		(1)(2)
	KECUKD OF PROCEEDINGS UNDER ARTICL For use of this form, see AR 27-10; the proponent agen	
	See Notes on Reverse Before Completing	
NAME	GRADE SSN UNIT	PAY (Basic & Sea/Foreign) ' \$1,356,90
I I am considering	whether you should be punished under Article 15, UCMI, for the fol	lowing misconduct: V
In that you, o UCMJ.	did, at or near Baghdad, Iraq, on or about 2 in the face with your hand. This is i	1 June 2003, unlawfully strike n violation of Article 128,
martial. You have se or not you will be pur offense(s). You may witnesses or other evi (matters of extenuation type and amount of pu the right to demand the located at M, W,	red to make any statements, but if you do, they may be used against yo veral rights under this Article 15 proceeding. First I want you to unden hished. I will not impose any punishment unless I am convinced beyo ordinarily have an open hearing before me. You may request a person idence to show why you shouldn't be punished at all (matters of defen on and mitigation). I will consider everything you present before dec unishment I will impose. ²⁷ If you do not want me to dispose of this re- tal by court-martial instead. ²⁷ In deciding what you want to do you be P 0900-1230 & 1400-1730 hours, TDS, You me d International Airport	erstand that I have not yet made a decision whether and a reasonable doubt that you committed the to speak on your behalf. You may present se) or why punishment should be very light ding whether I will impose punishment or the eport of misconduct under Article 15, you have
DATE 210 CHO3 TIME 1617	NAME, GRADE, AND ORGANIZATION OF COMMANDER	ATUR
3. Having been affor	rded the opportunity to consult with counsel, my decision are as foll nand trial by court-martial.	ows: (Initial appropriate blocks, date, and sign)
b. I do (1) I request the hear	not demand trial by court-martial and in the Article 15 proceedings:	*
(3) Matters in defens attached.	ing be Open Closed A person to speak in m se, mitigation, and/or extenuation: Are not presented [Whit be presented in person A Are
HOLTO3	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
4. in a(n) 🗡 1	Open Closed hearing 2 all matters presented in defense,	nitigation, and/or extenuation, having been
		; forfeiture of \$575.00 pay per
month for two	months, suspended, to be automatically remitted if not vacated before	re 29 April 2004.
6. You are advised o	al DA Form 2627 be filed in the Performance-fiche of your right to appeal to the Cdr, 1 st AD wi as untimely. Punishment is effective immediately unless otherwise NAME, GRADE, AND ORGANIZATION OF COMMANDER	Restricted fiche of the OMPF. ³⁷ thin 5 calendar days. An appeal made after that stated above
	the block, date, and sign) appeal b . I appeal and do not submit additional matters ^{8/}	2/ c. I appeal and submit additional matters \$
DATE DET JOD	NAME AND GRADE OF SERVICE MEMBER	
	the appeal and it is my opinion that:	
DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
9. After consideration	on of all matters presented in appeal, the appeal is: Granted as follows: ^{10/}	
DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
10. I have seen the a	ction taken on my appeal. DATE SIGNATURE C	F SERVICE MEMBER
		AS/M
	NTS AND/OR COMMENTS 11/12/13/ I sworn statements and rights advisements(81),	
DA FORM 2627, 1	AUG 84 (EG) EDITION OF NOV 82 IS OBSOLETE	ORIGINAL



DEPARTMENT OF THE ARMY HEADQUARTERS 3RD BRIGADE, IST ARMORED DIVISION BAGHDAD, IRAQ APO AE 09324

AFZN-BB-CO

DATE: 21 60103

MEMORANDUM OF AGREEMENT

THRU Commander, APO AE 09324 Commander, APO AE 09324 FOR PFOC

APO AE 09324

SUBJECT: Dismissal of the Court-Martial Charges Preferred on 18 September 2003.

In the case of the conditioned on the Charges and their Specifications are hereby dismissed with prejudice to the Government conditioned on the charges and their Specifications are hereby dismissed with Charge: Violation of the UCMJ Article 128 and Specification: "In that you did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike the transmission of the face with your hand" and further conditioned on the transmission of transmission of the tr

Commanding

Trial Defense Counsel

USA

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PFC E. UNIT OR ORGANIZATION 6. CURRENT SERVICE a. INITIAL DATE ' b. TEL			· ·	CHARGE SHEE	T		• •
UNIT OR ORGANIZATION PFC E APO AE 09324 6. CURRENT SERVICE 9. INITIAL DATE 9. INITIAL DATE 9. INITIAL DATE TAY FRE MONTH 5. ExproREICE DOTY c. TOTAL 9. DATE(5) IMPOSED 9. DATE(5) IMPOSED RSIC 1. SEPROREICE DOTY c. TOTAL 1. MELSEE OF RESTRANT OF ACCUSED 9. DATE(5) IMPOSED 11.356 90 None 11.356 90 None 11.256 90 None 12.356 90 None 11.356 90 None None None 12.356 90 None 11.256 90 None None None 13.356 90 None 11.256 90 None None None 14.900121 Local 030, was crucel toward a person subject to his orders, by point pistol at the and saying: "Bang!", or words to that effect. None , did, at or near Baghdad, Iraq, on or about 21 June 2003, unlawfully strike Inthe face with his hand.				I. PERSONAL DATA			
UNITOR ORGANIZATION 6 - CUBERN SPRVICE APO AE 09324 0 - TOTAL PAY THE MONTH 0 - TOTAL PASE 0 - SEAFORESCH DUTY 0 - OTAL - TOTAL 1335.090 None 1335.090 None 1335.090 None 1356.90 None 136.90 None 137.00 or about 21 June 2003, was crue toward to that effect. CHARGE II: VIOLATION OP THE UCMJ, ARTICLE 128. THE SPECIFICATION: In that In the face with his hand. Baghdad, Iraq, on or about 21 June 2003, unlawfully strike in the face with his hand. 1 CRADE C ORGANIZATION OF ACCUSER SIGMATURE OF ACCUSER (Law, First Middle Innod) L CRADE c DRCANIZATION OF ACCUSER SIGMATURE OF ACCUSER (Law, First Midd	NAME OF ACCU	JSED (Last, First, Middle Initial)		2. SSN	-		4. PAY GRADI
APO AE 09324 A	UNIT OF ORCA	NIZATION	<u> </u>				E3
APO AE 09324 20020128 3 AY PER MONTH 5. SEAFOREEGN DUTY c. TOTAL 9. DATEGS MIDSED 336:0 None None None None III. CHARGE I. VIOLATION OF THE UCMJ, ARTICLE 93. THE SPECIFICATION: In that III. CHARGE 12. YIOLATION OF THE UCMJ, ARTICLE 93. THE SPECIFICATION: In that a person subject to his orders, by poin gistol at and saying: "Bangi", or words to that effect. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 128. THE SPECIFICATION: In that a person subject to his orders, by poin pistol at and saying: "Bangi", or words to that effect. CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 128. THE SPECIFICATION: In that a person subject to his orders, by poin Baghdad, Iraq, on or about 21 June 2003, unlawfully strike in the face with his hand. WAME OF ACCUSER (Lem, Fire, Modile lamat) b. GRADE CORGANIZATION OF ACCUSER State of ACCUSER (Lem, Fire, Modile lamat) b. GRADE c. ORGANIZATION OF ACCUSER State of ACCUSER (Lem, Fire, Modile lamat) b. GRADE c. ORGANIZATION OF ACCUSER State of ACCUSER (Lem, Fire, Modile lamat) b. GRADE c. ORGANIZATION OF ACCUSER State of ACCUSER (Lem, Fire, Modile lamat) b. GRADE c. ORGANIZATION OF ACCUSER State of ACCUSE							6. TERM
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Action of about 21 June 2003, was cruel toward and saying: "Bang!", or words to that effect. CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 128. THE SPECIFICATION: In that the same are true to the best of his orders, by point investigated the matters set forth therein and that the same are true to the best of his/her knowledge and specifications and that he/she is a personally appeared the foregoing charges and specifications and that he/she is a personally appeared the same are true to the best of his/her knowledge and belief.	CHARQE		T THE OCMJ, A	AN HULE 99.			
III. PREFERRAL NAME OF ACCUSER (Last, First, Middle Initial) b. GRADE c. ORGANIZATION OF ACCUSER GNATURE OF ACCUSER c. DATE (YYYYMMDD) 2003 US1 8 GNATURE OF ACCUSER c. DATE (YYYYMMDD) GNATURE OF ACCUSER c. DATE (YYYYMMDD) GNATURE OF ACCUSER c. DATE (YYYYMMDD) AFFIDA VIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared th baove named accuser this <u>II</u> day of <u>opticulary losice</u> and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief. Typeed Name of Officer Organization of Officer Grade Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned afficer) Signature Signature	THE SPEC	IFICATION: In that			in		
III. PREFERRAL NAME OF ACCUSER (Last, First, Middle Initial) b. GRADE c. ORGANIZATION OF ACCUSER IGNATURE OF ACCUSER c. DATE (YYYYMADD) 20030918 IGNATURE OF ACCUSER c. DATE (YYYYMADD) 20030918 AFFIDA VIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this <u>ff</u> day of <u>september</u> , <u>2003</u> , and signed the foregoing charges and specifications under that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief. Typed Name of Officer Organization of Officer Grade Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned afficer) Signature Signature				\$ fr		2 F	
NAME OF ACCUSER (Last, First, Middle Initial) b. GRADE c. ORGANIZATION OF ACCUSER iGNATURE OF ACCUSER e. DATE (YYYYMMDD) 2003 UF18 AFFIDA VIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared th above named accuser this 12 day of, 2a03, and signed the foregoing charges and specifications undi- that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief. Typed Name of Officer Organization of Officer Grade Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer) Signature Signature		5- 		MI DDECTODAL			
AFFIDA VIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this $f(f)$ day of $\underline{rptruber}$, $2a3$, and signed the foregoing charges and specifications under that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief. Typed Name of Officer Grade Gra	NAME OF AC	CUSER (Last, First, Middle Initia	x()		c. ORGANIZATION	OF ACCUSER	
AFFIDA VIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this $\int \int day$ of $\underline{\rightarrow pkr.hc.r}$, $\underline{2a3}$, and signed the foregoing charges and specifications under that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief. Typed Name of Officer Grade Grade Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer) Signature							
AFFIDA VIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this \underline{ff} day of \underline{fr} \underline{fr} \underline{fr} \underline{fr} day of \underline{fr} \underline{fr} \underline{fr} \underline{fr} day of \underline{fr} fr	IGNATURE OF	ACCUSER	•	-)
	above named that he/she is	d accuser this <u>ff</u> day of is a person subject to the Un the matters set forth therein <i>Typed Name of Office</i>	September iform Code of M and that the sam	, <u>UW3</u> , and s ilitary Justice and that	igned the foregoing he/she either has pe of his/her knowledge Organ Official Capa	charges and specification rsonal knowledge of or and belief. ization of Officer	ns under oath has
PREVIOUS FOITION IS OBSOLFTE OF LA CA		<u> </u>					
ACLU-RDI 509 p.3	FORM					~~~~~	<u></u>

