was it warranted in your opinion to maintain con body or head, striking, or combative actions.)	he prisoner drop-off operat trol of the situation? (exam NG, they were had of the build	ion acting aggressiv nple: kicking to the off (la fruc (1)	ely towards any of the prisoners, sides of the body, kneeing to the k when cl came
8. Did you witness any dialog between the MIT prisoner drop-off operation, if so - what was said	team and any soldiers from \mathbb{W}_0	1 TF 1-13 or TF 2-7	0 during any aspect of the
ЕХНІВІТ	INITIALS OF PERSON MAKI	STATEMENT	2
			PAGE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADI THE BOTTOM OF EACH ADDITIONAL PAGE MUST E AS "PAGE OF PAGES." WHEN ADDITIO STATEMENT WILL BE CONCLUDED ON THE REVERS	EAR THE INITIALS OF THE F NAL PAGES ARE UTILIZED, 1	THE BACK OF PAGE 1	STATEMENT AND BE INITIALED
DA FORM 2823, JUL 72 SUPERSEDES D	A FORM 2823, 1 JAN 68, W	HICH WILL BE USED	USAPPC V2.00

AN ANTINE CONTRACTOR	
STATEMENT <i>(Continued)</i> 9 Did you witness any dialog between the de	tention NCOIC and any of the personnel dropping off prisoners? If so, please
state what was said to the best of your knowle	dee note 1 storig of 1 he has aver 1.
easy with prisioners, Don't 1	be betention while Said to his guids, be
case war prisiders, but fil	bect them up,
10 Did you believe that the prisoners dropped	d off on 16 SEP 03 were guilty? If so, what do you believe they did to be
true) optionioni exerce on	He evidence we had they append guilty
· · ·	
I	
11. Is there anything you would like to add to	the investigation at this time?
Mothing Follows	
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	AFFIDAVIT
l,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
	ALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE
	HIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT CION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (Signature of Person Making Statement)
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	DAT	A REQUIRED BY THE P	RIVACY AC	Τ	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, To provide commanders and la Your Social Security Number i Disclosure of your Social Secu	w enforcement officials used as an additional/	alternate me		
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	PART 1 - BIO	HTS WAIVER/NON-W	AIVER CERT	IFICATE	· ·
Section A. Rights	· · · · · · · · · · · · · · · · · · ·			i 1	
 IFor personnel subject of during questioning. This is or both. (For civilians not subject me during questioning. I will be appointed for me li 	a be used as evidence against me in a the UCMJ 1 have the right to talk pri lawyer can be a civilian lawyer 1 arran to the UCMJ 1 have the right to talk understand that this lawyer can be o before any questioning begins.	vately to a lawyer before, o nge for at no expense to the - or - privately to a lawyer befor	e, during, and	or a military lawyer detail after questioning and to I	led for me at no expense to m have a lawyer present with
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		WARNING PROCEDURE
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2.	 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 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 UCM./) You have the right to talk privately to a fawyer before, during, and after questioning and to have a fawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a fawyer and want one, a fawyer 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 fawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering forther, even if you sign a waiver certificate."
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·	SPECIAL IN	ISTRUCTIONS
suspect certifica waiver nis/her nvestig F WA(\ he wai hould l egins. treet in ept on RIOR II 1. be	SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the t/accused orally waives his/her rights but refuses to sign the waiver ate, you may proceed with the questioning. Make notations on the certificate to the effect that he/she has stated that he/she understands rights, does not want a lawyer, wants to discuss the offense(s) under pation, and refuses to sign the waiver certificate. VER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases wer certificate must be completed as soon as possible. Every effort be made to complete the waiver certificate before any questioning If the waiver certificate cannot be completed at once, as in the case of aterrogation, completion may be temporarily postponed. Notes should be the circumstances. NCRIMINATING STATEMENTS: If the supsect/accused ftas made spontaneous incriminating statements fore being properly advised of his/her rights he/she should be told that why 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 coursel (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.")
OMME	NTS (Continued)	l
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REVERSE OF DA FORM 3881

ACLU-RDI 500 p.55



USAPA V2.01

DODDOA 027087

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is **PRIVACY ACT STATEMENT** AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Dakota FOB, Bughdad, Ling 13 00 20031010 AME, FIRST NAME. MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. ON-DAWIZATION OR AUDRESS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 16 Sept 03, I was called by the BN TOC to go to the jailhouse to determine whether or not any of the detainers had suffered any physical abuses while they have been in the jail house. I determined that none of them did. However, their was one detainer that did have a minor scalp and shoulder injury, which he said occured at a gas station where he was detained by contition troops. Both wounds only required simple first aid for treatment. One of the witnesses on the serv said that while this person was being detained he hicked one of the soldiers and the soldier retainated back by butt straking him in the head-End of statement 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 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 BE INDICATED.

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S. STATEMENT (Continued) Attribute Attrib	6(3)
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WHICH BEGINS ON FAGE 1, AND ENDS ON PAGE I FULLY UNDERSTAND THE CONTENTS OF THE EN- BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTC CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OF THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNITARY WITNESSES: Subscribed and sworn to before me, a p administer oaths, this 10 th day of	
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTO CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OF THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UN WITNESSES: WITNESSES: ORGANIZATION OR ADDRESS ORGANIZATION OR ADDRESS ORGANIZATION OR ADDRESS	THIS STATEMENT
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ITIALS OF PERSON MAKING STATEMENT	
PAGE	3 OF 3 PAGES

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b(b), b(3)SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION TIME FILE NUMBER DATE Fab 2100 17 Sept 03 LAST NAME, FIRST NAME, MIDDLE NAME GRADE/STATUS ION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 17 Septos at approxiamately 2000his went to the Dakato jail to evaluate prisoners #'s 651316514,6515, 6516,6517 For signs of physical abuse. which might have occurred at the sailhouse. I asked the prisoners if any of them had been abused since being in the jail. They all replied NO. I also examined the prisoners and found No signs of abuse. End of Statement **EXHIBIT** INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_ CONTINUED." DATED TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE_____OF_____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. 001677

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOF 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) 3. TIME 4. FILE NUMBER Buch chad Lan 1-13 ALLFOB 1720 2003 10 22 5. LAST NAME, FIRST NAME, MIDDLE NA 7. GRADE/STATUS 6. SSM ORGANIZATION OR ADDRESS 8 9. , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Un 16 Sept I had the day shift, and was the NCOIC when 270 AR brought prisoners in. Due to my location and loutine I was checking paper work by the entrance of the jail for in processing. I remember one of the MIT personel saying that they were reporting 270 tR for abuse of prisoners. I did the not see or witness any of that incident. This statement is provided to the best of my Knowledge and memory. Nothing fellous 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF 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. USAPA V1.00 DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE 001679

D(6), STATEMENT OF TAKEN AT 9. STATEMENT (Continued) Q: Did you witness/see a detainer being but stocked by a soldier? Q: Where you the Recieving NCDIC for the Detainines on Ke Sept 03 From 2-70 AN soldiers? Q-Did the Anyone Report anything to your equaling a Detainer being but - studied on Detainer being Abused? IF SOAWAS the Individual? I was told by from the MIT team that they (the MIT team) was reporting 2-20 th for prisoner mistreatment, I dust remember the type of mistreatment that was being A. I was fold by 1 talked about hothing follows AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 PLUNLAWFUL INDUCEMENT. ature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>22</u> day of Cotober , 2003 at ORGANIZATION OR ADDRESS Typed Name of Person Administering Oathi ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF L PAGES PAGE 3, DA FORM 2823, DEC 1998 USAPA V1.00 **00168**0

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ACLU-RDI 500 p.65

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STATEMENT (Continued)	5(8), 6(3)
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	(Signature of Person Making Statement)
VITNESSES:	Subscribed and sworn to before me, a person authorized by law a administer oaths, this day of, 19, 19,
	at
ORGANIZATION OR ADDRESS	
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· · · · · · · · · · · · · · · · · · ·	(Typed Name of Person Administering Oath)
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DODDOA 027098

د. د پسی	•	•··	6/6).	6(3)
RIGHTS WARNIN For use of this form,				
DATA	REQUIRED BY TH	E PRIVACY ACT	······································	
AUTHORITY:Title 10, United States Code, SetPRINCIPAL PURPOSE:To provide commanders and lawROUTINE USES:Your Social Security Number is uDISCLOSURE:Disclosure of your Social Security	enforcement offices	hai/alternate mean		
1. LOCATION BSA 2-70 Field Trans A/CO	141 INJF 2.	DATE 140ct03	3. TIME 1300 has	4. FILE NO.
5. NAME (Last, First, MI)	8.	ORGANIZATION C		<u> </u>
3. SSN 7. GRACE/S	STATUS			
PART I - RIGH	TS WAIVER/NON	-WAIVER CERTIFI	CATE	
Section A. Rights				
 The investigator, whose name appears below told me that he/she is whose parts appears below told me that he/she is whose parts appears below told me that he/she is whose parts and parts appears below told me that he/she is whose parts and parts appears appears below told me that he/she is whose parts and parts appears appears below told me that he/she is whose parts and parts appears appears below told me that he/she is whose parts appears appears below told me that he/she is whose parts appears appears below told me that he/she is whose parts appears appears appears appears below told me that he/she is whose parts appears appear	, he/she made it clea iminal trial. tely to a lawyer befo a for at no expense t - or rivately to a lawyer I that Lamange for at with or without a la	and wanted to quest is to me that I have the re, during, and after of the Government or before, during, and af my own expense, or wyer present, I have	questioning and to have a la a military lawyar detailed to ter questioning and to have if I cannot afford a lawyer a	wyer present with me Ir me at no expense to me, a lawyer present with and want one, a lawyer
iection B. Waiver	<u></u>			
understand my rights as stated above. I am now willing to discuss th aving a lawyer present with me.	he ottensels) under i	nvestigation and mak	e a statement without talkin	ng to a lawyer first and without
WITNESSES (If available) a. NAME (Type or Print)	3.	SIGNATURE OF IN	TERVIEWEE	
ORGANIZATION OR ADDRESS AND PHONE	4.	SIGNATURE OF IN	VESTIGATOR	
a., NAME (Type or Print)	2	TYPED NAME OF I	WVESTIGATOR -	
ORGANIZATION OR ADDRESS AND PHONE	6.	ORGANIZATION O	FINVESTIGATOR	
ection C. Non-waiver	· 1. <u></u>			
I do not want to give up my rights I t want a lawyer	C	I do not want to I	e questioned or say anythin	ığ
SIGNATURE OF INTERVIEWEE				001685

TTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED ACLU-RDI 500 p.67

 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. 	WARNING 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."
 a. Your official position. b. Nature of offense(s). c. The fact that he/she is a suspect/accused. 	
 a. Your official position. b. Nature of offense(s). c. The fact that he/she is a suspect/accused. 	
b. Nature of offense(s),c. The fact that he/she is a suspect/accused.	I laware detailed for your at no expenses to your or bests "
c. The fact that he/she is a suspect/accused.	
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RIGHTS - Advise the suspect/accused of his/her rights as follows:	(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
"Before I ask you any questions, you must understand your rights."	you during questioning. This lawyer can be one you arrange for at your own
a. "You do not have to answer my questions or say anything."	expense, or if you cannot afford a lawyer and want one, a lawyer will be
b. "Anything you say or do can be used as evidence against you in a	appointed for you before any questioning begins,"
criminal trial.*	d. If you are now willing to discuss the offense(s) under investigation,
c. (For personnel subject to the UCMJ) "You have the right to talk	with or without a lawyer present, you have a right to stop answering
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate.*
	Make certain the suspect/accused fully understands his/her rights.
THE	WAIVER
	1
Do you understand your rights?"	"Do you want a lawyer at this time?"
f the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
ecessary repeat the appropriate rights advisement. If the suspect/accused says	lawyer. If the suspect/accused says "no," ask him/her the following question.)
yes," ask the following question.)	
	*At this time, are you willing to discuss the offense(s) under investigation and
Have you ever requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer
f the suspect/accused says "yes," find out when and where. If the request	present with you?" (If the suspect/accused says "no," stop the interview and
ras recent (i.e., fewer than 30 days ago), obtain legal advice whether to ontinue the interrogation. If the suspect/accused says "no," or if the prior	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 rea
quest was not recent, ask him/her the following question.}	and sign the waiver section of the waiver certificate on the other side of this
	form.)
SPECIAL IN	INTRUCTIONS
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised
ispect/accused orally waives his/her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first
rtificate, you may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff
aiver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper
s/her rights, does not want a lawyer, wants to discuss the offense(s) under	rights advisal.
vestigation, and refuses to sign the waiver certificate.	
	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised
WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	accordingly should be noted in the comment section on the waiver
e waiver certificate must be completed as soon as possible. Every effort	certificate and initialed by the suspect/accused.
ould be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of	WHEN SUSPECT/ACCUSEO DISPLAYS INDECISION ON EXERCISING HIS OR
reet interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the
pt on the circumstances.	interrogation, the suspect displays indecision about requesting counsel (for
	example, "Maybe I should get a lawyer."), further questioning must cease
NOR INCRIMINATING STATEMENTS:	immediately. At that point, you may question the suspect/accused only
1. If the supsect/accused has made spontaneous incriminating statements	concerning whether he or she desires to waive counsel. The questioning may no
before being properly advised of his/her rights he/she should be told that	be utilized to discourage a suspect/accused from exercising his/her rights. (For
such statements do not obligate him/her to answer further questions.	example, do not make such comments as "If you didn't do anything wrong, you
·	shouldn't need an attorney.")
	<u> </u>
MMENTS (Continued)	
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REVERSE OF DA FORM 3881