10 September 2003, the accused was in		e) kaown
C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)	formed of the charges against him/her and of the name(s) of the accuser(s	,
Typed Name of Immediate Commander	Organization of Immediate Commander	
	- 6	
	-	
IV. RECEIPT BY SUMMARY	COURT-MARTIAL CONVENING AUTHORITY	
		_
vom charges were received at 1500 hours, 20 SEPT 2		
	Designation of Command or	
Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)	-	
·	FOR THE	
Typed Name of Officer	Official Capacity of Officer Signing	
	officers of the officer officer of the officer o	
Grade	-	
Signature V REFERE	AL; SERVICE OF CHARGES	
IGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE C. DATE (YYYYMM	DD)
for trial to the court-martial convened by		
d for trial to the court-martial convened by		
for trial to the court-martial convened by	, subject to the following instructions: ²	
d for trial to the court-martial convened by	, subject to the following instructions: ²	
f for trial to the court-martial convened by	, subject to the following instructions: ²	
	, subject to the following instructions: ²	
of	, subject to the following instructions: ²	
of Command ar Order		
	, subject to the following instructions: ¹	
of Command ar Order Typed Name of Officer		
of Commond ar Order		
of		
of Command or Order Typed Name of Officer Grade		
of		
of Command ar Order Typed Name of Officer Grade Signature		
of Commond ar Order Typed Name of Officer Grade Signature	Official Capacity of Officer Signing	
of Command ar Order Typed Name of Officer Grade Signature	Official Capacity of Officer Signing	
of	Official Capacity of Officer Signing 	
of Command ar Order Typed Name of Officer Grade Signature I (caused to Typed Name of Trial Counsel Signature	Official Capacity of Officer Signing - o be) served a copy hereof on (each of) the above named accused. Grade or Rank of Trial Counsel	
of Command ar Order Typed Name of Officer Grade Signature .1 (caused to Typed Name of Trial Counsel Signature	Official Capacity of Officer Signing o be) served a copy hereof on (each of) the above named accused. Grade or Rank of Trial Counsel 	

COURT-MAR	RTIAL CHARGES TRANS	MITTAL FORM
	PARTI	
TO:	FROM:	DATE: 2Φ SE P Φ3
Court-Martial charges against the for statements, any evidence of previou accused's DA Form 2A and 2-1) and AR 635-200.	us misconduct (to include proper	warded as Enclosure 1. Witness
NAME:	RANK:	SSN:
Recommend: () Summary Court-Martial	() Special Cour	t-Martial
() BCD Special Court-Martial (X) Other Field Grade Articl	() General Cou	rt-Martial
NAME OF COMMANDER		OF COMMANDER
	PART II	
10:	FROM:	DATE: 20 SEP 03
I have reviewed the attached charg () Summary Court-Martial	ges, documents, and Article 32 (if () Special Cour	applicable) and (recommend)(direct
(X) BCD Special Court-Martial	() General Cou	rt-Martial
NAME OF COMMANDER	SIGNATURE	OF COMMANDER
	PART III	
то:	FROM:	DATE:
		applicable) and (recommend)(direc
	() Special Court-Ma	
 Summary Court-Martial with GPand statement BCD Special Court-Martial 	() General Court-Ma	
W Summary Court-Martial with GPand statement	() General Court-Ma	

ACLU-RDI 509 p.5

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UNITED STATES

VS.	
 4 ×	

SERVICE OF DOCUMENTS

ON TDS

2002.

Baghdad, Iraq APO AE 09324

1. The following document was served on trial defense service at Fort Riley, KS

Chain of Command transmittals Enlisted Records Brief

2. Service was accomplished at

Receipt acknowledge

Signature

001925

ACLU-RDI 509 p.6

UNITED STATES

vs.

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<u></u>			_			
Baghdad Irag	- Δ P	ıΩ۲	ΔF	-001	24	

SERVICE OF DOCUMENTS

ON T D S/ACCUSED

1. The following document was served on trial defense service at Fort Riley, KS

Preferred Charge sheet Chain of Command transmittals Enlisted Records Brief Adverse Action Flag Allied documents 2. Service was accomplished at <u>23 Sep</u>, 2003. <u>Military Paralegal</u>

Receint acknowledged. Signature

Once this document has been signed by soldier Veturn to Brigade Military Justice Cell in Brigade

001926

ACLU-RDI 509 p.7

UNITED STATES

VS.	
Baghdad, Iraq A	APO AE 09324

SERVICE OF DOCUMENTS

O N TDS

1. The following documents were served on the accused in Baghdad, Iraq

Preferred Charge sheet Chain of Command transmittals -Enlisted Records Brief Adverse Action Flag Allied documents

2. Service was accomplished at

,2002.