ACLU-RDI 500 p.68

USAPA VZ.01

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	6511					7		2-70 AR -	Brother of DD5270; Wanted for questioning	7-Sep-03		High	DIF 10 Sep 03			001687
	7000							2-70 AR	IED/Mortar attack susp.	12-Sep-03	+	High	DIF 19-Sept			
	7001							2-70 AR	IED/Mortar attack susp.	12-Sep-03		High	DIF 19-Sept			
	7002							2-70 AR	IED/Mortar attack susp.	12-Sep-03		High	DIF 19-Sept			
	7003							2-70 AR	IED/Mortar attack susp.	12-Sep-03		High	DIF 19-Sept			
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	RF 128		ŀ					2-70 AR	IED/Mortar attack susp.	15-Sep-03			DIF 19-Sept			
	70114							2-70 AR	Suspect in mortar attack on 2-70 FOB	15-Sep-03	AG Prison		Send AG Prison A/O23Sep			-
	70118							2-70 AR	Suspect in mortar attack on 2-70 FOB	15-Sep-03	AG Prison		Send AG Prison A/O23Sep			
<i>eleasedy</i>	6513		+					2-70 ÅR	Suspect in mortar attack on 2-70 FOB	16-Sep-03			Released to Thunder on 19 Sep	•	Relased	
~	6514 `							2-70 AR.	Suspect In mortar attack on 2-70 FOB	16-Sep-03			Released to Thunder 19 Sep			Adecsed 7 For
	6515 `							2-70 AR	Suspect in mortar attack on 2-70 FOB	16-Sep-03		None	DIF 19-Sept	to a to a	Jail	
	6516							2-70 AR	Suspect in mortar attack on 2-70 FOB	16-Sep-03		None	DIF 19-Sept	Acer &	Soil /	
~	6517							2-70 AR	Suspect in mortar attack on 2-70 FOB	16-Sep-03			Released to Thunder on 19 Sep		Released	C
	6903							2-70 AR	Possession of IED making materials (brother of bike guy)	20-Sep-03			Released 23Sep			
	6904							2-70 AR	Possession of IED making materials (brother of bike guy)	20-Sep-03			Released 23Sep	SIR-1AD- 501-34-03- 264		:
. [27034		:					2-70 AR	small weapons cache in house	3-Oct-03	AG Prison			SIR-1AD- 501-34-04- 022	IAW w/BDE on 060CT	

DODDOA 027101

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ACLU-RDI 500 p.69

6(6), 6/3) SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE TIME FILE NUMBER - Car 1453 TUS IR ADDRE NANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on or about the 16th and at af My self and other soldires of apt. 1600/RS Picked up 4 EPWS From 270 BAHQweddlood the EPWS to 1-13 Arasnor Camp with no incedents Detting Follows EXH₁₈IT INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF CONTINUED." ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF DATED _ TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE "PAGE OF STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823. 1 JAN 68. WHICH WILL BE USED. 001688

5(6), 5(3) NENT (Continued) Handle the Detaineres? Did Tho Q: What actions did you see taken place with the Petuinees upon arrival? A the solders in the Back helped the Epws Down then Q: Did you see any prasonal who were not apart of your coavoy/mission? IF'so what were They doing? A: VES But Don't Know who thay were. Q: Were the Detainees Cooperative During tensport? A; ASFas as I Know Ves. AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE T AND E I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE IDS ON PAGE 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 ng Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: ORGANIZATION OR ADDRESS ering Oath) ORGANIZATION OR ADDRESS o Administer Oathsj INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 2 PAGES USAPPC V2.00 001689

s			URE/WAIVER CE		
PRINCIPAL PURPOSE: To ROUTINE USES: Yo	ur Social Security Num	ode, Section 3012(g) and law enforcement ber is used as an add	officials with means I litional/alternate mear		by (3) may be accurately identifie facilitate filing and retrieval
DISCLOSURE: Dis	closure of your Social	Security Number is v	oluntary.	3. TIME	4. File NO.
BSA, B 5. NAME (Lost, First, MI)	aghdad, Iraq		1500103 8. ORGANIZATION	1430	
5. SSN		GRADE/STATUS	NON-WAIVER CERTIF		· · ·
Section-A. Rights		- RIGHTS WAIVER/	TOR-WAIVEN CENTR		
Before he/she asked me any quest 1. I do not have to answer any of 2. Anything I say or do can be u 3. <i>(For personnel subject othe U</i> during questioning. This lawy or both.	uestion or say anything, used as evidence against m CMJ I have the right to t	e in a criminal trial. alk privately to a lawyer	t clear to me that I have t before, during, and after	questioning and to hav	ving offense(s) of which I am e a lawyer present with me led for me at no expense to me,
(For civilians not subject to the me during questioning. I unde will be appointed for me befor . If I am now willing to discuss speak privately with a lawyer . COMMENTS (Continue on re	rstand that this lawyer car re any questioning begins. the offense(s) under inves before answering further,	n be one that I arrange f	or at my own expense, o t a lawyer present, I have	r if I cannot afford a law	γγer and want one, a lawyer
ection B. Waiver			<u> </u>		
understand my rights as stated at aving a lawyer present with me.	ove. I am now willing to c	liscuss the offense(s) ur	der investigation and ma	ke a statement without	talking to a lawyer first and wit
witnes a. NAME (Type or Print)	SES (If available)				
ORGANIZATION OR ADDRES	SS AND PHONE		4. SIGNATURE OF	IVESTIGATOR	
a. NAME (Type or Print)			DED NAME OF		
ORGANIZATION OR ADDRES	is and phone		6. ORGANIZATION C		
ection C. Non-waiver			· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
I do not want to give up my n	îghts 		I to not want to	be questioned or say ar	، nythiag
	£				<u></u>
TTACH THIS WAIVER CERTIFICA				ECUTED BY THE SUSP	ECT/ACCUSED USAPA
a form 3881, nov 89	1	EDITION OF NOV	84 IS OBSOLETE		
 A Your official position. The fact that her/she is a suspect/accused of his/her rights as follows: RiGHTS - Advice the suspect/accused of his/her rights as follows: Artyping you any catefolds of his/her rights as follows: "You do not have to answer any questions for any arrithm?" "Artyping you any catefolds can be used as early dense against you in a criminal trial." (For personnel subject to the UCAU! "You have the right to tak privately to a lawyer present with you during questioning and to have a lawyer present with you during questioning and to have a lawyer present, with you during questioning and to have a lawyer present, with you during questioning and to have a lawyer present, you are any time, or speak privately with a lawyer before any questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiter equilicator." "Do you understand your rights?" The WAIVER "Do you want a lawyer at this time?" (If the suspect/accused asys "no," clean this advisement. If the suspect/accused asys "no," as hin/her the following question. "At this line, any our willing to discuss the offense(b) under investigation an suspect decread sys "no," as hin/her the following question. "At this line, any our willing to discuss the offense(b) under investigation an suspect/accused asys "no," as a lawyer strate at the different of the suspect/accused asys "no," as hin/her the following question. "At this line, any our willing to discuss the offense(b) under investigation an suspect discused sys "no," as a lawyer strate at the different of the suspect/accused asys "no," as a lawyer. The suspect/accused asys "no," as a lawyer strate at the different of the suspect/accused asys "no," as a lawyer strate at the different of the suspect/accused asys "no," as a lawyer strate at the dinference of the suspect/accused asys "no," as a l	PART II - RIGHTS V	NARNING PROCEDURE			
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 Nour of final position. Notice of offension. The fast that helph is a suspect/accused. MOHTS - Advice the suspect/accused. Mort of an taxe to answer my questions for say artifing. ''An type to an output a avidence against you in a climinal trial.''. ''Or out not not a low year to an output a avidence against you in a climinal trial.''. ''Or output to the UCMU! You have the right to tak privately to a low year before, during, and after questioning and to have a lawyer present, we have a fitter to tak privately to a low year present with you along questioning and to have a lawyer present, you are not were well as the following question.''.''.''.''.''.''.''.''.''.''.''.''.''	THE	VARNING			
Do you understand your rights?" (If the suspect/accused says "no," determine what is not understood, and if esessing repear the appropriate rights advisement. If the suspect/accused says "yes," stop the questioning until he/she has a leasesing repear the appropriate rights advisement. If the suspect/accused says "no," sk him/her the following question.) There you ever requested a lawyer after being read your rights?" If the suspect/accused asys "yes," find out when and where. If the request tase tecent <i>i.e., fewer than 30 days agol, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," of it hap init squest was not recent, ask him/her the following question.) VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused as son as possible. Every refor module made to complete the waiver certificate VAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases to waiver certificate cannot be completed at ance, as in the case of reet interogation, the waiver certificate cannot be completed at sonce in the soluted by the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fa</i>	 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 	 - 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." 			
If the suspect/accused says "no," determine what is not understood, and if teeessary repeat the appropriate rights advisement. If the suspect/accused says "yes," stop the questioning question.) (If the suspect/accused says "yes," stop the questioning question and have not the suspect/accused says "no," ask him/her the following question and make a statement without taking to a lawyer and without having a lawyer. If the suspect/accused says "no," ask him/her the following question and make a statement without taking to a lawyer and without having a lawyer. If the suspect/accused says "no," ask him/her the following question and make a statement without taking to a lawyer and without having a lawyer. If the suspect/accused says "no," ask him/her the following question and make a statement without taking to a lawyer and without having a lawyer. There 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 marwaiver section of the waiver certificate on the other side of this form. If the suspect/accused as such either without being advise drifticate, you may proceed with the questioning. Make notations on the vaiver certificate or and lintilate bot measure certificate for assistance in drifting the proper tights advisal. VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the uspect/accused was actised of this form. I 2. If the suspect/accused was question des such either without being advised the rights have notations on the vaiver certificate or the defense(s) under weater certificate or and later marker as the offense(s) under weater certificate cannot be completed as soon as possible. Every effort hould be made to complete as soon as possible. Every effort hould be made to complete as soon as possible. Every effort hould be made to complete the waiver certificate cannot be completed at once, as in t	THE	WAIVER CI			
 HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver rights accused orally waives his/her rights but refuses to sign the waiver serving state that he/she has stated that he/she understands as/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the waiver certificate. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases a waiver certificate must be completed as soon as possible. Every effort acud be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of reet interrogation, completion may be temporarily postponed. Notes should be pt on the circumstances. WICR INCRIMINATING STATEMENTS: If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that 	If the suspect/accused says "no," determine what is not understood, and if eccessary 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 as recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whether to optimue the interrogation. If the suspect/accused says "no," or if the prior	(If 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 taiking to a lawyer and without having a lawyer present with you?" <i>(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 certificate on the other side of this</i>			
egins. If the waiver certificate cannot be completed at once, as in the case of treet interrogation, completion may be temporarily postponed. Notes should be on the circumstances. RIOR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that water the tights and the supertian tights. (For the supsect/accused from exercising his/her rights. (For the supsect/accused from exercising his/her rights.)	uspect/accused orally waives his/her rights but refuses to sign the waiver ertificate, you may proceed with the questioning. Make notations on the vaiver certificate to the effect that he/she has stated that he/she understands is/her rights, does not want a lawyer, wants to discuss the offense(s) under westigation, and refuses to sign the waiver certificate. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: in all cases ne waiver certificate must be completed as soon as possible. Every effort	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			
such statements do not obligate him/her to answer further questions. example, do not make such comments as "If you didn't do anything wrong, y shouldn't need an attorney.")	egins. If the waiver certificate cannot be completed at once, as in the case of treet interrogation, completion may be temporarily postponed. Notes should be ept on the circumstances. RIOR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that	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 ne 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			
OMMENTS (Continued)	OMMENTS (Continued)	<u></u>			

REVERSE OF DA FORM 3881



USAPA V2.01

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			,	ING STATEMENT UN	DER OATH:
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18IT	INITIAL	S OF PERSON MAKIN	G STATEMENT	PAGE 1 OF	PAGES
DDITIONAL PAGES MUST CONTA	IN THE HEADING	ATEMENT	KEN AT DAT	,	
BOTTOM OF EACH ADDITIONAL "PAGE OF PAGES." V	PAGE MUST BEAR TH	E INITIALS OF THE PE	RSON MAKING THE	STATEMENT AND I	BE INITIALEI
TEMENT WILL BE CONCLUDED O				WILL DE LINED UU	.,

b(a), b(3)MENT (Continued) Q: What were your Actions with the Detwinees at the petention center ? AUT consolidated them all in an area where the could be escorted to the jail as a whole Q. Dil any of the Detainees become agressive, or acting uncooperative with your actions? If so, How did you deact? ANI AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE . 1 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 /ITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFI uung Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this 15 day of <u>Doteber</u> hế Ìớc ORGANIZATION OR ADDRESS an Administering Oath) (Typed Name Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS ERSON MAKING STATEMENT PAGE 2 OF 2 PAGES USAPPC V2.00 001693

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		TS WARNING PROCI use of this form, see AR 190-		y is ODCSOPS	(b), b(3)
		DATA REQUIRED	BY THE PRIVACY AC	T	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE: '	To provide comma Your Social Secur		nt officials with mean additional/alternate me		n may be accurately identified. o facilitate filing and retrieval.
1. LOCATION	Baghdad	Treac	2. DATE 150cf03	3. TIME	4. FILE NO.
5. NAME (Last First Mil	Dughaua	~ Kaq		N OR ADDRESS	
6. SSN		7. GRADE/STATUS			
		PART I - RIGHTS WAIVE	R/NON-WAIVER CERT		
Section A. Rights	· · · · · ·		<u> </u>	······································	· · · · · · · · · · · · · · · · · ·
The investigator whose name	appears below told m			estion me about the follo	wing offense(s) of which I am
suspected/accused: Before he/she asked me any q	mestions shout the off	ensels) however helshe mad	e it clear to me that I hav	e the following rights:	
1. I do not have to answer					
3. (For personnel subject of	he UCMJ E have the	against me in a criminal trial, right to talk privately to a lawy n lawyer 1 arrange for at no ex			ve a lawyer present with me illed for me at no expense to me,
me during questioning. I will be appointed for me	understand that this la before any questioning	the right to talk privately to a l wyer can be one that I arrang J begins. der investigation, with or with	e for at my own expense,	, or if I cannot afford a lav	wyer and want one, a lawyer
		der investigation, with or with I further, even if (sign the wai		ave a right to stop answe	and destrous at any times of
		-			
5. COMMENTS (Continue	on reverse side}	· · · ·			
Section B. Waiver	·				
I understand my rights as state having a lawyer present with r		illing to discuss the offense(s)	under investigation and r	nake a statement without	t talking to a lawyer first and without
	TNESSES (If availab	le)	3.		
1a. NAME (Type or Print)	ł				
b. ORGANIZATION OR AD	DRESS AND PHONE		4. SIGNATURE OF	INVESTIGATOR	
28. NAME (Type or Print)	F		C		
b. ORGANIZATION OR AD	DRESS AND PHONE		6. ORGANIZATION	N OF INVESTIGATOR	
Section C. Non-waiver			· · · · · · · · · · · · · · · · · · ·		
1, I do not want to give up I vant a lawyer	mγ rights		📋 I do not want :	to be questioned or say a	nything
2. SIGNATURE OF INTERV	IÉWEE				
ATTACH THIS WAIVER CERTI	FICATE TO ANY SWO	RN STATEMENT (DA FORM	2823) SUBSEQUENTLY	EXECUTED BY THE SUS	
DA FORM 3881, NOV	/ 89	Edition of N	OV 84 IS OBSOLETE	(USAPA 2.01

PART II - RIGHTS	WARNING PROCEDURE
THE	WARNING
1. WARNING - Inform the suspect/accused of:	can be a civilian you arrange for at no expense to the Government or a military
a. Your official position.	lawyer detailed for you at no expense to you, or both."
b. Nature of offense(s).	- or -
c. The fact that he/she is a suspect/accused,	(For civilians not subject to the UCMJ) You have the right to talk privately to a
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:	lawyer before, during, and after questioning and to have a lawyer present with
"Before I ask you any questions, you must understand your rights."	you during questioning. This lawyer can be one you arrange for at your own
a. "You do not have to answer my questions or say anything."	expense, or if you cannot afford a lawyer and want one, a lawyer will be
b. Anything you say or do can be used as evidence against you in a	appointed for you before any questioning begins."
criminal trial."	d. "If you are now willing to discuss the offense(s) under investigation,
c. (For personnel subject to the UCMJ) "You have the right to talk	with or without a lawyer present, you have a right to stop answering
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate.
	Make certain the suspect/accused fully understands his/her rights.
	WAIVER
1112	I I
"Do you understand your rights?"	"Do you want a lawyer at this time?"
(If the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
necessary repeat the appropriate rights advisement. If the suspect/accused says	lawyer. If the suspect/accused says "no," ask him/her the following question.)
"yes," ask the following question.)	······································
	*At this time, are you willing to discuss the offense(s) under investigation and
"Have you ever requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer
(If the suspect/accused says "yes," find out when and where. If the request	present with you?" (If the suspect/accused says "no," stop the interview and
was recent fi.e., lewer than 30 days ago), obtain legal advice whether to	have him/her read and sign the non-waiver section of the waiver certificate on
continue the interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her read
request was not recent, ask him/her the following question.)	and sign the waiver section of the waiver certificate on the other side of this
and the second	form.)
·	
SPECIAL IN	ISTRUCTIONS
WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	
	2. If the suspect/accused was questioned as such either without being advised
suspect/accused orally waives his/her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first
certificate, you may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff
waiver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper
his/her rights, does not want a lawyer, wants to discuss the offense(s) under	rights advisal.
investigation, and refuses to sign the waiver certificate.	
	NOTE: If I or 2 applies, the fact that the suspect/accused was advised
IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	accordingly should be noted in the comment section on the waiver
the waiver certificate must be completed as soon as possible. Every effort	certificate and initialed by the suspect/accused.
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	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR
street interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the
kept on the circumstances.	interrogation, the suspect displays indecision about requesting counsel (for
NRIAN INFORMEDIATA TATA A	example, "Maybe I should get a lawyer."}, further questioning must cease
PRIOR INCRIMINATING STATEMENTS:	immediately. At that point, you may question the suspect/accused only
1. If the supsect/accused has made spontaneous incriminating statements	concerning whether he or she desires to waive counsel. The questioning may not
before being properly advised of his/her rights he/she should be told that	be utilized to discourage a suspect/accused from exercising his/her rights. (For
such statements do not obligate him/her to answer further questions.	example, do not make such comments as "If you didn't do anything wrong, you
	shouldn't need an attorney.")
	<u> </u>
OMMENTS (Continued)	

REVERSE OF DA FORM 3881



ACLU-RDI 500 p.77

USAPA V2.01

) b1SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION FILE NUMBER TIME DATE 15 oct 03 14:30 Basha dad, Lama LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: That on 16 sept 03 I and my follow soliders want to 270 Batt to grick up four Cow's to Then we transported them to 113 Batt unloaded the Grin's pare them to the people there and The wey the mission. EXHIBIT INITIALS DALMAKING STATEMENT 2 PAGES PAGE 1 OF _ CONTINUED.* DATED_ ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF. TAKEN AT_ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE_ __OF__ STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

001696

ENT (Continued) Q: Did the Detainees Cooperate during your ride over to 1-13th Detention Facility? A: Noj Butthad to Yell them to shut up a few times. Q: How didyon handle these Detainers when you arrived at 1-13th to? Where carried by One or Two persons off the 21/2 ton truck? At was to poople in the back of the truck handed them down to the Q: Did the Detainees exhibit having bany injuries prive to you removing them from the vehicle? A: No, The Dotainees had no injuries while we transported them to 113 Bath AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OF UNLAWFUL INDUCEMENT. (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this <u>15</u> day of <u>October</u>, 18 <u>200</u>3 ORGANIZATION OR ADDRESS (Yyped Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) **INITIALS OF PERSON MAKING STATEMENT** PAGE Z OF PAGES USAPPC V2.00

AE (Last, First, MI) 7. GRADE/STATUS PART I - RIGHTS WAIVER/NON A. Rights	ials with means b al/alternate means tary. DATE DATE DOC () ORGANIZATION O WAIVER CERTIFIC	s of identification to 3. TIME 14 80 R ADDRESS	facilitate filing	• ·
AL PURPOSE: To provide commanders and law enforcement office E USES: Your Social Security Number is used as an addition SURE: Disclosure of your Social Security Number is volum CATION 2. B 5 A Brighdad To graded Targ AE (Last, First, Mil) 8. 7. GBADE/STATUS PART I - RIGHTS WAIVER/NON A. Rights instant whose name appears below told me that he/she is with the United States	al/alternate means tary. DATE 5De + D3 ORGANIZATION O	s of identification to 3. TIME 14 80 R ADDRESS CATE	facilitate filing	g and retrieval
B 5 A, Baghdad Isray AE (Lest, First, MI) PART I - RIGHTS WAIVER/NON A. Rights igator whose name appears below told me that he/she is with the United States	ORGANIZATION O	1480 R ADDRESS	4. F	ILE NO.
AE (Last, First, MI) 7. GRADE/STATUS PART I - RIGHTS WAIVER/NON A. Rights	WAIVER CERTIFI	CATE		
PART I - RIGHTS WAIVER/NON A. Rights ignator whose name appears below told me that he/she is with the United States				
A. Rights				
igator whose name appears below told me that he/she is with the United States	Amy	• t		
	Army			
she asked me any questions about the offense(s), however, he/she made it clear not have to answer any question or say anything, using I say or do can be used as evidence against me in a criminal trial. <i>The say of the UCMJ</i> I have the right to talk privately to a lawyer befor g questioning. This lawyer can be a civilian lawyer I arrange for at no expense to th. - or - <i>ivilians not subject to the UCMJ</i> I have the right to talk privately to a lawyer befor appointed for me before any questioning begins. - now willing to discuss the offense(s) under investigation, with or without a la privately with a lawyer before answering further, even if I sign the waiver belo MENTS <i>(Continue on reverse side)</i> - Waiver d my rights as stated above. I am now willing to discuss the offense(s) under investigation with me.	and wanted to questi to me that I have the e, during, and after o the Government or efore, during, and aft ny own expense, or wyer present, I have w.	uestioning and to have a military lawyer detaile ter questioning and to h if I cannot afford a lawy a right to stop answerin	ed for me at no ave a lawyer pr yer and want on ng questions at	nt with me expense to me, resent with ne, a lawyer any time, or
WITNESSES (If available) 3. E (Type or Print) 3.	SIGNATURE OF INT	ERVIEWEE	_	
ANIZATION OR ADDRESS AND PHONE 4.	SIGNATURE OF IN	RSTIGATOR		
E (Type or Print)				
ANIZATION OR ADDRESS AND PHONE 6.	ORGANIZATION OF	INVESTIGATOR		
Non-waiver				
	I do not want to b	e questioned or say any	ything	
iot want to give up my rights I want a lawyer	1.00 1102 116116 10 0			

 	 a second descent and a second second set \$ \$100 millions

THE	VARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). 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." "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." (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 expanse to the Government or a military lawyer detailed for you at no expanse to you, or both." ot - (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.
"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 aver 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>(i.e., fewer than 30 days ago)</i> , 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 weiver certificate on the other side of this form.j
SPECIAL IN	ISTRUCTIONS
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.	 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 tights advisel. 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
to it the subsectivective that 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.	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 enything wrong, you shouldn't need an attorney.")
	<u> </u>
COMMENTS (Continued)	

REVERSE OF DA FORM 3881

USAPA V2.01

001699

(1).61SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION TIME FILE NUMBER DATE Bachdad 14 150c+03 SOCIAL SECLIBITY MUMBER GRADE/STATUS ORGANIZATION OR ADDRESS , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Me and Tother of my philon members in Sept16 went to Pick up 9 EPW's at 270th tank Batt and escort them to 1-13 tank Batt. We picked them up and droped them off with No problems. And asked their reciving NECTE were the prisioner's ok his reply was you guys are square. Nothing tollou. EXHIBIT INITIALS OF PERSON MAKING STATEMENT \mathcal{D} PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF CONTINUED.* TAKEN AT _ DATED_ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED __ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE. ____OF__ STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

001700

6(6), 5(3) STATEMENT (Continued) Q: Did the Detainees exhibit having any injuries prior to you removing them from the vehicle? A: NO Q: Oid the Obtainees Cooperate under your custody prior to the delivery to 1-Bth Lo ? A: 403 Q: How did you hundle these Detainees when you arrived at 1+3Ar? Where carried by One on Two persons off the 21/2 ton truck? A. TWO people on the truck handing the prisionors down to the people on the ground AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this 15 day of <u>October</u>, 1423ORGANIZATION OR ADDRESS of Person Adponistering (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS ro Hominister Oaths) INITIALS OF PERSON MAKING STATEM PAGE 2 OF 2 PAGES USAPPC V2.00

001701

X	RIGHTS WARN For use of this for		RE/WAIVER CE e proponent agency is),6(3)
	. DAT	A REQUIRED BY TI	HE PRIVACY ACT	· · · · · · · · · · · · · · · · · · ·	
AUTHORITY: PRINCIPAL PURPOSE; ROUTINE USES: DISCLOSURE;	Title 10, United States Code, 5 To provide commanders and la Your Social Security Number'is Disclosure of your Social Secu	w enforcement off s used as an addition	onal/alternate mear	•	• •
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5. NAME (Lease Financia		8.	ORGANIZATION	OR ADDRESS	
6. SSN	7. 6840	E/STATUS			
	PART I - RI	GHTS WAIVER/NO	N-WAIVER CERTIF	ICATE	
Section A. Rights					
	restions about the offense(s), howen		and wanted to ques		g offense(s) of which I am
3. (For personnel subject oth	be used as evidence against me in a le UCMJ { have the right to talk pri awyer can be a civilian lawyer I arran	vately to a lawyer bet	to the Government of		
me during questioning. I u will be appointed for me b 4. If I am now willing to disc	o the UCMJ) I have the right to talk inderstand that this lawyer can be o before any questioning begins. uss the offense(s) under investigation and the offense of the second second second and the offense of the second second second second and the second	privately to a lawyer ne that I arrange for a on, with or without a	before, during, and a t my own expense, or lawyer present, 1 have	if I cannot afford a lawye	r and want one, a lawyer
5. COMMENTS (Continue o	n reverse side)				· · · · · · · · · · · · · · · · · · ·
Section B. Waiver			,,,		· · · · · · · · · · · · · · · · · · ·
I understand my rights as state having a lawyer present with m	d above. I am now withing to discus. .e.	s the offense(s) under	investigation and ma	ke a statement without tal	king to a lawyer first and without
	NESSES (If available)	3	CIGNATUOF OF IN	ITERMENEE	•
1a. NAME (Type or Print)		X			
b. ORGANIZATION OR ADE	PRESS AND PHONE		OF IN	IVESTIGATOR	
2a. NAME (Type or Print)				INVESTIGA	
b. ORGANIZATION OR ADD	RESS AND PHONE	6.	ORGANIZATION	DF INVESTIGATOR	
C					
Section C. Non-waiver 1. I do not want to give up a					
1. I do not want to give up i	ny ngans	{	l do not want to	be questioned or say anyt	hing
2. SIGNATURE OF INTERVIS	WEE				
ATTACH THIS WAIVER CERTIF	ICATE TO ANY SWORN STATEME	NT (DA FORM 2823)	SUBSEQUENTLY EX	ECUTED BY THE SUSPEC	in the second
DA FORM 3881, NOV	89	EDITION OF NOV 84	IS OBSOLETE	001	USAPA 2.01

1	e PART II - RIGHTS V	VARNING PROCEDURE			
	THE V	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 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 	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."			
	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	 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			
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the w shout begin street	AIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases valuer certificate must be completed as soon as possible. Every effort d be made to complete the walver certificate before any questioning s. If the walver certificate cannot be completed at once, as in the case of t interrogation, completion may be temporarily postponed. Notes should be on the circumstances.	 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 			

PRIOR INCRIMINATING STATEMENTS:

1. 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.