Receipt acknowledged. 26 8403

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Signature NCOIC Trial Defense Struices I did not receive an ERB on Abuerce Action Flag Hg

ACLU-RDI 509 p.8

			IDER ARTICLE 15, he proponent agency is TJA		
		- <u> </u>	re Completing Form		
NAME	GRADE	SSN	UNIT CONT		PAY (Basic & Sea/Foreign)
			Baghdad, Iraq AP		\$1,903.50
In that you, did, paragraph 3.E.(5	whether you should be punished at or near Baghdad, Iraq, b), FRAGO 383A to OPOR ing, and stomping on detai	on or about 25 O D 03-215 (Iron S	ctober 2003, violate Stability), dated 21	e a lawful ge July 2003, bj	/ wrongfully
martial. You have so or not you will be profilesse(s). You may witnesses or other ev- (matters of extenuat (ype and amount of profiles of the right to demand).	ired to make any statements, but everal rights under this Article 1 mished. I will not impose any pu y ordinarily have an open hearing vidence to show why you shouldn ion and mitigation). I will consi punishment I will impose. ^{2/} If y trial by court-martial instead. ^{1/} ad International Airport	5 proceeding. First I mishment unless I am before me. You may 't be punished at all (der everything you pr ou do not want me to In deciding what you	want you to understand to convinced beyond a rear request a person to spea (matters of defense) or w esent before deciding wh dispose of this report of want to do you have the	that I have not y sonable doubt th ak on your beha hy punishment nether I will imp misconduct und right to consult	et made a decision whethe at you committed the E. You may present should be very light ose punishment or the er Article 15, you have
DATE 14 DEC 03	NAME, GRADE, AND ORGANIZ	ATION OF COMMANDE	 R	SIGNATU	
TIME 76:30					
	orded the opportunity to consult	with counsel, my dec	cision are as follows: (In	itial appropria	e orocus, aare, ana sign)
	mand trial by court-martial. o not demand trial by court-mart	ial and in the Article	15 proceedings:		
(1) I request the hea (3) Matters in defe		Closed. (2) A perso	on to speak in my behalf not presented	Is Is	Is not requested. ed in person Are
Attached. DATE	NAME AND GRADE OF SERVIC	E MEMBER		SIGNATUR	
29 Dec 03					
4. In a(n)	· · · · · · · · · · · · · · · · · · ·	-	nted in defense, mitigation	on, and/or exte	uation, having been
considered the foll	awing pupid most is incoord ?				
	owing punishment is imposed: 5/			·	
	nd not guilty by battalion of			·	
Fou 5. I direct the origi	nd not guilty by battalion of nat DA Form 2627 be filed in th	commander e Performa		stricted fiche of	
Fou 5. I direct the origi 6. You are advised	nd not guilty by battalion o	commander e Performa Cdr,	within 5 c	alendar days. A	the OMPF. ⁷ An appeal made after that
Fou 5. I direct the origi 6. You are advised time may be rejecte DATE	nd not guilty by battalion of nal DA Form 2627 be filed in the of your right to appeal to the	commander e Performa Cdr, fective immediately t	within 5 c	alendar days. A	
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NOTES

- Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (Part IV, MCM). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- ⁴ Inform the member of the maximum punishment which may be imposed under Article 15.
- Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be fined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- Give the member copy 5 of this form.
- ⁹ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.

¹ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (*date*). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.

⁷ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.

¹ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.

Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. *(See Article 15e(1) to (7), UCML)*

⁴ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.

¹ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of ______pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.

Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (para 3-38, AR 27-10) will be recorded on DA Form 2527-2.

Suspension, Mitigation, Remission, or Setting Aside

On (date), the punishment(s) of

(DATE)

imposed on (date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before (date)) (mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the punishment) (the successor in command to the imposing commander) (as superior authority).

(Typed name, grade, and organization of commander)

/s/ _____

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Racial/ethnic identifiers will be placed in Item 11 (Chapter 15, AR 27-10).

erse of DA Form 2627, Aug 84

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Ill away from me, then tried to use his superior idy weight to make it difficult for me to guide im into the jail. While doing all this he kept. Iking in arabic. I couldn't understand what he was aying. I had to push him in order to get him to the fail. I told him to stop talking because e Kept Talking with the other prisoners. He also ept turning around after I had him face the all. On the 2nd time I made him face the wall e jerked his shoulder and was turning around to ce me. Instinctively I functed thim the may He was a big guy and I new I wouldn't hurt him, but I wanted him to. top resisting me. Once he faced me, he cocked is right leg back like he was gonna kick me. he reason I thought that, was because I've had ny soldiers kicked by prisoners even after they ere flex cuffed so my reaction was to stomp his ead foot and push him into the wall face first. m not sure at what point the goard left or ime back from getting the zip strips but perhaps e didn't get a chance to see What the prisoners ad done to trigger our reaction. The guard said , his statement that I tighten up the prisoner's utts, which in fact was the opposite. When

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ACLU-RDI 509 p.11

he prisoners complained about the flex cuffs eing too tight, I personally loosen them up. I think he guard misinderstood the situation and made sown assumptions which later on he wrote on a worn statement. I read the medical report in which it says that no bruises were found, so sw can this be evidence of a beating that supposely ok place for about an hour when in fact we were ily there for about 8-10 minutes max.

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DODDOA 027344

DEPARTMENT OF THE ARMY

BAGHDAD, IRAQ APO AE 09324



HEADQUARTERS.

8 January 2004

MEMORANDUM FOR Record

HILY TO

SUBJECT: Field Grade Article 15 for

1. The following factors were considered during the Article 15 proceedings. These factors were not part of the original investigation that initiated the proceedings:

a. Statement submitted by the statement indicated the following:

(1) Admission of punching the detainee and stomping his feet.

(2) Explanation of the use of force – and the was threatened by the actions of the detainee he was attempting to escort. Specifically, the detainee was physically resisting his movement to the holding facility. The detainee was much larger than the detainee was the detainee was by sically resisting his to be detained with the detainee was much larger than the detainee was physically resisting his action and was turning to face, resist, and possibly attack additionally, the detainee when the detainee cocked his leg back indicating he was going to kick him.

b. a second the first-line leader of the primary witness claiming detainee abuse presented as a witness to question the reliability of the second bis accuracy, and his ability to assess the events that occurred at the holding facility.

c. The entire chain of command depicted and the past a reserved, controlled, individual. The past, in fact he always set the example in dealing with local nationals with dignity and respect, particularly during military operations.

2. Based on the above information I find no guilt regarding the charge of detainee abuse. If the felt threatened by the behavior of the detainee he was attempting to control, and applied the appropriate amount of force to control the situation.

Commanding

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DODDOA 027345

NAME:			DATE: 7 Jan 04
MONTE	LY INCOME:	Take Home Pay (Plus Allowances) Spouse's Take Home Pay (Plus allowances)	\$ <u>1,869.00</u> ' \$ <u>N/A</u>
	1	Other Regular Income	+ \$_ <u>N/A</u>
LINE 1:	Total Monthly In	come	= \$ 1.869.00
MONTH	LY EXPENDIT	IRES.	\$ 122.00 - Kid's Bods \$ 300.00 - Master Bedroom \$ 36.67 - Backyard Fence
		Payment on Current Debts (Loans/DPP/Chg Accts Rent	\$ 36.67 - Backyard Fence \$ 50-00-Creditcard \$ N/A (post housing)
		Food	\$ 300.00
		Utilities (telephone, etc.)	75.00- Phone 75.00- cell phone 100.00- celle + Computer access 20.00- Home renters insurance
		Insurance	\$120.00 - POV insurance
•		Transportation & Auto Exp	\$125.00-Gas + muintanence
		Car Payment	\$378.16
		Child Care	\$ 78.00 - preschool (son)
		Other: Casual pay	+s not included
LINE 2:	Total Monthly E	xpenditures	= \$ <u>1,759.83</u>
ANNUA	L EXPENDITU	RES:	
•		Major Purchases and Repai	rs \$ <u>N/A</u>
		Clothing	\$ not included
•		School Costs	\$ <u>360.00</u>
		Other: haircuts (my son)	+\$_600.00
LINE 3:	Total Annual Ex	cpenditures (Divided by 12)	= \$ 80.00
		SUMMARY	
Total Mo	onthly Income (A	mount on Line 1)	\$ 1,869.00
·		(Amount on Lines 2 & 3)	-\$ 1.839.83
		(/ Infound of Endo 2 (0 5)	
Current	Available Incom	e	\$_28.17
Not in	cluded - Cas	ual Pay \$ 100.00 hing for Children N/A ne cards \$ 35.00 aners N/A	
	Cle	aners N/A	



DEPARTMENT OF THE ARMY

APO, AE 09324

29 December 2003

MEMORANDUM FOR Commander

SUBJECT: Request For Nonpunitive Measures APO, AE 09324

1. Sir, as a defense counsel, I rarely write on the proper disposition of a case, but I feel compelled to do so in this case. I believe that this situation can be handled through administrative corrective measures and does not require the use of a Company Grade article 15, let alone a Field Grade Article 15.