COMMENTS (Continued)

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.")

REVERSE OF DA FORM 3881

ACLU-RDI 500 p.85

USAPA V2.01

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ADDITIONAL PAGES MUST CONTAIN THE HEAD THE BOTTOM OF EACH ADDITIONAL PAGE MUST AS "PAGEOF PAGES." WHEN ADDITION STATEMENT WILL BE CONCLUDED ON THE REVER DA FORM 2823, JUL 72 SUPERSEDES	BEAR THE INITIA ONAL PAGES ARU RSE SIDE OF ANO	LS OF THE PERSO UTILIZED, THE B	N MAKING THE S ACK OF PAGE 1 HIS FORM.	TATEMENT AND BE INITIALED

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b(b), b(3) STATEMENT (Continued) Q: Who were the Persons/Cinoup/Unit that Detained the Individuals prion to your transport? A: 2-70 Ar held them at three FOD. Monded them over to us Q: Did you Inspect on find any Injunies on the Individuals phion to thans port? A: No, I didn't inspect them. Who were the individuals kiding in the rear of 21/2 ton truck? AFFIDA VIT t. HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. r Person Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this 15 day of Actober , 18 2003 at ORGANIZATION OR ADDRESS . T Oath) of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT 2 OF 2 PAGES PAGE USAPPC V2.00 001705

		S WARNING PROC			6) 6(3)
		DATA REQUIRED	BY THE PRIVACY ACT	-	s contraction
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	To provide comman Your Social Security		ent officials with means additional/alternate mea		n may be accurately identified of acilitate filing and retrieval
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NAME (Last. First. Mil			8. ORGANIZATION		
		7. GRADE/STATUS			
	F	PART I - RIGHTS WAIVE	R/NON-WAIVER CERTI	HCATE	<u> </u>
ection A. Rights					
		hat he/she is with the Unite		stion me about the follo	wing offense(s) of which I am
ispected/accused:		· · · · · · · · · · · · · · · · · · ·			· · · · · · · · · · · · · · · · · · ·
efore he/she asked me any q			ie it clear to me that I have	the following rights:	
. I do not have to answer:					
		ainst me in a criminal trial.	va hafora duñan	e anactioning and as to	to a lowquer property with mo
		sht to talk privately to a law			led for me at no expense to me,
or both.	anyer call be a civillari i	awyer i anange tor at no ex	cheuze to the government (or a minitally rawyer detai	ted for the actio expense to me,
			· or •		
(For civilians not subject	to the UCMJ/ 1 have the	e right to talk privately to a	lawyer before, during, and	after questioning and to	have a lawyer present with
					vyer and want one, a lawyer
will be appointed for me	before any questioning b	pegins.			
If I am now willing to dis	cuss the offense(s) unde	r investigation, with or with	iout a lawyer present, I hav	re a right to stop answer	ing questions at any time, or
speak privately with a lay	wyer before answering fi	urther, even if I sign the wai	iver below.		-
COMMENTS (Continue)	on reverse side)				
ection B. Waiver		- <u></u>			
inderstand my rights as state ving a lawyer present with n		ng to discuss the offense(s)	under investigation and m	ake a statement without	talking to a lawyer first and with
	TNESSES (If available)	<u>ا ا ا ا ا ا ا ا ا ا ا ا ا ا ا ا ا ا ا </u>	3. SIGNATURE OF I	NTERVIEWEE	
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one wenter of ADI	AND FINE		J. VIGAREATION	o, attonionion	
ction C. Non-waiver					
I do not want to give up	my rights	·····			<u></u>
1 want a lawyer			I do not want to	be questioned or say at	tything
SIGNATURE OF INTERVI	 EWEE				
	CATE TO ANY SWODA	N STATEMENT JOA FORM	28231 CHREENHENTLY D		ECT/ACCHISED
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A FORM 3881, NOV	89	EDITION OF N	OV 84 IS OBSOLETE		USAPA 2
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	WARNING PROCEDURE
THE Y	WARNING
1. WARNING - Inform the suspect/accused of:	can be a civilian you arrange for at no expense to the Government or a military
a. Your official position.	lawyer detailed for you at no expense to you, or both."
b. Nature of offense(s).	- or -
c. The fact that he/she is a suspect/accused.	(For civilians not subject to the UCMJ) You have the right to talk privately to
RIGHTS - Advise the suspect/accused of his/her rights as follows:	lawyer before, during, and after questioning and to have a lawyer present with
"Before I ask you any questions, you must understand your rights."	you during questioning. This lawyer can be one you arrange for at your own
a. "You do not have to answer my questions or say anything."	expense, or if you cannot afford a lawyer and want one, a lawyer will be
b. Anything you say or do can be used as evidence against you in a	appointed for you before any questioning begins."
criminal trial."	d. "If you are now willing to discuss the offense(s) under investigation,
c. (For personnel subject to the UCMJ) "You have the right to talk	with or without a lawyer present, you have a right to stop answering
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate."
	Make certain the suspect/accused fully understands his/her rights.
· · · · · · · · · · · · · · · · · · ·	WAIVER
lo you understand your rights?"	"Do you want a lawyer at this time?"
the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
acessary repeat the appropriate rights advisement, if the suspect/accused says res," ask the following question.)	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
fave you ever requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer
the suspect/accused says "yes," find out when and where, if the request	present with you?" (If the suspect/accused says "no," stop the Interview and
as recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whether to	have him/her read and sign the non-waiver section of the waiver certificate on
ontinue the interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her re
quest was not recent, ask him/her the following question.)	and sign the waiver section of the waiver certificate on the other side of this
- · · · · · · · · · · · · · · · · · · ·	form.}
SPECIAL IN	ISTRUCTIONS
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised
spect/accused orally waives his/her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first
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aiver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper
s/her rights, does not want a lawyer, wants to discuss the offense(s) under	rights advisal.
restigation, and refuses to sign the waiver certificate.	
	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised
WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	accordingly should be noted in the comment section on the waiver
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gins. If the waiver certificate cannot be completed at once, as in the case of	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR
eet interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the
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	example, "Maybe I should get a lawyer."), further questioning must cease
IOR INCRIMINATING STATEMENTS:	immediately. At that point, you may question the suspect/accused only
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before being properly advised of his/her rights he/she should be told that	be utilized to discourage a suspect/accused from exercising his/her rights. (For
such statements do not obligate him/her to answer further questions.	example, do not make such comments as "if you didn't do anything wrong, you
	shouldn't need an attorney.")
MMENTS (Continued)	
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REVERSE OF DA FORM 3881

USAPA V2.01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION FILE NUMBER DATE TIME 150503 ·ϮϹϼ 1346 SOCIAL SECUE LAST NAME FIRST NAME_MIDDLE.NAMI GRADE/STATUS ORGANIZATION OR ADDRESS , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: con or about 16 septos at Approximation 1700, Acc 141 Inf picked up 4 prisoners From Battalion. They were Blind Folded and 2: P stripped when we picked then up. We loaded then in the Truck, without incident and carried Them To 11'3 Artob. Upon arriving To 1-13 , and the sail, we picked up each prismer and walket Him OFF THE Truck. Two people were on The ground To Help then off. We laid each prisoner face down on the ground until all were unloaded, we the walked the prisoners To the detention center, we asked the center guardi To check them To make some we dropped then off unsouthed. They replied "You guys are square" a positive response. we the returned to the FTCP. while walking the Prisoners To The center I made the statement That one of our LT's had lost both eyes and use of 1:5 Arm and His Priver lost one of His eyes to ILO'S. The Crime The prisoners were Arrested For, - | Nothing Follows ŧX EXHIBIT INITIALS OF PERSON MAKING STATEMENT 2 PAGES PAGE 1 OF CONTINUED." ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT_ DATED_ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED __ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE_ OF STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. USAPPC V2.00 DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

001708

STATEMENT (Continued) Q: Did any one of your soldiers have any problems with the Detainers? A: Yos, once we got to the prixon, one prixmen would not tay face Down, He klept getting up Q: Did you or any of your soldiers swear of refere to the Detainers? or Detention Facility personal? Petainees Ves Facility Personall No): What were the actions you took with the Delamee Who Would not copperate? A: we would roll this back over ane eventually that To Hold this day by placing a Feat on His back. Q: Where you the Detaining Unit? if not the Detaining NO. I Sout Know Q: Dut you Inspect the dethiness for Injuries? a grick glance to make sure Noone was limping or sishs of obvious Blood. Did not Take Blind Folds OFF. AFFIDAVIT , 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 HOP SENERIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OF rson Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this 15 day of Dutsber , 15 2003 ORGANIZATION OR ADDRESS ng Oathl (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS Auminister Oaths) INITIALS OF PERSON MAKING STATEMENT OF 2_ PAGE PAGES USAPPC V2.00

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		VARNING PROCEDURE
	THE V	VARNING
2.	 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 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 triat." 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 fawyer present with you during questioning. This fawyer 	 can be a civilian you arrange for at no expanse to the Government or a military lawyer detailed for you at no expanse 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
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	THE	WAIVER
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suspec certific waiver his/her	SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the t/accused orally waives his/her rights but refuses to sign the waiver. ate, you may proceed with the questioning. Make notations on the certificate to the effect that he/she has stated that he/she understands rights, does not want a lawyer, wants to discuss the offense(s) under gation, and refuses to sign the waiver certificate.	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.
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OMM	ENTS (Continued)	<u>1</u>



		HTS WARNING PROC or use of this form, see AR 190				b(6)	b(3)
		DATA REQUIRED	BY THE P	RIVACY ACT			
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		PART I - RIGHTS WAIVE	R/NON-W/	AIVER CERTIF	ICATE		
Section A. Rights		*			• •		
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Section B. Waiver			<u> </u>				
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ection C. Non-waiver		··					
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COMMENTS (Continu	e on reverse side)	<u> </u>				
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ection A. Rights		· · · · · · · · · · · · · · · · · · ·				· · · · ·
	PART	I . RIGHTS WAIVER/	NON-WAIVER	CERTIFICATE		
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NAME (Last First M	P		2554p		1712 DBESS	
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PART II - RIGHTS	WARNING PROCEDURE			
THE WARNING				
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). 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." "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." (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to 	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 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) undar 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			
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.			
тне	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>(i.e., fewer than 30 days ago)</i> , 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.} SPECIAL If	"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.1			
WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the weiver certificate, you may proceed with the questioning. Make notations on the weiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lewyer, wants to discuss the offense(s) under investigation, and refuses to sign the weiver certificate.	 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 			
cases the waiver certificate must be completed as soon as possible. Every affort should be made to complete the waiver certificate before any questioning	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)

kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

REVERSE OF DA FORM 3881



ACLU-RDI 500 p.97

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

1. 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.

USAPA V2.01

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	For use of this form	SWORN STATEMENT n, see AR 190-45; the proponent	agency is ODCSOPS	61, 6(3)
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES:	To provide commanders and f		eans by which inform	22, 1943 <i>(SSN).</i> nation may be accurately identified. on to facilitate filing and retrieval.
DISCLOSURE: 1. LOCATION	Disclosure of your social secu	irity number is voluntary. 2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
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STATEMENT (Continued)		
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	ROCEDURE/WAIVER CERTIFICATE	(b), b(3)
DATA REQU	IRED BY THE PRIVACY ACT	
	with means by which information may be accurately identified. Iternate means of identification to facifitate filing and retrieval.	
BSA, 3BCT Baghdad Irag	2. DATE 3. TIME 955-0703 (756	4. FILE NO.
5. NAME (Lost, Fast, MII) 6. SSN 7_ GRADE/STATUS	8. ORGANIZATION OR ADDRESS	
PARY I - RIGHTS W	VAIVER/NON-WAIVER CERTIFICATE	
Section A. Rights		
The investigator whose care as a set of the first height is with the United States Army suspected/accused: Before height asked me any questions about the offensels), however, height made it clear to me that I find that have to answer any question or say anything. Anything I say or do can be used as evidence against me in a criminal trial. <i>Hor personnel subject othe UCMJ</i> Thave the right to talk privately to a lawyer before, during, and during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government beth. <i>Hor obridians not subject to the UCMJ</i> Thave the right to talk privately to a fawyer before, during me during questioning. I understand that this fawyer can be one that I arrange for at my own expense will be appointed for me before any questioning begins. If I am now willing to discuss the offensels) under investigation, with or without a lawyer present speak privately with a lawyer before answering further, even if I sign the waiver below. 5. COMMENTS (Continue on reverse side)	nd after questioning and to have a lawyer present with me ment or a military lawyer detailed for me at no expense to me, - or - 2. and after questioning and to have a lawyer present with ense, or if I cannot afford a lawyer and want one, a lawyer	(s) of which } am
I understand my rights as stated above. I am now willing to discuss the offensets) under investigation an	ió make a statement without talking to a lawyer first and without having	g a lawyer present with πe.
WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		
D. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR	
2a. NAME (Type or Print)		
D. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	
Section C. Non-waiver		
f. I do not want to give up my rights I uwant a ławyer	t do not want to be questioned or say anything	
SIGNATURE OF INTERVIEWEE		
TTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2023) SUBSEQUENTLY	EXECUTED BY THE SUSPECT/ACCUSED	
A FORM 3881, NOV 89 EDITIO	IN OF NOV 84 IS OBSOLETE	USAPA 2.01

PART IL - NIGHTS W	ARNING PROCEDURE
THE #	ARNING
1. WARNING - Inform the suspect/accused of: a. Your official position.	can be a civilian you arrange for at no expense to the Government or a mittary lawyer detailed for you at no
a. Your official position.	expense to you, or both."
c. The fact that heishe is a suspect/accused.	- OC -
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:	for civilians not subject to the UCMJJ You have the right to talk privately to a lawyer before, during, and a fter questioning and to have a lawyer present with you during questioning. This lawyer can be one you
"Before I ask you any questions, you must understand your rights."	arren questioning and to have a rawyer present with you toping questioning. This name 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
 "You do not have to answer my questions at say anything." 	for you before any questioning begins."
b. "Anything you say or do can be used as evidence against you in a criminal trial."	
(For personnel subject to the UCM.) "You have the right to talk privately to a lawyer before,	d. If you are now witting to discuss the offense(s) under investigation, with or without a lawyer
c: during, and after questioning and to have a lawyer present with you during questioning. This	present, you have a right to stop answering questions at any time, or speak privately with a
lawyer	lawyer before answering further, even if you sign a waiver certificate."
	Make certain the suspect/accused (vily understands hisfher rights.
THE T	YAIVER
"Do you understand your rights?"	"De you want a lawyer at this time?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the	(If the suspect/accused says "yes," stop the questioning until heishe has a lawyer. If the suspect/accused
appropriate rights advisement. If the suspect/accused says "yes," ask the following question.}	says "no," ask him/her 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	"At this time, are you willing to discuss the offensels) under investigation and make a statement without taking to a lawyer and without having a lawyer present with you?" (<i>If the suspect/accused says "na," stop</i>
days agol, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if	the interview and have him/her read and sign the non-weiver section of the waiver certificate on the other
the prior request was not recent, ask him/her the following question.)	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 IN	STRUCTIONS
· · · · · · · · · · · · · · · · · · ·	
WHEN SUSPECTIACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: II the suspect/accused orally waives	2. If the suspect/accused was questioned as such either without being advised of his/her rights or some
histher rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make	question exists as to the propriety of the first statement, the accused must be so advised. The office of
notations on the waiver certificate to the effect that helshe has slated that helshe understands higher	the serving Stall Judge Advocate should be contacted for assistance in drafting the proper rights
rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.	advísaž, ,
Walver Cerdinaate.	
IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must	NOTE: If i or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in
be completed as soon as possible. Every effort should be made to complete the waiver certificate before any	the comment section on the waiver certificate and initialed by the suspectiaccused.
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.	
mineren Bannen annihinnin und an reinharmit hanhanen, sterne mann an webr ein ein einenheisenener.	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE
PRIOR INCRIMINATING STATEMENTS:	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 course!
	The questioning may not be utilized to discourage a suspect/accused from exercising histher rights. (For
1. If the supsectfaccused has made spontaneous incriminating statements before being properly	example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")
advised of his/her rights he/she should be told that such statements do not obligate hin/her to	
answer further questions.	
COMMENTS (Continued)	<u></u>
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REVERSE OF DA FORM 3881

USAPA V2.01

001720

	STATEMENT	
For use of this form, see AR 190	-45: the proponent agency is ODCSOP: 1 DATE 1 TIME	FILE NUMBER
Boghadad, Camp Payne	25 519 03 14:45	
LAST NAME EIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
ORGANIZATION OR ADDRESS		
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	PAG	E 1 OF PAGES
STITIONAL PAGES MUST CONTAIN THE HEADING "STATEM	INT OF TAKEN AT DATED	CONTINUED.
AGE OF PAGES." WHEN ADDITIONAL PAGES	ARE UTILIZED, THE BACK OF PAGE 1 WI	LL BE LINED OUT, AND TH
MENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ORM 2823, JUL 72 (EG) SUPERSEDES DA FORM 2	ANOTHER COPY OF THIS FORM. 823, 1 JAN 68, WHICH WILL BE USED.	

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	DATA REQUIRED	BY THE PRIVACY ACT	17	1/-3
AUTHORITY: Title 10	C Inited Care - O. 4 - O. 4 - O. 4	(~)	$\mathcal{D}(\mathcal{E})$	5), 6(2)
	 United States Code, Section 3012 vide commanders and law enforceme 		by which information	n may be accurately identifi
	ocial Security Number is used as an a			
DISCLOSURE: Disclos	sure of your Social Security Number i	s voluntary.		
1. LOCATION	• <u>•</u> ••••••••••••••••••••••••••••••••••	2. DATE	3. TIME	4. FILE NO,
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5. NAME (Last_First_Mil		8. ORGANIZATION	OR ADDRESS	
5. SSN	7. GRADE/STATUS			
	PART I - RIGHTS WAIVE	R/NON-WAIVER CERTIF		······································
Section A. Rights	, 		r 4	
The investigated where we are seen (hat after an and the second second	10		
the investigator whose name appears i	below told me that he/she is with the Unit		tion me about the follo	wing offense(s) of which I am
suspected/accused:				
	about the offense(s), however, he/she ma	ide it clear to me that I have	e the following rights:	
 I do not have to enswer any quest Anything I say or do can be used a 	tion or say anything. as avidence against me in a criminal trial.			
	as evidence against me in a criminal mail. I have the right to talk privately to a law	vyer before, during, and afte	er questioning and to h	ave a lawyer present with me
during questioning. This lawyer.ca	n be a civilian lawyer I arrange for at no e	• • •	· –	· ·
or both.				
		- or -		· · · ·
/For obviliant not subject to the UK	MILL have the right to talk advatate to a		often overstanting and	en haure a foregraf normant with
	CMUI i have the right to talk privately to a nd that this lawyer can be one that I arran	i lawyer before, during, and	· · ·	
	nd that this lawyer can be one that I arran	i lawyer before, during, and	· · ·	
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PART II - RIGHTS	WARNING PROCEDURE
THE	WARNING
	() (
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). 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." "You do not have to answer my questions or say anything." "Anything you say or do can be used as avidence against you in a criminal trial." (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to 	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 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
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.
	WAIVER
"Do you understand your rights?"	"Do you want a lawyer at this time?"
If the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.}	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
"Have you ever requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer
lif the suspect/accused says "yes," find out when and where. If the request	present with you?" (If the suspect/accused says "no," stop the interview and
was recent (i.e., fewer than 30 days ago), obtain legal advice whether to	have him/her read and sign the non-waiver section of the waiver certificate on
continue the interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her
request was not recent, ask him/her the following question.)	read and sign the waiver section of the waiver certificate on the other side of
	this form.)
SPECIAL	NSTRUCTIONS
· · · · · · · · · · · · · · · · · · ·	
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 sis/her rights, does not want a lawyer, wants to discuss the offense(s) under	2. If the suspect/accused was questioned as such either without being advise 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.
nvestigation, and refuses to sign the waiver certificate.	
	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised

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 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.

COMMENTS (Continued)

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.")

USAPA VZ.01

ACLU-RDI 500 p.106

EVERSE OF DA FORM 3881

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOP LOCATION TIME DATE FILE NUMBER 1635 <u>255ept03</u> LAST NAME GRADE/STATUS ORGANIZALION OR ADDRESS . WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: We picked the poisonness up from 2/20 toc and escorted them to 1/13. Brought them off the device and shalf and velked them into the juil where America Scards met us to thing else tollows EXHIBIT INITIA STATEMENT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT CONTINUED. DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 (EG) SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. 001725



001726
AUTHORITY: Title 10, United States Code, Section 3012(g) PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to DISCLOSURE: Disclosure of your Social Security Number is voluntary.	6(3)
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ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to	may be accurately identified
	•
Disclosure of your poetal becunity Number is Voluntary.	izantito milij and tomoru.
2. DATE 3. TIME RSSEPTOD 16:45	4. FILE NO.
5. NAME (Last, First, MI)	
5. SSN 7. GRADE/STATUS	
PART I - RIGHT'S WAIVER/NON-WAIVER CERTIFICATE	
Section A. Rights	
he investigator whose name appears below told me that he/she is with the United States Army	
and wanted to question me about the follow	wing offense(s) of which I am
suspected/accused:	
efore 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 enything.	
. Anything I say or do can be used as evidence against me in a criminal trial.	
(For personnel subject othe UCMJ have the right to talk privately to a lawyer before, during, and after questioning and to ha	we 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 deta	
or both.	
- 10 -	
(For civilians not subject to the UCMJ) (have the right to talk privately to a lawyer-before, during, and after questioning and to	o 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 la	
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 answe	vina questions et soy time. Of
	and drestons at any time, or
speak privately with a lawyer before answering further, even if I sign the waiver below.	
COMMENTS (Continue on reverse side)	·
ection B. Waiver	
understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without	at talking to a lawyer first and
vithout having a lewyer present with me.	
WITNESSES (If available) 3.	
a. NAME (Type or Print)	
	F
ORGANIZATION OR ADDRESS AND PHONE	
a. NAME (Type or Print) 5. TypeD NAME OF INV	
ORGANIZATION OR ADDRESS AND PHONE 6. ORGANIZATION OF INVESTIGATOR	
ection C. Non-waiver	
I do not want to give up my rights	
I do not want to be questioned or say ar	ovthing
C i wait to be drestioned of sky at	
SIGNATURE OF INTERVIEWEE	
SIGNATURE OF INTERVIEWEE	
	PECT/ACCUSED
SIGNATURE OF INTERVIEWEE TTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUS A FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE	PECT/ACCUSED

001727

NG to be a civilian you arrange for at no expense to the Government or a military ryer detailed for you at no expense to you, or both." - or - r civilians not subject to the UCMJ! You have the right to talk privately to a ryer before, during, and after questioning and to have a lawyer present with a during questioning. This lawyer can be one you errange for at your own bense, or if you cannot afford a lawyer and want one, a lawyer will be bointed 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." ke certein the suspect/accused fully understands his/her rights. ER o you want a lawyer at this time?" the suspect/accused says "yos," stop the questioning until he/she has a yer. If the suspect/accused says "no," ask him/her the following question) this time, are you willing to discuss the offense(s) under investigation and ke a statement without talking to a lawyer and without having a lawyer sent with you?" <i>(If the suspect/accused says "no," stop the interview and e him/her read and sign the non-waiver section of the waiver certificate on other side of this form. If the suspect/accused says "yes," have him/her</i>
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REVERSE OF DA FORM 3881

USAPA V2.01

001728

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSO LOCATION DATE FILE NUMBER TIME 16:00 6300103 Sagh da, MIDDLE NAME DADE/CTATU ORGANIZATION OR ADDRE I. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Me and 7 other of my platoon membrors on sept 16 went to pick up 4 EPro's at 2.70th tank 13att And Me Escort them to 1-13 Armer Batt Picked them up and droped from off with no problems. asked the reciving NCOIC were the prisioners of his repling was you guys are square Maying followos EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT CONTINUED." DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE AS "PAGE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 (EG) SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. 001729

STATEMENT (Continued)	
	b(b), b(3)
	AFFIDAVIT
	HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE L CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE REMENT FREELY WITHOUT HOPE OF BENEFIT OF NLAWFUL INFLUENCE, OP UNITAWELL INFO
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
ORGANIZATION OR ADDRESS	Aure of Person Administering Camp
ORGANIZATION OR ADDRESS	(Typed Name of Person Auministering Utin) (Authority To Administer Oath)
INITIALS OF PERSON MAKING STATEMENT	PAGE OF PAGES
	001730