2. The Manual for Courts-Martial clearly states, "Commanders are responsible for good order and discipline in their commands. <u>Generally, discipline can be maintained through effective</u> <u>leadership including, when necessary, administrative corrective measures</u>. Nonjudicial punishment is ordinarily appropriate when administrative corrective measures are inadequate due to the nature of the offense or the record of the servicemember." The second measures are inadequate due to the nature of the offense or the record of the servicemember." The second measures are inadequate due to the nature of the offense or the record of the servicemember." The second measures are inadequate due counseling statement. Furthermore, "Commanders should use nonpunitive measures to the fullest extent to further the efficiency the command before resorting to nonjudicial punishment." AR 27-10, paragraph 3-2. Paragraph 3-2 further states that "[n]onjudicial punishment may be imposed to - ...Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures." Included among nonpunitive measures are: denial of pass or other privileges, counseling, administrative reprimands and admonitions and extra training.

3. Non-punitive measures are appropriate for soldiers who have a good record in the company. However, the use of nonjudicial punishment would be more understandable if this action had (1) actually endangered a soldier or an innocent bystander; and/or (2) been the "last straw" in a series of poor judgment calls made by a soldier of Further, for a soldier and you can confirm this with his squad and platoon leaders. He also informed me that his section was not clearly briefed as to the General Order that he allegedly violated nor the Rules of Engagement pertaining to detainees. I understand that ignorance is no defense however under the circumstances and malicious intent towards the detainees coupled with the fact that these detainees were apprehended with a large weapons cache and throwing grenades at U.S. soldiers.

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ACLU-RDI 509 p.15

SUBJECT: Standard of Proof and Request For Nonpunitive Measures APO, AE 09324

4. Sir, in addition, unlike an E-4, an Article 15 imposed on the second will be a permanent part of his file because you must determine whether to file it in his restricted or performance fiche. He also informed me that he is due to go to the promotion board sometime next month however due to the impending Article 15, he will more than likely lose the chance to do so. That in and by itself is punishment enough. Therefore, if you believe that the interests of the soldier's career against those of the Army to produce and advance only the most qualified personnel for positions of leadership, trust and responsibility. Please take into account his age, grade, and total service.

5. I am usually a defense counsel in Germany and have heard from virtually every soldier in your battalion who has come to my office that you administer UCMJ issues in a fair and impartial manner. I would also like to state that I only write these types of memos personally if there is an issue that I believe needs to be brought to your attention. On behalf of the state of the state that this article 15 be returned to the company for administrative corrective measures.

6. For the above reasons, I request this matter should be disposed of by nonpanitive measures.

7. Respectfully submitted,

Defense Counsel

FACTS:

On 4 November 2003, the Brigade Legal Advisor provided me a directive from the to perform an AR15-6 investigation concerning possible detainee maltreatment at the manual Battalion Forward Operating Base. Within the packet was

Inquiry (Exhibit A). I reviewed the Commander's Inquiry and found that gathered a sufficient amount of information to begin an investigation.

According to the Commander's Inquiry (Exhibit A), the following is collaborated by several statements: On 25 October 2003, and the following is collaborated by for escorting prisoners to the Detainee Facility located at the At approximately 1400 on the 25 October, a 5-ton cargo with six Iraqi Detainees, escorted by two BFVs with crews, delivered the detainees to the 2-70 Armor Detainee Facility. Soldiers from the formation escorted the Detainees to the facility from the vehicle down load site.

In the statement (Exhibit B) made by the facility guard, so the statement is the observed five soldiers mistreat the Detainces. To clarify mistreat, stated the soldiers stated the soldiers "started to slap the prisoners in the face and sock them in the gut" and "stomped on grey shirted prisoners bare feet" (misspelled word were corrected from the statements to this document).

1st Armored Division's FRAGO 383A (Exhibit C) issues a General Order making it a military crime for Coalitions Forces and civilians accompanying the Force, to Maltreat persons in Iraq. In the Commander's Intent, he states that Maltreatment of Detainees in Iraq by 1AD Forces during this mission is conduct prejudicial to good order and discipline. In paragraph 3.E.(5) maltreatment is defined by hitting, slapping, kicking, etc.

Considering statement (Exhibit B) and the Division's FRAGO 383A (Exhibit C), further investigation is required to verify the names of the soldiers that were involved with the maltreatment and to find collaborating information that would confirm the maltreatment occurred.

In statement, his spelling of the names matched no members of the statement, his spelling of the names matched no members of the statement of the provided in Exhibit D the following spellings: Statement of the solution of the names. In the solution of th

Taking the Brigade Legal Advisor advice, I inserted these four photos into four separate groups of six soldiers. The four soldiers from Platoon were from Hispanic heritage; consequently, the majority of the soldiers that I included in the photo line-up were

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Hispanic heritage. Exhibits E, F, G and H are the photo line-ups presented to

In Exhibit E, and the selected the top center photo; the photo he selected is the from the Platoon, a selected the top center photo; the soldier in the photo that he selected did the following to the traqi Detainees: "slap, punch, forearm shot to the gut, stomped on their bare feet with his boot."

In Exhibit F, some selected selected the bottom center photo; the photo he selected is from a Matoon, and the stated, the solider in the photo that he selected "punch them, slap them, and forearm shots to the gut."

photos of and and and Consequently, I eliminated these two soldiers from my investigation as possible suspects.

After the stated one of three unidentified soldiers present for the prisoner maltreatment had name like the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner maltreatment had name like the prisoner for the prisoner for the prisoner for the prisoner state this big burly guy was a member of the mortars. I called the prisoner for the prisoner again and asked if there was someone that fit the description according to prisoner for the prisoner for

I met with the solution of the

had a similar name to that provided by the second below the big burly how were the was tall and normal build. I asked him if had any information concerning the event in which I was investigating. He said he had gate duty that day and knew the big burly soldier--his name is the second burly burly soldier--his name is the second burly burly burly burly soldier--his name is the second burly burly

On 12 November, I visited to the second state of the purpose of my investigation. The second state of the prisoner since his platoon was detached from his command at the time of the prisoner maltreatment. I requested a visit with his soldier named state of and his chain of command. The second state of the platoon Leader state of the arrived at the Atlas FOB Headquarters on the evening of 12 November—They both requested a lawyer and completed the forms DA 3881 (Exhibits K and L).

I called the Brigade Legal Advisor to see if I could direct the chain of command to provide photos of all the soldiers in the Platoon, and the soldiers in the

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Consequently, I directed and the photos of every member in a Platoon, for and to call me if he had questions. That night, for the photos of the photos of the platoon members.

I printed the photos on 15 pages (Exhibit M) and schedule a visit with an anomore of the photos and circled and the prisoners and just watching the photo of an anomore of the photo of the prisoners and saw what was going on." A second also circled a photo of soldier named and the prisoners." A solution of the prisoners and saw what was going on." A second also circled a photo of soldier named and the prisoners." A solution of the prisoners and saw what was going on." A second also circled a photo of soldier named a second second also circled a photo of soldier named a second second second and punching the prisoners." A second second point of the prisoner of the

Exhibit O, is Doctor and the statement, which said five detainees had red marking on there wrist presumably left by the flex cuffs—two of the five detainees had numbress in the 4^{th} and 5^{th} fingers. One detainee, the statement of the five detainees had tenderness to the abdominal area. Another detainee, the statement of the five detainees to the jaw, collarbone, and central abdomen.