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			DURE/WAIVER CE		
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:		Code, Section 3012(and law enforcement mber is used as an ac	t officials with means t iditional/alternate mean		b (3) may be accurately identified. facilitate filing and retrieval.
1. LOCATION	· · · · · · · · · · · · · · · · · · ·	·	2. DATE 25 Sept03	3. TIME 1710	4. FILE NO.
5. Manual March 199			8. ORGANIZATION	OR ADDRESS	
6. SSN		TOPODE STATUS			
	PAR	1 - RIGHTS WAIVER	NON-WAIVER CERTIF	CATE	,
Section A. Rights	,			, T	
The investigator whose name	appears below told me that	he/she is with the Unite			ving offense(s) of which I am
suspected/accused: Before he/she asked me any	questions shout the offernal			the following rights	······································
	any question or say enything		NE IC CIERT CO THE CHECT HAVE	r uta tutowing agras:	
2. Anything I say or do ca	n be used as evidence against	1 me in a criminal trial.			
	the UCMJ I have the right a lawyer can be a civilian lawy		-	-	ve a lawyer present with me iled for me at no expense to me,
If I am now willing to di	wyer before answering furthe	estigation, with or with		e a right to stop answe	ring questions at any time, or
Section B. Waiver					,,,,,,,,,,,_
l understand my rights as sta without having a lawyer pres		o discuss the offense(s)	under investigation and m	ake a statement without	t talking to a lawyer first and
w	ITNESSES (If available)	, <u>, , , , , , , , , , , , , , , , , , </u>	3. SIGNATHO		
ta. NAME (Type or Prim)				
D. ORGANIZATION OR AL	DDRESS AND PHONE		4. SIGNATURE OF IN	VESTIGATOR	
Za. NAME (Type or Print	1.	1			
ORGANIZATION OR AC	DRESS AND PHONE		6. ORGANIZATION C	FINVESTIGATOR	
ection C. Non-waiver					
I. I do not want to give u	p my tights		🔲 I do not want to	be questioned or say ar	nything
2. SIGNATURE OF INTERV	/IÉWEE				
ATTACH THIS WAIVER CERT	IFICATE TO ANY SWORN ST	TATEMENT IDA FORM	2823/ SUBSEQUENTLY E	XECUTED BY THE SUS	PECT/ACCUSED
A FORM 3881 NO	/ 89	EDITION OF NO	V 84 IS OBSOLETE		USAPA 2.01

DODDOA 027145

001731

 Four official position. Instance of offense(s). The fact that hards is a suspect/accused. RiGHTS - Advise the suspect/accused. RiGHTS - Advise the suspect/accused. Four offense(s). The fact that hards is a suspect/accused. RiGHTS - Advise the suspect/accused. Four offense(s). Four offense(s).<th></th><th>ARNING PROCEDURE</th>		ARNING PROCEDURE
 Now official position: Nexter of offensel. The fast that halphe is a suspect/accursed. The fast that halphe is a suspect/accursed fast is a suspect/accursed approximation. The fast that halphe is a suspect/accursed approximation. The suspect/accursed approximation.<th>THE W</th><th>ARNING</th>	THE W	ARNING
have a lawyer present with you during questioning. This lawyer answeing further, even if you sign a weiver cartificate." Make certain the suspect/accused fully understands his/her rights. THE WATVER Do you undenstand your rights?" If the suspect/accused says "no," determine what is not understood, and if seasony repeat the appropriate rights advisement. If the suspect/accused says "res." fast the following question.) Two you were requested a lawyer after being read your rights?" If the suspect/accused says "res." fast, find during a lawyer and without having a lawyer. If the suspect/accused says "res." fast, find during question.) At this time, are you willing to discuss the offensels under investigation and make a statement without taking to a lawyer and without having a lawyer. If the suspect/accused says "res." fast, find season of the subpect/accused says "res." fast, find the suspect/accused says "res." fast, find the suspect/accused as suspect/accused was question exits as to the proprint without being device officies to the effect that heyshe has stated that heyshe users officies to may proceed with the questioning matching the proprint rights of the differ rights bus refuest. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATE(Y) In all res interrogation, and refuses to sign the waiver certificate before morphise y question the waiver certificate and the sone as a suspect/accused was advised accordingly should be noted in the camment section on the waiver certificate and the son	 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 	 Inwyer 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 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
Do you understand your rights?" The suspect/accused says "no," determine what is not understood, and if the suspect/accused says "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him/her the following question.) The suspect/accused asys "no," ask him		answering further, even if you sign a waiver certificate."
 If the suspect/accused says "no," determine what is not understood, and if acessery repect the appropriate rights advisement. If the suspect/accused says "no," ask him/her the following question.) (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 these the interregation. 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 taking to a lawyer and without taking to a lawyer offer 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 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 inform. 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. If the suspect/accused asys "no," ask him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation. If the suspect/accused asys "no," ask him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation. "At this time, are you willing to discuss the offense(s) under investigation. "At this time, are you willing to discuss the offense(s) under investigation.] "At this time, are you willing to discuss the offense(s) under investigation.] "At the suspect/accused as such either without being edvice." "At this time, are you willing to discuss the offense(s) under investigation.] "At the suspect/accused as such either without being edvice." "At the suspect/accused as such either without being edvice." "At the suspect/accused as such	THEN	WAIVER
 If the suspect/accused mas questioned as such either without being edviced or flis/her rights but refuses to sign the weiver erificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the weiver certificate. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all asses the weiver certificate cannot be completed at soon as possible. Every fort should be made to complete the weiver certificate before any questioning gins. If the weiver certificate cannot be completed at once, as in the case of the timerogation, completion may be temporarily postponed. Notes should be tool that such statements do not obligate him/her to answer further questions. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be tool that such statements do not obligate him/her to answer further questions. If the suspect/accused was questioned as such either without being edviced of his/her rights advisal. If the suspect/accused was questioned as such either without being edviced of his/her 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 weiver certificate cannot be completed at once, as in the case of the references. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything word? 	Do you understand your rights?" If the suspect/accused says "ho," determine what is not understood, and if accessary repeat the appropriate rights advisement. If the suspect/accused ays "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 vas recent <i>(i.e., fewer then 30 days ago),</i> obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior aquest was not recent, ask him/her the following question.)	(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
 Is pect/accused orally waives his/her rights but refuses to sign the waiver refificate, you may proceed with the questioning. Make notations on the aiver certificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the waiver certificate. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all uses the waiver certificate must be completed as soon as possible. Every fort should be made to completed as soon as possible. Every fort should be made to completed at once, as in the case of pet on the circumstances. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the camment section on the waiver certificate must be completed at once, as in the case of pet on the circumstances. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the camment section on the waiver certificate must be completed at once, as in the case of pet on the circumstances. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused. NOTE: If 1 or 2 applies, the	SPECIAL IN	STRUCTIONS
	WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the aspect/accused orally waives his/her rights but refuses to sign the waiver sertificate, you may proceed with the questioning. Make notations on the vaiver certificate to the effect that he/she has stated that he/she understands is/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate. F WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all asses the waiver certificate must be completed as soon as possible. Every ffort should be made to complete the waiver certificate before any questioning egins. If the waiver certificate cannot be completed at once, as in the case of treet interrogation, completion may be temporarily postponed. Notes should be ept on the circumstances. RIOR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being property advised of his/her rights he/she should be told that	 2. If the suspect/accused was questioned as such either without being edvised 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 Staft 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 enything wrone.")
AAAFANTS (Continued)	OMMENTS (Continued)	<u></u>
		<i>,</i>

REVERSE OF DA FORM 3881

USAPA V2.01

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For use of th	SWOF is form, see AR 1	RN STATEMEN	NT 🛛 🍎	ODCSOPS	019	_
1-13Priosioner Ca	amp	DATE	Pd3 T	(bbb)	FILE NUMBER	
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XHIBIT	INITIALS OF	F PERSON MAKING	STATEMENT			
ADDITIONAL PAGES MUST CONTAIN THE	HEADING STAT		KEN AT	PAGE 1 C	OF PAG	£8
HE BOTTOM OF EACH ADDITIONAL PAGE S "PAGE OF PAGES." WHEN	MUST BEAR THE ADDITIONAL PAG	NITIALS OF THE P GES ARE UTILIZED,	ERSON MAKIN	G THE STATEMI PAGE 1 WILL BE	ENT AND BE INITIA	ALED THE
ATEMENT WILL BE CONCLUDED ON THE	EREVERSE SIDE	OF ANOTHER COPY M 2823, 1 JAN 68, W	OF THIS FOR	И.		

ACLU-RDI 500 p.115

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		DURE/WAIVER CERTIFICATE 30; the proponent agency is ODCSOPS
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, Section 3012(To provide commanders and law enforcement	- it officials with means by which information may be accurately identified. dditional/alternate means of identification to facilitate filing and retrieval.
1. LOCATION		2. DATE 3. TIME 4. FILE NO. 2558P03 1240
5MAME_((8. ORGANIZATION OR ADDRESS
SŚN	7. GRADE/STATUS	
	PART I - RIGHTS WAIVE	J
Section A. Rights		· · · · · · · · · · · · · · · · · · ·
 I do not have to answer Anything I say or do cat (For personnel subject of during questioning. This or both. (For civilians not subject me during questioning. I will be appointed for me If 1 am now willing to dis 	lawyer can be a civilian lawyer I arrange for at no ex to the UCMJ). I have the right to talk privately to a understand that this lawyer can be one that I arrang before any questioning begins. souss the offense(s) under investigation, with or with wyer before answering further, even if I sign the wa	yer bafore, during, and after questioning and to have a lawyer present with me opense to the Government or a military lawyer detailed for me at no expense to me, - or - lawyer before, during, and after questioning and to have a lawyer present with ge for at my own expense, or if I cannot afford a lawyer and want one, a lawyer nout a lawyer present, I have a right to stop answering questions at any time, or
ection B. Waiver		
understand my rights as sta rithout having a lawyer pres		under investigation and make a statement without talking to a lawyer first and
W	ITNESSES (If available)	3.
a. NAME (Type or Print	J	
ORGANIZATION OR AL	DDRESS AND PHONE	4. SIGNATURE OF INVESTIC
a. NAME (Type or Print).	
ORGANIZATION OR AD	DDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR
ection C. Non-waiver		
I do not want to give up	p my rights	I do not want to be questioned or say anything
SIGNATURE OF INTERV	/IEWEE	
TACH THIS WAIVER CERT	FICATE TO ANY SWORN STATEMENT (DA FORM	2823/ SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
A FORM 3881, NO	V 89 EDITION OF M	USAPA 2.

	PART II - RIGHTS	WARNING PROCEDURE			
	THE WARNING				
		t e e e e e e e e e e e e e e e e e e e			
	VING - Inform the suspect/accused ol:	can be a civilian you arrange for at no expense to the Government or a military			
	our official position.	lawyer detailed for you at no expense to you, or both."			
	inture of offense(s).	· 07 -			
	he fact that he/she is a suspect/accused.	(For civilians not subject to the UCMJ) You have the right to talk privately to a			
	IS - Advise the suspect/accused of his/her rights as follows:	tawyer before, during, and after questioning and to have a lawyer present with			
	te i ask you any questions, you must understand your rights."	you during questioning. This lawyer can be one you arrange for at your own			
	You do not have to answer my questions or say anything."	expense, or if you cannot afford a lawyer and want one, a lawyer will be			
	Anything you say or do can be used as evidence against you in a	appointed for you before any questioning begins."			
	riminal trial.	d. "If you are now willing to discuss the offensets) under investigation,			
	or personnel subject to the UCMJJ "You have the right to talk	with or without a lawyer present, you have a right to stop answering			
	rivately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before			
¢1;	ave a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate."			
		Make certain the suspect/accused fully understands his/her rights.			
	THE	WAIVER			
*Do you und	lerstand your rights?"	"Do you want a lawyer at this time?"			
	ct/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a			
_	peat the appropriate rights advisement. If the suspect/accused	lawyer. If the suspect/accused says "no," ask him/her the following question.)			
ays "yes," i	ask the following question.)				
		"At this time, are you willing to discuss the offense(s) under investigation and			
-	ver requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer			
	ct/accused says "yes," find out when and where. If the request	present with you?" (If the suspect/accused says "no," stop the interview and			
•	(i.e., fewer than 30 days ago), obtain legal advice whether to	have him/her read and sign the non-waiver section of the waiver certificate on			
	interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her			
request was	not recent, ask him/her the following question.)	read and sign the waiver section of the waiver certificate on the other side of			
		this form.)			
	SPECIAL II	NSTRUCTIONS			
WHEN SUSP	ECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised			
uspect/accu	ised orally waives his/her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first			
ertificate, y	ou may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff			
	cate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper			
	, does not want a lawyer, wants to discuss the offense(s) under	rights advisel.			

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the weiver 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:

investigation, and refuses to sign the waiver certificate.

1. 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.

COMMENTS (Continued)

REVERSE OF DA FORM 3881

USAPA V2.01

001736

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR

certificate and initialed by the suspect/accused.

HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogetion, the suspect displays indecision about requesting counsel (for

example, "Maybe I should get a lawyer."), further questioning must cease

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,

immediately. At that point, you may question the suspect/accused only

you shouldn't need an attorney.")

accordingly should be noted in the comment section on the waiver

	se of this form, see AR 190-45; the proponent agency PRIVACY ACT STATEMENT	······································
AUTHORITY: Title 10 USC Se	ction 301; Title 5 USC Section 2951; E.O. 9397 dated	November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide common ROUTINE USES: Your social security	manders and law enforcement officials with means by w with number is used as an additional/alternate means of	which information may be accurately identi
DISCLOSURE: Disclosure of yo	ur social security number is voluntary.	mentalization to facilitate filling and retriev
2-70th FOR	2. DATE (YYYYMMDD) 3. TI 2003 09 よう 15	ME 4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE N	120030 (x / / / / / / / / / / / / / / / / / /	7. GRADE/STATUS
8. ORGANIZATION OF ADDRESS		
9.		
chi an the		OWING STATEMENT UNDER OATH:
	of transporting EPW's to JAN	
	Liansported 4 or 5 EF	
When we put the	prisioners on the truck H	rey were already
in all to the life	here hands behind them. T	here condition was
Lip stripped with th	the range of the states	to and a humaure.
good. We proceeded	lo 1-13 with a 21/2 true	K and a subsection of
d was in the l	ead vehicle which was the	e humber. When
we arrived to 1-13	AR There were 2 Sulders	standing there
and I went insid	le to process the paperwor	le with
The could write a	till on the truck. I was 1	n the building about
The EPUS Were S	a l'he cet	the Erick off the
5° or 10 minutes. Wh	en cl came out to get	1 11. Asaw
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	s that they had them on - fad the new that evers it	the ground tale first.
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your condition us in	La La La La EPW	's. then we put then
ing thing cruel or in	haman cone to	that's when d
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would them into	custady.	No thing follows -
O. EXHIBIT	11. INITIALS OF PERSON MAKING STA	
DDITIONAL PAGES MUST CONTAIN THE	HEADING "STATEMENT TAKEN AT	DATED PAGE 1 OF PAGES
OR CEACE ADDITIONAL PAG.	E MUST BEAR THE INITIALS OF THE PERSON MAKING	i The STATEMENT, AND PAGE NUMBER



ACLU-RDI 500 p.120

DODDOA 027152

STATEMENT OF	TAKEN AT 1530	
9. STATEMENT (Continued)	6(6), 6	(3)
	· · · · · · · · · · · · · · · · · · ·	
I, WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE <u>5</u> BY ME. THE STATEMENT IS TRUE, I HAVE INITIALE CONTAINING THE STATEMENT. I HAVE MADE THIS S THREAT OF PUNISHMENT, AND WITHOUT COERCION	. I FULLY UNDERSTAND THE CONTER D ALL CORRECTIONS AND HAVE INITIA STATEMENT FREELY WITHOUT HOPE OF	LED THE BOTTOM OF EACH PAGE F BENEFIT OR REWARD, WITHOUT
	(Signature	of Person Making Statement)
WITNESSES:		o before me, a person authorized by law to S day of <u>Septembra</u> , 2003
ORGANIZATION OR ADDRESS		ns (h)
ORGANIZATION OR ADDRESS	(Autho	rity To Administer Oaths)
NITIALS OF PERSON MAKING STATEMENT		PAGE 3 OF 5 PAGES
240E 2 DA FORM 2012 DEC 1800		FAGE USAPA VI GO

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ACLU-RDI 500 p.121

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A		-b(6),	<u>DI32</u>
	STATEMENT	· ·	- (A)
OCATION For use of this form, see AR 190	-45; the proponent ag	ency is ODCSOPS	FILE NUMBER
AST NAME EISS NAME	25 Sep 03	650	
AST NAME EIDST MAKE MEDIC RAME	SOCIAL SECURIT	YNUMBER	GRADE/STATUS
DRGANIZATION OR ADDRESS			
		<u> </u>	·
i,	, WANT TO MAR	E THE FOLLOWING ST	ATEMENT UNDER OA
Ve were called to go to be in	an la n'ell l	in FRUIS O	in the direction
ve were called to go to battli of the 16 of September 2003. W.	e put the Ef	ow's in the	prick of the
21/2 ton truck. Nobody was mist			
by the arm and helped them i			
to take them to 1-13 AR for.	Jetairment	. When w	e got that
1 did not take them out of			
the 240B on the top of the	numver. I	downed my	(gour, wa
ip to the kust guy grabed him by	the arm c	und walked	him into
the building. What happened be	bureen the	treat jui	and the
my I plaked up. I sont know.	when L	in ne p	an into t
puilding I gave him to some	E-5 and	he bail I	twos good
and then I left and went be	uck to the	homver,	That 15 0/1
that I did and all that I			
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CHIBIT INITIALS OF PE	RSON MAKING STATE		OF 7_ PAGES
		PAGE 1	OF <u>2</u> PAGES
CHIBIT ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEME HE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INI S "PAGE OF PAGES." WHEN ADDITIONAL PAGES	ENT OF TAKEN A	PAGE 1	CONTINUED."



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DODDOA 027155

		e AR 190-30; the proponent agence		
	DATA RE	QUIRED BY THE PRIVACY AC	* b(6),	6(2)
AUTHORITY:	Title 10, United States Code, Secti	on 3012(g)	A B B B A A A A A A A A A A A A A A A A	
RINCIPAL PURPOSE:	To provide commanders and law er	nforcement officials with mean	s by which information	n may be accurately identified
ROUTINE USES:	Your Social Security Number is use		eans of identification to	o facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your Social Security I	Number is voluntary.		
LOCATION	1:1 To -	2. DATE 2556003		4. FILE NO.
NAME (Last First M	and thay		DN OR ADDRESS	<u> </u>
	in in the second se			,
6. SSN	7 CRADE/ST	ATUS		
	PART I - RIGHTS	S WAIVER/NON-WAIVER CER	TIFICATE	
Section A. Rights	,,,,,			
The investigator whose nam	e appears below told me that he/she is wit	5 the United States Army		
				owing offense(s) of which I am
suspected/accused:				
	questions about the offense(s), however, r any question or say anything.	he/she made it clear to me that I h	neve the following rights:	
	r any question of say anything. In be used as evidence against me in a crin	ninal trial		
	the UCMJ I have the right to talk private		after questioning and to h	have a lawyer present with me
	s lawyer can be a civilian lawyer I arrange !			
or both.	•			
		- or -		
	t to the UCMJI I have the right to talk pri-		• –	
	I understand that this lewyer can be one th	hat I arrange for at my own expens	se, or if I cannot afford a	lawyer and want one, a lawyer
	e before any questioning begins.			
—	iscuss the offense(s) under investigation, v	, ,	have a right to stop answ	renng questions at any time, or
speak privately with a s	awyer before answering further, even if I s	ign me waiver below.		
5. COMMENTS (Continue	e on reverse side!			
Section 8. Waiver				
	ited above. I am now willing to discuss the	offense(s) under investigation and	d make a statement witho	aut talking to a lawyer first and
vithout having a lawyer pres				
W	(ITNESSES <i>(If available)</i>	3 SIGNATURE O		
a. NAME (Type or Prin	()			
ORGANIZATION OR A	DDRESS AND PHONE	4. SIGNATURE O	FINVESTIGATOR	
a. NAME (Type or Prin				
a. mane (17pe or 17m	·/			U
,				· · · · · · · · · · · · · · · · · · ·
ORGANIZATION OR A	ODRESS AND PHONE	6. ORGANIZATIO	N OF INVESTIGATOR	
	<u> </u>		,	
ection C. Non-waiver			· · ·	
. I do not want to give u	p my rights			
🗋 🛛 I want a lawyer		🗋 🛛 I do not want	to be questioned or say	anything
SIGNATURE OF INTER	VIEWEE		x	
	TIFICATE TO ANY SWORN STATEMENT		Y EXECUTED BY THE SU	ISPECT/ACCUSED
A FORM 3881, NO	V X9 EDIT	ION OF NOV 84 IS OBSOLETE		USAPA.

PART II - RIGHTS	VARNING PROCEDURE
THE N	VARNING
j	ı (
1. WARNING - Inform the suspect/accused of:	can be a civilian you arrange for at no expense to the Government or a military
a. Your official position.	lawyer detailed for you at no expense to you, or both."
b. Nature of offense(s).	- OF -
c. The fact that he/she is a suspect/accused.	(For civilians not subject to the UCMJ) You have the right to talk privately to a
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:	lawyer before, during, and after questioning and to have a lawyer present with
"Before I ask you any questions, you must understand your rights."	you during questioning. This lawyer can be one you arrange for at your own
a. "You do not have to answer my questions or say anything."	expense, or if you cannot afford a lawyer and want one, a lawyer will be
b. Anything you say or do can be used as evidence against you in a	appointed for you before any questioning begins."
criminal trial.*	d. "If you are now willing to discuss the offense(s) under investigation,
c. [For personnel subject to the UCMJ] "You have the right to talk	with or without a lawyer present, you have a right to stop answering
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before
have a lawyer present with you during questioning. This lawyer	answaring 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?"	"Do you want a lawyer at this time?"
(If the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
necessary repeat the appropriate rights advisement. If the suspect/accused	lawyer. If the suspect/accused says "no," ask him/her the following question.)
says "yes," ask the following question.)	
	"At this time, are you willing to discuss the offensels) under investigation and
"Have you ever requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer
If the suspect/accused says "yes," find out when and where. If the request	present with you?" (If the suspect/accused says "no," stop the interview and
was recent (i.e., fewer than 30 days ago), obtain legal advice whether to	have him/her read and sign the non-waiver section of the waiver certificate on
continue the interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her
request was not recent, ask him/her the following question.)	read and sign the waiver section of the waiver certificate on the other side of
	this form.)
CDECIAL #	ISTRUCTIONS
STECIAL II	
WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised
suspect/accused orally weives his/her rights but refuses to sign the weiver	of his/her rights or some question exists as to the propriety of the first
certificate, you may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff
weiver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper
his/her rights, does not want a lawyer, wants to discuss the offense(s) under	rights advisal.
investigation, and refuses to sign the weiver certificate.	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised
IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all	accordingly should be noted in the comment section on the waiver
	certificate and initialed by the suspect/accused.
cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning	Centingate and minimum by the suspectionsen.
begins. If the waiver certificate cannot be completed at once, as in the case of	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR
street interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the

PRIOR INCRIMINATING STATEMENTS:

1. 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.

COMMENTS (Continued)

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kept on the circumstances.

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 pot he utilized to discourage a suspect/accused from expressing his/her rights

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.")

EVERSE OF DA FORM 3881

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USAPA V2.01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION TIME FILE NUMBER DATE 25503 1640 hes LAST NAME, FIRST NAME MODLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OR ADDRESS ι. . ____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON The revenues of 16 72 Te. September I was availed to Assist IN THE ESCORT E.P.W. HI For of R. E.P.W. had already 4 of beer Stind folded and Zip field. We pieked Then up of Britiallian and escepted Ren too 1.13, when we arrived we TOOK BEPU out it the truck. I went to each one and Swe Thick inver blind fords were shin secured we The escarted Then into a Building and The Scriders of 1-13 tok ones from Thise, we fac a feu extra wites and made leave and we headed brack to whice while FOB Kara and a second se EXHIBIT-INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT CONTINUED.* DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE 0F STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 USAPPC V2.00 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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STATEMENT (Continued)	
	b(b), b(3)
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	- Ec
/	
	AFFIDAVIT
BY ME. THE STATEMENT IS TRUE. I HAVE INITIAL	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
VITNESSES:	Subscribed and sworn to before me, a person authorized by law to
	at
ORGANIZATION OR ADDRESS	g Oa(h)
	(Typed Name of Romen Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
ITIALS OF PERSON MAKING STATEMENT	PAGE OF PAGES
	FAGE OF FAGES



	RIGHTS WARNING PROC For use of this form, see AR 190		topba	(6), b(3)
	DATA REQUIRED	BY TH		
UTHORITY:	Title 10, United States Code, Section 3012	(g)		
RINCIPAL PURPOSE:	To provide commanders and law enforceme	nt offi	cials with means by which information	n may be accurately identifie
ROUTINE USES:	Your Social Security Number is used as an a			o facilitate filing and retrieva
NSCLOSURE:	Disclosure of your Social Security Number i	s volur	itary.	
LOCATION		2.	DATE 3. TIME	4. FILE NO.
NAME (Last, First, M	<i>u)</i>	8.	ORGANIZATION OR ADDRESS	<u>·</u>
5. SSN	7. GRADE/STATUS		· · · · · ·	
	PART I - RIGHTS WAIVE	R/NON	WAIVER CERTIFICATE	
iection A. Rights				······································
· · ·				·
The investigation of the second	e spnears below told me that he/she is with the Unit			
suspected/sccused:			and wanted to question me about the folio	wing offense(s) of which I am
· · · ·			and a second	
	r any question or say anything.			
	n be used as evidence against me in a criminal trial.	-		
	othe UCMJ I have the right to talk privately to a law	•	• • •	
during questioning. This or both.	s lawyer can be a civilian lawyer I arrange for at no e	xpense	to the Government or a military lawyer det	ased for me at no expense to m
		- 01		
speak privately with a l	awyer before answering further, even if I sign the w	aiver be	iow.	
Comments (Commo	e ou teacise sinst			
ection B. Waiver			······································	
understand my rights as sta ithout having a lawyer pres	ated above. I am now willing to discuss the offensels sent with me.	s) under	investigation and make a statement witho	ut talking to a lawyer first and
W	ATNESSES (If available)	3.	SIGNATURE OF INTERVIE	
a. NAME (Type or Prin.	1)			
ORGANIZATION OR A	DORESS AND PHONE	4.	SIGNATURE OF INVESTIGATOR	
		}		
· 				
a. NAME (Type or Print	()			7
		4		
ORGANIZATION OR AI	DDRESS AND PHONE	6.	ORGANIZATION OF INVESTIGATOR	
ection C. Non-waiver		7_		
I do not want to give u	ep my rights		<u></u>	
C (wast a lowyer		C	f do not want to be questioned or say a	nything
SIGNATURE OF INTER	VIEWEE			001746
TACH THIS WAIVER CFR	TIFICATE TO ANY SWORN STATEMENT (DA FORM	1 282.3	SUBSEQUENTLY EXECUTED BY THE ST	SPECT/ACCUSED
	The second se			
A FORM 3881, NO	V 89 EDITION OF N	01/ 84 4	S 08501 FTF	IJSAPA