Exhibits P and Q are statements of two of the detainees. The statements are consistent with the statements in that four soldiers were hitting the detainees and one soldier named the statements is the side. The soldier standing to the side is likely to have been and the side is consistent to the statement.

I had an interview with a statement of the second state character (Exhibit R). In brief, the states that the state is an asset to the company, honest, and has the desire to do what is right.

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DODDOA 027351

INDEX OF EXHIBITS

- EXHIBIT A-EXHIBIT B-Statement by
- EXHIBIT C-1st AD FRAGO 383A
- EXHIBIT D- Statement by
- EXHIBIT E-Photo line-up
- EXHIBIT F- Photo line-up
- EXHIBIT G- Photo line-up
- EXHIBIT H- Photo line-up
- EXHIBIT I-Statement by
- EXHIBIT J-Photo of Detainee Facility at the FOB
- EXHIBIT K- EXHIBI
- EXHIBIT L. non-waiver of rights
- EXHIBIT M-Photos of Platoon,
- EXHIBIT N-Statement by
- EXHIBIT O
 EXHIBIT O
- EXHIBIT P-Detainee statement-
- EXHIBIT Q-Detainee statement-
- EXHIBIT R-
- Statement of Character for

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DODDOA 027352

SWORN STATEMENT For use of this form, see AR 190-452 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. LOCATION 2. DATE (YYYYMMDD) 3: TIME 4. FILE NUMBER 1-08 <u>2003 10 25</u> <u>1730</u> MAME. MIDDLE NAME SSN 7. GRADE/STATUS 8. 9. ٤. At 1700 On 25 Oct 03 I was assigned to guard the jial and prishors. I escortd VANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: the prishors to the jiel and told Some ziptics for a prishor who wasn't ziptical. the When I came that I was leaving to get back I realized the the ties were lighter than they used to be and when I pet the sighters on theother prishor stanted to slapthe prisnors in the sace and sack them in the gut. I could not really tell if it was with a classed fisted or forerin shots the At the same time was with a classed fisted or forerin shots half was messing with the other mens head piece. The Mannespikwenter the two of her specialists, I don't remember thier the wall where the origin - 1. I wight wall and started to simuch was messing with the other mans stomped on Grey shirted prishors been feet. Just before Started the abused he pused the old man into the left side of the Sharted the abused he pusced the old men theo the lest siere or the Horacke S. I put them in the vial I frisced them and personal I is it is the vial I frisced them and personal Wall over the put them in the vial L trisced them is a cigerettes and a lighter. Then after the talked badly to LALS OF PERSON MAKING STATEMENT DITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT PAGE 1 OF PAGES DATED E BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF PERSON MAKING THE STATEMENT, AND PAGE NUMBER FORM 2823, DEC 1998 DA LOUIS 2023, JUL 72, IS OBSOLETE

nn1940

		PRIVACY ACT STATEMENT		
UTHORITY:	Title 10 USC Section 301; Title 5 USC Se	ction 2951; E.O. 9397 dated November	22, 1943 <i>(SSN)</i> .	
UNCIPAL PURPOSE:	To provide commanders and law enforcem	ent efficiats with means by which inform	nation may be accurately ident	illied.
UTINE USES:	Your social security number is used as an		on to facilitate filling and retrie	:¥ð.
SCLOSURE	Disclosure of your social security number i			
LIRATION	IRAQ	2. DATE (YYYYMMOO) 2003/10/25	3. TIME 1915	4. FILE NUMBER
LAST NAME FIRST NAME	MINDER NAME	G. SSN		7. GRADEISTATUS
	APO-AE 09324			
ι		, WANT TO MAKE THE F	OLLOWING STATEMENT UND	IER OATH:
erform physical ex vent immediately d	5 Oct 2003 at approximately 1 ams on some Iraqi Detainees w own to the EPW Holding Area the PA. The following is a su	which were brought recently to examine them. They w	to our FOB. ere brought our or t	asked for the medics to the function of the fu
of them had linear	erythematous (red) markings	on their wrists that were pr	esumably left from	the Flex-cuffs.
inderness to palpat	had subjective numbress ion (louch) without evidence of	of his left 4th and 5th fing ecchymosis (bruising).	ers as well as epiga	stric (upper central) abdominal
nandible by ms len sumbness of his 4th reat his pain.	had tenderness to palpation peromandibular joint (jaw), an and 5th fingers on his left han	d his periumbilical region.	(central abdomen).	oone), the right side of his He also had subjective n 800mg of Ibuprofen to help
he above findings	were verbally reported to	who then asked me	to document the fine	dings on this form.
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). **PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is voluntary 2. DATE (YYYYMMDD) .3. TIME 4. FILE NUMBER 7. GRADE/STATUS FIRST NAME, MIDDLE NAM Fragi Pation **CHGANIZATION THACKIN** Bashder, Irry 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Ctake _it holp . I interpoter I was brought to the prisoner cage the oftenson with 5 other Men, all my relatives, when we were brought from the truck into the case, some soldiers followed us into the case. It was 5 soldiers. On toldier show off to the side with my rophen Kasson and liden't let the others touch him. The other 4 soldiers were hitting us, ticking a and Slepping us. One soldier pot my face against the wall all had the back of my head 200 I times. While they were doing this, they were saying bad things about Allah and about our finities. They best on is for about on herr, and then they stopped and left. Nothing to llow to. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE HSAPA VI 00

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UTHORITY: Title 10, United States Code, Section RINCIPAL PURPOSE: To provide commanders and law en	on 3012(g) Moreement officials with means by which information may be accurately identified.
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	and wanted to question me about the following offense(s) of which I am
uspecied/accused: Mistraatsent at Tropi i	Selaias
efore he/she asked me any questions about the offense(s), however, h	nershe made it clear to me that I have the following rights:
 I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me in a crimi 	ioal trial.
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 2. DATE (YYYYMMOO) 3. TIME 4. FILE NUMBER Baghdad, Iraq 2003 10 26 13:00 LANDTAME FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 8. ORGANIZATION WARRANT AND A STREET WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: That during the Epix Pickup I was driving the lead Bradley. When we returned to compound we parked our Brodley and cleared Our weapon. After this I climbed into the drivers hatch OF and ther Bradley and moved it to the motor pool. during this time I didn't see the Epw or the accused. Nor did I hear anyone talking about it when I returned to my room. Nothing Follows to. EXHIBIT SON MAKING STATEMENT (7 PAGES PAGE 1 DE. ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUI: 72, IS OBSOLETE USAPA VI 00

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT WTHORITY: 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/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. TION 2. DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 1326 1320 5. LAST NAME, FIRST NAME MIDDLE NAME 7. GRADE/STATUS 8. ORAMAN MANAGEMENT 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: valuaded the and my fell, 1 Prisoners from the Ston at the gate. We walked them to the holding area and made sure they where all ezop fied. After Securing them Sec. 1 walked Dack to our rooms ani stayed with the prisoners. At that time the prisoners had suffered no physical damage It was approximately 10 minutes after unleading the prisoners helipp and I walked away. Nothing follows -10. EXHIBIT 11. INITIA MAKING STATEMENT PAGE 1 OF \mathcal{D} 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. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI.00

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ACLU-RDI 509 p.34

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. **CATION** 2. DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 20031026 1335 FIRST NAME MIDDLE MAS GRADE/STATUS Service of the servic WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH DET YESTER DAY AS MY VEHICLE ROLLED BACK IN APPROXAMITAY 14309. WE PULLED UP BY THE Q.R.F. STABING POINT FOR Q.R.F. I DISMOUNT MY VEHICLE AND BELIAN DISCUSSING HOW WE WORE HONNA MOVE THE ADDITIONAL BRAD SACK TO THE LINE, AFTER WE FINISHED TALKING. I WALKED OVER TO THE BACK OF THE 5 TON AND AT THAT TIME THE E.P.W'S VERE ALREADY DOWNLAADED. I THEN ASKED THE DRIVER OF THE STON TO PULL FORWARD SO WE COULD MOVE THE BRAD AT THAT TIME THE DRIVER PULLED THE STOP FORWARD AND AS I WAS WALKING BACK TOWARDS THE CLEARING PIT. THE EPW.5 WORE BETNA ESCORTED ACCEDS THE GRAVEL FROM THE TIME I DISMOUNTED MY VEHICLE TILL I BEGAN WALKING BACK TO THE BARRACKS IT TOOK ABOUT SMINUTES. THE LAST TIME I SAW THE EIP. W'S WAS AS THEY WOLE BEING ESCORTED ACCLOSS THE GRAVEL NOTHING FOLLOWS D.E.V. NOTHING FOLLOWS TO. EXHIBIT ON MAKING STATEMENT T Z PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT _____ OATEO THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI.00

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	RIGHTS WARNING PROCE For use of this form, see AR 190-3			
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	7: GRADE/STATUS	Baghded,		· · · · · · · · · · · · · · · · · · ·
Section & Rights	PART I - RIGHTS WAIVER	I/NON-WAIVERCER		
Section A. Rights		· · · · · · · · · · · · · · · · · · ·		
suspected/accused: mistr	e appears below told me that helshe is with the United Calment of Iragi detainees questions about the offense(s), however, helshe made	and wanted to o		wing offense(s) of which I am
 Anything I say or do ca (For personnel subject of during questioning. This or boile (For civilians not subject me during questioning. will be appointed for me (If I am now withing to dial 	r any question or say anything n be used as evidence against me in a criminal tria partie UCMJ - I have the right to talk privately to a fawy slawyer can be a civilian lawyer I arrange for at no exp of to the UCMJ - I have the right to talk privately to a la a understand that this lawyer can be one that I arrange a before any questioning begins. Iscuss the offense(s) under investigation, with or withe awyer before answering further, even if I sign the waite of	pense to the Governme - or - בייעיצר before, during, a e for at הע סאת expens out a fawy <u>er present, I:</u>	nt or a military lawyer detain nd after questioning and to let or if I cannot aftord a fay	iled for me at no expense to me, have a lawyer present with wyer and want one, a lawyer
5. COMMENTS (Continue Section B. Waiver	e on reverse side)			
	ited above. I am now willing to discuss the offense(s)		l make a statement withour	talking to a lawyer list and without
having a lawyer present with		under investigation and		
Name (Type or Prin	(ITNESSES (If available)	3 SIGNATURE	DE INTERVIÈWEE	
b. ORGANIZATION ON A	ODRESS AND PHONE	4	a faith an an a sha an	
2a. NAME (Type or Prin		S. TYPED NAME	OF INVESTIGATOR	
b. ORDANIZATIONORA	ODRESS AND PHONE	S OBGANIZALI Baghdad, Iraq	ONOE INVESTIGATOR	· ·
Section C. Non-waiver		: :	<u>.</u> .	·····
I do not want to give u I want a lawyer		-	a to have a second or second	
2. SIGNATURE OF INTER	· · · · · · · · · · · · · · · · · · ·	;) (po (sot war 	nt to be questioned or say a	асултанц
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT. AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 4 MCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 1350 2003/026 MANALE FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 8. OF THE REPORT OF T 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Yesterday afternoon, we had pulled back into the FAB and I was instructed to reposition Vehicles and ensure that one track was taken to the Parking line I was in the rear bradley, us a summer, I went to the ground and began to move the Bradleys around. I moved over brad to the clearing Pit while I was Whiting on the rest of the crews to get ready. Apparently there was no prisoner guard, and the had not returned immediatley. I was standing nex to the Vehicle Parked by the dearing Pit and was talking to the driver For about 5-10 minutes. Then Came up and said the guard was there now and we moved the vehicles. The last time I saw the Rison. ers was when the got off the truck, they were in Front of my Bradley, they were in the way so then a some so the Prosoners escotted the Prosoners to the Cage. I didn't see or hear anything out of the ordinary. Nothing Follows 10. EXHIBIT 11. INITIALS OF PERSONMAKING STATEMENT PAGE TOF Q. PAGES ADDITIONAL PAGES MUST CONT AIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI.00

ACLU-RDI 509 p.39



		190-30; the proponent agency		<u></u>
	DATAREQUI	RED BY THE PRIVACY ACT		
AUTHORITY:	Title 10, United States Code, Section 3			
PRINCIPAL PURPOSE: ROUTINE USES:	To provide commanders and law enforce Your Social Security Number is used as			
DISCLOSURE:	Disclosure of your Social Security Numi			i i recanate ming and remeval.
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Section A. Rights		AIVER/NON-WAIVERCERT		
The investigator whose nam	e appears below told me that he/she is with the			
uspected/accused: mistr	eatment of Iraqi detainees	and wanted to qu	estion me about the folio	wing offense(s) of which I am
	questions about the offense(st, however, he/she	e made it clear to me that I hav	e the following rights:	
	n be used as evidence against me in a criminal t	ria di la contra di		
	the UCMJ I have the right to talk privately to		er questioning and to hav	ve a lawyer present with me
during questioning. This	lawyer dan be a civitian lawyer I arrange for at			
or both				
(For civilians not subject	(to the UCMJ) I have the right to talk privately	- or - to a lawyer before, during, and	after guestioning and to	have a lawyer present with
		and a second as a second as the second se		
itte gonng ditesnoming.	I understand that this lawyer can be one that Ea	irrange for at my own expense.	or if I cannot afford a las	wyer and want one, a lawyer
will be appointed for me	e before any questioning begins.			
will be appointed for me 4. If t am now willing to di	e before any questioning begins. scuss the offensets) under investigation, with a	r without a lawye		wyer and want one, a fawyer ring questions at any time, or
will be appointed for me 4. If t am now willing to di	e before any questioning begins.	r without a lawye		
wilt be appointed for mi 4. If t am now willing to di speak privately with a li	e before any questioning begins. scuss the offense(s) under investigation, with a awyer before answering turther, even if I sign th	r without a lawye		
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ACLU-RDI 509 p.41

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. LOCATION 2. DATE (YYYYMMDD) FOB, Baghdad, Iraq 3. TIME 4. FILE NUMBER 5. LAST NAME FIRST NAME MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. A PERSONAL STREET STRE 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Yesterday Afternoon I was TA DISMOUNT FOR THE EIN mission when we got back to the FOB we took the prisined of the truck. It was 6 prisiners and three silkiers; and Me. Then the gard and the prisoner's down to the prison. The prison gard is about 59" white, bald and I think is ranke is a private (= couldn't Identify #15 FACK. Then I walk over to the clearing pit, and deard my weapon after that walk to my room. And the last time I saw the prisoners is wen gaves yer walking them to the jail. 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKENAT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

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STATEMENT OF	TAKEN AT	DATED	[
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	AFFIDAVIT		
WHICH BEGINS ON PAGE 1, AND ENDS ON PA BY ME. THE STATEMENT IS TRUE. I HAVE IN CONTAINING THE STATEMENT. I HAVE MADE THREAT OF PUNISHMENT, AND WITHOUT CO	GE I FULLY UNDERSTAND TH ITIALED ALL CORRECTIONS AND HA THIS STATEMENT FREELY WITHOU	VE INITIALED THE BOTTOM OF EACH PAR FHOPE OF BENEFIT OR REWARD, WITHO	T MADE GE
		Signature of Person Making Statement)	
WITNESSES:	.Subscribed an	d sworn to before me, a person authorized	by law to
	adotinister oath	s. this <u>20</u> day of October	2003
		OB, Baghdad, Iraq	
		OB, Baghdad, Iraq/	••••••
ORGANIZATION OR ADDRESS	at		
	at F	signature or rerson Administering Oath) , Scutt A. CPT, AR	
	at F	signature or a erson Administering Oath)	
	at F	signature or rerson Administering Oath) , Scutt A. CPT, AR	
ORGANIZATION OR ADDRESS	at F	Signature or refront Administering Oath) Scutt A. CPT, AR ped Name of Person Administering Oath)	
ORGANIZATION OR ADDRESS Add Male of J Ach 2-70 MR ORGANIZATION OR ADORESS IITIALS OF PERSON MAKING STATEMENT	at F	Signature or refront Administering Oath) Scutt A. CPT, AR ped Name of Person Administering Oath)	 PAGES