DODDOA 027160

PART II - RIGHTS V	VARNING PROCEDURE
THE V	VARNING
. WARNING - Inform the suspect/accused of: a. Your official position.	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."
 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 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 of 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 fawyer bafore, during, and after questioning and to have a lawyer present with you during questioning. This fawyer 	 or - (For civilians not subject to the UCAAJ) You have the right to talk privately to a lawyer before, during, and after quastioning 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 enswering 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.
to you understand your rights?" the suspect/accused says "no," determine what is not understood, and if icessary repeat the appropriate rights advisement. If the suspect/accused ys "yes," ask 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.)
lave you ever requested a lawyer after being read your rights?" the suspect/accused says "yes," find out when and where. If the request as recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whather to ntinue the interrogation. If the suspect/accused says "no," or if the prior quest was not recent, 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 (awyer 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 IN	STRUCTIONS
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the spect/accused orally waives his/her rights but refuses to sign the waiver rtificate, you may proceed with the questioning. Make notations on the liver certificate to the effect that he/she has stated that he/she understands /her rights, does not want a lawyer, wants to discuss the offense(s) under restigation, and refuses to sign the waiver certificate.	 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
WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all ses the waiver certificate must be completed as soon as possible. Every	accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.
ort should be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of set interrogation, completion may be temporarily postponed. Notes should be of on the circumstances. OR (NCRIMINATING STATEMENTS: 1, 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.	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,"), Jurther 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.")
IMENTS (Continued)	
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RSE OF DA FORM 3881 ACLU-RDI 500 p.129

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DODDOA 02716

· ·	For use of this f	form, see AR 190-45; the pr	roponent agency is ODCSC	PS/ 0(3/
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE: 1. LOCATION	Title 10 USC Section 301; To provide commanders ar Your social security numbe	PRIVACY ACT STATI ; Title 5 USC Section 2951; nd law enforcement officials er is used as an additional/a security number is voluntary.	EMENT ; E.O. 9397 dated Novemb s with means by which info liternate means of identifica	er 22, 1943 <i>(SSN).</i> ormation may be accurately ation to facilitate filing and retrieva
		2. DATE (MYYY 200309/8		4. FILE NUMBER
5. LAST NAME, FIBST	NAME, MIDDLE NAME,	6 SSN		7. GRADE/STATUS
8. 0-10-10-01-01-01-01-01-01-01-01-01-01-01	ADDRESS			
9.		·	·	
Б	· · · ·		• T	STATEMENT UNDER OATH:
ON 16 SEP a	3, AT AROUND	1600 HOURS, 1	WAS STANL	NG IN THE
SOORWAY ON	F THE ROOM	1 USE FOR IN	ITERROGATION	VS AT TF
*	LETENTION FA			
	TON FACILITY			
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APPROVIN	The second second	AND F	THE REPORT	Im Room
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TRUCK ONT	O THE PAVER	MENT. THERE	WERE FOUR	let Almers
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A ROUGH	A Andrew Vir	re deminer	WITH THEIR FI	TT. I APPRAACHE
THE SOLAD	RC WILL WAT	ALLY THEIR	A) ENERARING	EET. I APPROACHE AT THE
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		7		
TO. EXHIBIT		11. INITIALS.	MAKING STATEMEN	IT 2
				PAGE 1 OF PAGES
NUDITIONAL PAGES M	UST CONTAIN THE HEADIN	NG STATEMENT	TAKEN AT DATE	U
				STATEMENT, AND PAGE NUMBER

ACLU-RDI 500 p.130

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STATEMENT OF	такен ат <u>2100</u>	DATED 1820903
9. STATEMENT (Continued)	b(6)), b(3)
No	THING FOLLOWS	*
	F	
WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE BY ME. THE STATEMENT IS TRUE. 1 HAVE INIT CONTAINING THE STATEMENT. I HAVE MADE T THREAT OF PUNISHMENT, AND WITHOUT COER	E_{2-} . I FULLY UNDERSTAND THE CONT TALED ALL CORRECTIONS AND HAVE INIT THIS STATEMENT FREELY WITHOUT H	
		ment)
WITNESSES:		n to before me, a person authorized by law to <u>18</u> day of <u>SCPTCMBER</u> , <u>2003</u> BAGHDAD IRAQ
WITNESSES:	administer oaths, this_ atat	to before me, a person authorized by law to <u>18</u> day of <u>SEPTEMBER</u> , <u>2003</u> <u>BAGHDAD</u> <u>1RAQ</u> e or resour Authinistering Oath/
	administer oaths, this_ at	n to before me, a person authorized by law to 18 day of <u>SEPTEMBER</u> , <u>2003</u> BAGHDAD IRAQ

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 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 1-13 Detention Fullity 2140 lask Force 20030919 , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: $\mathcal{C}\, ec{\mathcal{B}}$ witnessed on 16 sept \$3 around 1600 hours that 4 T soldiers were taking 4 detainees out of the back of a 5-ton. When they took them out they were using excessive force. The delainees were blind folded and had Their hands tied behing their backs. The 9 soldiers threw them to the ground and Kickpol 2 in the ribs or lowerback. Nothing Follows 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGES PAGE 1 OF 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. USAPA VI (D DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998 001750

STATEMENT OF	TAKEN AT 2150	DATED 19SEP03
9. STATEMENT (Continued)	b(6), b	(3)
	Nothing	
	Fallows	
CONTAINING THE STATEMENT. I HAVE MA	PACE I FULLY UNDERSTAND THE CONTENT INITIALED ALL CORRECTIONS AND HAVE INITIALE ADE THIS STATEMENT FREELY WITHOUT HOPE OF E	D THE BOTTOM OF EACH PAGE
WITNESSES	Subscribed and sworn to I	Person Making Statement) before me, a person authorized by law to day ofSEPTEMBER2003
ORGANIZATION OR ADDRESS		Person Administering Oath)
ORGANIZATION OR ADDRESS		t Person Administening Oath) y To Administer Oaths;
INITIALS OF PERSON MANY TATEMENT	· · · · · · · · · · · · · · · · · · ·	PAGE 2 OF 2 PAGES
PAGE 3, DA FORM 2823, DEC 1998	· •	USAPA V1.00

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· ·	For use of this for	SWORN STATE m, see AR 190-45; the		pency is ODCSOPS	(6),6	(3	ر د
PRINCIPAL PURPOSE: To pro	10 USC Section 301; To ovide commanders and	law enforcement officia	1; E.O. 9397 als with mean	ns by which inform	ation may be ac	curatel	
	social security number i			ans of identification	n to facilitate fi	ling and	retrieval.
DISCLOSURE: Disclo 1. LOCATION	osure of your social sect			2 71445			
TT 1-12		2. DATE (YY)		3. TIME 1945	4. FILE NU	VIBER	
5. LAST NAME, FIRST NAME		<u> </u>		1413	7. GRADE/S	STATUS	
8. ORGANIZATION OF ADDR	ESS						
9. 1,		, WANT 1	O MAKE TH	E FOLLOWING STA	TEMENT UNDE	ROAT	
On th	e afternoon	of 165EP03	5, I .	witnessed :	soldiers	bea.t	the
-	I ray: priso						*
	the 5-ton				-	-	
prisoners	getting Kneed	d in the h	each and	kicked in	the n't	bs.	
Before	this occured	1, the soldie	r's told	I me to	go tak	e	
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TO. EXMINET		11. INITIALS OF P	EBSON MAK	ING STATEMENT	· · · · · · · · · · · · · · · · · · ·		
ADDITIONAL PAGES MUST CO	GATAIN THE HEADING	"STATEMENT	TAKEN A		PAGE 1 OF	6	PAGES
THE BOTTOM OF EACH ALDE						PAGE	NUMB(H)
MUST DE SE INDICATED							بالله همه المادين إلين
DA FORM 2823, DEC 19	98	DA FORM 2823, JUL	72, IS 08S0	DLETE			GGARG V1.08

STATEMENT OF	TAKEN AT T 3BCT FOB DATED 8 2056703
9. STATEMENT (Continued)	
S. STATEMETER PERMANANAN	b(6), b(3)
	NOTHERICS
	110 thous
'	NOTHERIG Follows
	\times
/	AFFIDAVIT
	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
BY ME. THE STATEMENT IS TRUE. I HAVE I CONTAINING THE STATEMENT. I HAVE MAD	AGE
· · · · · · · · · · · · · · · · · · ·	(Signature of Person Making Statement)
MEETING OF T	Subscribed and swom to before me, a person authorized by law t
WITNESS	administer oaths
ORGANIZATION OR ACORESS	(Signature of Person Administering Dath)
· ·	(Luced Name of Reven Administratics Outb)
· · · · · · · · · · · · · · · · · · ·	(Typed Name of Person Administering Oath)
ORGANIZATION ON ADDRESS	(Typed Name of Person Administering Oath) (Authority To Administer Oaths)
ORGANIZATION OF ADDRESS	

SWORN STATEMENT b(6), b(3) For use of this form, see AR 190-45; the proponent agency is ODCSOPS
3rd BLT FOB, Backded Terr 23 Sept. Q3 12:06 HRS
LAST NAME, EIRST NAME, MIDDLE NAME
XAGANIZATION OR ADDRESS
, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
WANT TO MAKE THE FOLLOWING STATEMENT DIVDER DATA.
I was sitting in my track at 1/13th FOB. My vehicle was
located at the 1/13th juil cell. I was with my vehicle
park on the side of the road, towards the front gate of
the juil center. A Ston vehicle drove into the court
Yard with three prisoners. I heard some yelling near the
Ston vehicle. There were two prisoners on the ground with there arms pound in the
Behind there be be The High
another Scholier The annual
The tribal the tribal
was going to move him. The soldier said "These guys just killed two Subliers." The prisoner where then move towards the intervent
jaicell,
Nedting Sellars
Sella
XHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF Z PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED." IE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE
ATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.
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STATEMENT (Continued)	6(6), 6(3)
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. t.	
	AFFIDAVIT
	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
Y ME. THE STATEMENT IS TRUE. I HAVE INITIALED T ONTAINING THE STATEMENT. I HAVE MADE THIS ST	D ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT N, UNLAWFUL INFLUENCE, OF UNLAWFUL INDUCEMENT.
Y ME. THE STATEMENT IS TRUE. I HAVE INITIALED TO ONTAINING THE STATEMENT. I HAVE MADE THIS ST.	U ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
IY ME. THE STATEMENT IS TRUE. I HAVE INITIALED CONTAINING THE STATEMENT. I HAVE MADE THIS ST HREAT OF PUNISHMENT, AND WITHOUT COERCION,	DIALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT N, UNLAWFUL INFLUENCE, OF UNLAWFUL INDUCEMENT.
IY ME. THE STATEMENT IS TRUE. I HAVE INITIALED CONTAINING THE STATEMENT. I HAVE MADE THIS ST HREAT OF PUNISHMENT, AND WITHOUT COERCION,	DALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT N, UNLAWFUL INFLUENCE, OF UNLAWFUL INDUCEMENT.
Y ME. THE STATEMENT IS TRUE. I HAVE INITIALED A	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 rd day of Scattering, 20 03
IY ME. THE STATEMENT IS TRUE. I HAVE INITIALED A	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 rd day of Scattering, 20 03
Y ME. THE STATEMENT IS TRUE. I HAVE INITIALED A CONTAINING THE STATEMENT. I HAVE MADE THIS ST HREAT OF PUNISHMENT, AND WITHOUT COERCION, //ITNESSES:	DALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT N, UNLAWFUL INFLUENCE OF UNLAWFUL INDUCEMENT. or Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 rd day of <u>September</u> , 20 03 at
IY ME. THE STATEMENT IS TRUE. I HAVE INITIALED CONTAINING THE STATEMENT. I HAVE MADE THIS ST HREAT OF PUNISHMENT, AND WITHOUT COERCION, VITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 rd day of Scattering, 20 03
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED TO ONTAINING THE STATEMENT. I HAVE MADE THIS ST	DALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT N, UNLAWFUL INFLUENCE OF UNLAWFUL INDUCEMENT. or Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 rd day of <u>September</u> , 20 03 at

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