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UTHORITY:	Title 10, United S	tates Code, Secti	on 3012(a)	•				
RINCIPAL PURPOSE:	To provide comma	anders and law en	forcement offi		as by which informa			
OUTINE USES:					eans of identificatio	n to facilitate fili	ng and retr	ieval.
ISCLOSURE:	Disclosure of your	Social Security N	lumber is volu	ntary.				
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NAME (Last First		· · · · · · · · · · · · · · · · · · ·					and the second secon	
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ection A. Rights		PART I - RIGHTS			IFRAIE LI	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	<u> </u>	<u> </u>
			<u> </u>					
he investigator whose na	me appears below told mi	e that he/she is with	the United State	as Army				-
spected/accused: mist		· · · ·		1 A A	uestion me about the f	ollowing offensels	or which ta	m
efore he/she asked me an			e/she made it cle	ar to me that I ha	ve the following rights	<u></u>		
I do not have to answ	er any question or say an	ything			•, • • •			
	an be used as evidence a tothe UCMJ I have the			are during and a	fter questioning and to	have a lawayer pro	cont with me	
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ACLU-RDI 509 p.44

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/alternatemeans of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is voluntary. CATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq S. LASTONAME, EIBST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS 8. OBGRAHZATIONICHT SPRATER 9. , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 25" Oct 2003 my ill and Ūđ On arrival Live ion Truck to firit Sile escirted a ù. 6 EPW bach br as buj άK were they / Erwil 100 entimis the (n)) then esti eff the truck down louded 4.1.2 the helding σŶ Churge N 4.9 $i^{(1)}$ white about 56 2 (un pro UN. tus panie had la m 1433 and 1443 hrs 9 to le Iona where between this war? over to the fulling chea tim were murch wire, den ? u/t more chang the ŧĿ how to justify 12 juil us presence : de believe the the fill with to the helding the is not a look the Elwi the list time (Kert Colomby This was Withing for! 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT 2 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. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE HSAPA V1 00

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	PARTI -	RIGHTS WAIVE	ER/NON-WAIVERCE	RTIFICATE		
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	eatment of Iraqi detainees			·		
	questions about the offense(s), be r any question or say anything	he/she ma	dent elear-to me that I t	have the following rights:		
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES;** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. **LOCATION** 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB, Baghdad, Iraq 03/10/27 9915 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. S<u>SN</u> 7. GRADE/STATUS 8. ORGANIZATI 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On the afternoon of the oct 25 I as driving the 5-ton vehicle to prek up prisoners from a recention in Abu Chraib. When we returned to the compound we approached and sentened the gate. At this point I didn't hear or see any mistreatment: got out of the livek at the clearing barred to let down the back and so the prisoners could get out, he then to pull onto the road facing the motor pool. Note this is the prisoners and infantry new got out. There was 2 to 3 infantry guys back there. Now I'm facing the motor poul and I then exit the Vehicle and go to clear my wegon never focusing my attention to the vissionis Nothing follows ____ 10. EXHIBE 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES ADDITIONAL PAGES MUST CONT AIN THE HEADING "STATEMENT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI OD 88**197**0

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For use of this form, see	PROCEDURE/WAIVER (AR 190-30; the proponent agence		• •
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PART I - RIGHTS	WAIVER/NON-WAIVERCER	IFICATE	
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. L. LOCATION 2. DATE (YYYYMMDD) 4. FILE NUMBER 3. TIME FOB, Baghdad, Iraq 2710 2003 1000 LAST NAME, FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 6. <u>SSN</u> THE AND AND THE SE , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on 25 Oct 2003 1400 hrs Myself and wore on Epw Escort Driving the 5-ton we had three intentry men in the Back with 6 EPW, one of the Infantry men was pulled into the garte and 2 I am Not sure of there names, we pulled into the garte and PFC wilson opend the Back of the truck, the Three guards Jumped and as they were gotting out And then the six Equis jumped out as they were gotting out I have the croach down on the side well K. After they all got off the truck, wint to find Front gate to see where they wanted the EPW'S. He Sent and one of his quards, I was talking with the one of the Interpetors at the gate. I had him tell gill of them to stend up and fallow the guard, and to not talk to each other: Once They all stood at and walked away fallowing the quard I recall sering 2013 infantry man Rellow Hum off, Then myself and Returned to the Cabof the 5-ton and moved it. to the Motor pool. I do not recall the name of the guard that escorted them to the cage, and the did not beach familier to - Nothing fallow's -to. Exhibit 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF _____ PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKENAT _ DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00 DA FORM 2823, DEC 1998

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UTHORITY: RINCIPAL PURPOSE: OUTINE USES: ISCLOSURE:	Title 10, United States Code To provide commanders and Your Social Security Numbe Disclosure of your Social Se	l law enforcement r is used as an ado	officials with mea ditional/alternatem	ns by which information eans of identification to	may be accurately identified facilitate filing and retrieval.
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2961; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement efficials 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. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER <u>1-08</u> 20031075 1730LAST NAME FIRST NAME, MIDDLE NAME c c 7. GRADE/STATUS . ORGANIZATION OR AUDRES 9 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATS At 1730 On 25 Oct 03 I was assigned to guard the jial and prishors. I escerted the prisnors to the jiel and told some ziptics for a prismor who wasn't ziptical. to when I came + hat I was traving to get back I realized the the ties were lighter than they used to be and when I pet the sipties on theother prishor started to slapthe prisnors in the face and sock them in the get. I could not really tell if it was with a clased fisted or forer wshick head piece. Then the two other specialists, I don't remember thier the wall where the onic. I I ght wall and started to sinch was messing to. in the otter mans the wall where the prishors heads were Then Sgill Started the abused he puscel the old new into the lest side of the Apacks of cigerelles and a lighter - Then after the talked badly to S OF PERSON MAKING STATEMENT PAGE 1 OF PAGES EXHIBIT B 11 NI TAKEN AL. DATED 001946

(U) FRAGO 383A [GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT] TO OPORD 03-215 (IRON STABILITY)

BIAP, IRAQ 210044DJULY03

(U) THIS FRAGO WAS REVIEWED AND APPROVED FOR RELEASE BY

SUBJ: GENERAL ORDER - CIVILIAN OR DETAINEE MALTREATMENT

(U) REFERENCES:

A. UNIFORM CODE OF MILITARY JUSTICE

- B. 1AD REGULATION 27-10 IMPLEMENTING UR 27-10, AND AR 27-10
- C. 1AD REGULATION / SUPPLEMENT 27-10-1-A

(S) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: LOCAL

(S) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. COMMANDER IAD ISSUES A GENERAL ORDER MAKING IT A MILITARY CRIME FOR COALITION FORCES AND CIVILIANS ACCOMPANYING THE FORCE, TO MALTREAT PERSONS IN 1RAQ.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. MALTREATMENT OF CIVILIANS OR DETAINEES IN IRAQ BY 1AD FORCES DURING THIS MISSION IS CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE. THE DIVISION.CANNOT ACCOMPLISH ITS MISSION, UNLESS SOLDIERS INTERACT WITH THE CIVILIAN POPULATION IN A PROFESSIONAL MANNER THAT IS CONSISTENT WITH IRON STANDARDS AND THE RULE OF LAW.

3.B. (U) CONCEPT OF THE OPERATION. LEADERS AT ALL LEVELS PROVIDE FOR MAXIMUM DISSEMINATION OF THE REFERENCED DISCIPLINARY INFORMATION TO SOLDIERS AND CIVILIANS.

3.C. (U) TASKS TO SUBORDINATE UNITS. ALL UNITS ATTACHED, TACON, OPCON, OR OTHERWISE TASK ORGANIZED TO PROMULGATE AND ENFORCE THE TERMS OF THIS ORDER. REFER LEGAL QUESTIONS TO SERVICING BRIGADE JUDGE ADVOCATES.

3.D. (U) TASKS TO STAFF. SJA: NLT 211200DJUL03, PROVIDE A COPY OF THIS GENERAL ORDER TO THE TRIAL DEFENSE SERVICE BAGHDAD FIELD OFFICE.

3.E. (0) COORDINATING INSTRUCTIONS.

3.E. (1) (U) THIS GENERAL ORDER APPLIES TO ALL PERSONS SUBJECT TO ARTICLE 2, UCMJ.

3.E.(2)(U) IAD COURT-MARTIAL JURISDICTION REMAINS IAW ARTICLES 3, 16, 17, 18, 19, 20, 21, UCMJ, AS PROMULGATED IN THE USCENTCOM AOR BY IAD REGULATION 27-10-1-A.

EXHIBIT C

001977

3.E. (3) (U) THIS GENERAL ORDER IS EFFECTIVE IMMEDIATELY.

3.E.(4)(U) FAILURE TO OBEY THIS GENERAL ORDER IS PUNISHABLE UNDER ARTICLE 92, UCMJ. THE MAXIMUM PUNISHMENT FOR SUCH AN OFFENSE IS A DISHONORABLE DISCHARGE, CONFINEMENT FOR A TERM OF TWO (2) YEARS, TOTAL FORFEITURE OF PAY AND ALLOWANCES, AND REDUCTION TO THE GRADE OF PRIVATE (E-1).

3.E. (5) (U) PERSONNEL SHALL NOT MALTREAT CIVILIANS OR DETAINEES IN IRAQ WHO ARE SUBJECT TO SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT BY PERSONS ACTING PURSUANT TO COALITION PROVISIONAL AUTHORITY AND/OR U.S. NATIONAL COMMAND AUTHORITY. MALTREATMENT IS AN ACT OR ACTIONABLE OMISSION, WHICH RESULTS IN PHYSICAL PAIN OR MENTAL ANGUISH TO A PERSON WITHOUT JUSTIFIABLE CAUSE, AS PROVIDED BY APPLICABLE STATUTE(S) AND/OR REGULATION(S), UNDER THE UCMJ. MALTREATMENT INCLUDES BUT IS NOT LIMITED TO:

3.E.(5)a. (0) HITTING;

3.E.(5)b. (0) SLAPPING;

3.E.(5)c. (U) KICKING;

3.E. (5)d. (U) BUTT-STROKING;

3.E.(5)e. (U) SPITTING ON;

3.E. (5) f. (U) USING ABUSIVE LANGUAGE; OR

3.E. (5)q. (U) CAUSING MENTAL OPPRESSION.

3.E. (6) (U) PERSONNEL SHALL NOT TAKE MONEY, PERSONAL PROPERTY OR PERSONAL PAPERS FROM CIVILIANS OR DETAINEES EXCEPT FOR THE FOLLOWING REASONS: (1) AS EVIDENCE OF AN OFFENSE OR, (2) FOR SAFEKEEPING PURSUANT TO DETENTION. ALL RETAINED PROPERTY TAKEN FROM CIVILIANS DURING SEARCHES, QUESTIONING, CAPTURE, DETENTION OR TRANSPORT WILL BE INVENTORIED AND ACCOUNTED FOR ON CAPTURE CARDS OR EVIDENCE CARDS. THIS RETAINED PROPERTY WILL BE PROMPTLY TURNED OVER TO APPROPRIATE DETENTION FACILITY PERSONNEL.

3.E.(7)(U) DEFINITIONS:

3.E.(7)a.(U) SEARCH: INSPECTION OF PERSONS AND/OR PROPERTY BY VISUAL OR TECHNICAL MEANS AND/OR PHYSICAL CONTACT.

3.E. (7) b. (U) QUESTIONING: INTERROGATION OF A PERSON FOR ANY PURPOSE, IN ANY PLACE, WITH OR WITHOUT THE ABILITY TO TRANSLATE QUESTIONS AND ANSWERS.

3.E.(7)c.(U) CAPTURE: THE TAKING OF PERSONS AND/OR PROPERTY INTO CUSTODY FOR CRIMINAL OR INTELLIGENCE EVIDENCE PROCESSING AT DESIGNATED 1AD HOLDING AREAS.

3.E.(7)d.(U) **DETENTION:** RESTRAINING AND/OR RESTRICTING PERSONS FOR SEARCH, QUESTIONING, TRANSPORT AND/OR PROSECUTION.

3.E.(7)e.(U) TRANSPORT: RELOCATION, HOWEVER SLIGHT, OF PERSONS AND/OR PROPERTY FROM POINT OF ORIGIN FOR SEARCH, SEIZURE, QUESTIONING, CAPTURE, OR DETENTION.

DODDOA 027391

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4. (U) SERVICE SUPPORT: [NO CHANGE].

5. (U) COMMAND AND SIGNAL: [NO CHANGE].

5.A. (U) COMMAND. [NO CHANGE].

5.B. (U) SIGNAL. (CHANGE). POC FOR THIS IS

DNVT 551-0964

ACKNOWLEDGE

SENIOR TRIAL COUNSEL,

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Can you recognize any of the below soldiers as the individuals that mistreated the prisoners? If so Circle the photo.



What is the name of the soldier that you identified in the photo?

What did this soldier do the Iraqi Detainees? Si

Can you recognize any of the below soldiers as the individuals that mistreated the prisoners? If so Circle the photo.



Can you recognize any of the below soldiers as the individuals that mistreated the prisoners? If so Circle the photo.



What is the name of the soldier that you identified in the photo?____

What did this soldier do the Iraqi Detainees?_

Can you recognize any of the below soldiers as the individuals that mistreated the prisoners? If so Circle the photo.



What is the name of the soldier that you identified in the photo?____

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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 3. TIME 4. FILE NUMBER 2. DATE (YYYYMMOO) 0930 20031110 7. GRADE/STATUS 8. ORCAMIZATION OF A DESIS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: How soldiers observed/were present during the mistreatment of Actainces? 6, Myself aname something like that, he's from the Mortors, 2.5pc. Edon 4 remakes Mier Names, they are from the infrantry of the second is burly big guy muscular, looks a littler like Brock Lenshar. Etc 2. Do you believe and could identify the other two SPC's from the Infantry? Ics I do EFK Nothing follows OF PERSON MAKING STATEMENT - PAGES PAGE 1 OF DATED STATEMENT _ TAKEN AT. EXHIBIT I IR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER USAPA V1.00 DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998

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I do not have to answer any question or say anything.			· · ·
Anything I say or do can be used as evidence against me in a crimina	al trial.		
(For personnel subject othe UCMJ 1 have the right to talk privately t	to a lawyer before, during, and	after questioning and to have	e a lawyer present with me
during questioning. This lawyer can be a civilian lawyer I arrange for	at no expense to the Governm	ent or a military lawyer detai	led for me at no expense to me,
or both			
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(For civilians not subject to the UCM.)) I have the right to talk private	ely to a lawyor before discon-	and after questioning and to	have a lawyer present with
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS **PRIVACY ACT STATEMENT** AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMOO) 4. FILE NUMBER 3, TIME told 20031114 ଡମାର 7. GRADE/STATUS 8. ORGANIZATION **IESS** 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I was provided a photo line-up of the 2nd Platoon, ; with in this Line-up I observed : The was in the line was triveled him and recongized one of the other Spe. that was there in the " Is there any additional information that Can be provided concerning the Retainer Mistreatment? I could not confirm the identity of the other Spe. Nothing fellows EFR 10. EXHIBIT 11. INITIALS OF PERCON MAKING STATEMENT 2 ~ PAGES PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER EXHIBIT N USAPA V1 00 FORM 2823, JUL 72, IS OBSOLETE 002006

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